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Senate

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 such program under section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(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.

AMENDMENT NO. 4195

(Purpose: 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)

On page 69, 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 the total 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. I ask 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.

The PRESIDING OFFICER. The Senator from Nevada.

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.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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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. 4368, as modified.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce 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	Domenici	Mikulski
Alexander	Dorgan	Murkowski
Allard	Durbin	Murray
Barrasso	Ensign	Nelson (FL)
Baucus	Enzi	Nelson (NE)
Bayh	Feingold	Obama
Bennett	Feinstein	Pryor
Biden	Graham	Reed
Bingaman	Grassley	Reid
Bond	Hagel	Roberts
Boxer	Harkin	Rockefeller
Brown	Hatch	Salazar
Brownback	Hutchison	Sanders
Bunning	Isakson	Schumer
Burr	Johnson	Sessions
Cardin	Kennedy	Shelby
Carper	Kerry	Smith
Casey	Klobuchar	Snowe
Clinton	Kohl	Specter
Cochran	Kyl	Stabenow
Coleman	Landrieu	Sununu
Collins	Lautenberg	Tester
Conrad	Levin	Thune
Corker	Lieberman	Vitter
Cornyn	Lincoln	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	Webb
DeMint	McCaskill	Whitehouse
Dodd	McConnell	Wicker
Dole	Menendez	Wyden

NAYS—5

Chambliss	Gregg	Stevens
Coburn	Inhofe	

NOT VOTING—5

Byrd	Inouye	McCain
Cantwell	Leahy	

The amendment (No. 4368), 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.

CHANGE OF VOTE

Mr. CASEY. Mr. President, on rollcall 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. 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 ENSIGN for an amendment.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 4335

Mr. ENSIGN. 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. 4335.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 4335.

Mr. ENSIGN. 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: 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)

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. ENSIGN. 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 ENSIGN'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. ENSIGN. 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	Dole	McConnell
Allard	Domenici	Murkowski
Barrasso	Ensign	Nelson (NE)
Bennett	Enzi	Reid
Bond	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hagel	Smith
Casey	Hatch	Stevens
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Thune
Coleman	Isakson	Vitter
Corker	Johnson	Voinovich
Cornyn	Kyl	Warner
Craig	Landrieu	Wicker
Crapo	Lugar	
DeMint	Martinez	

NAYS—49

Akaka	Cantwell	Dodd
Baucus	Cardin	Dorgan
Bayh	Carper	Durbin
Biden	Clinton	Feingold
Bingaman	Cochran	Feinstein
Boxer	Collins	Harkin
Brown	Conrad	Inouye

Kennedy	Menendez	Schumer
Kerry	Mikulski	Snowe
Klobuchar	Murray	Specter
Kohl	Nelson (FL)	Stabenow
Lautenberg	Obama	Tester
Leahy	Pryor	Webb
Levin	Reed	Whitehouse
Lieberman	Rockefeller	Wyden
Lincoln	Salazar	
McCaskill	Sanders	

NOT VOTING—2

Byrd	McCain

Mrs. BOXER. 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.

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 is recognized.

AMENDMENT NO. 4340

Mr. DEMINT. Mr. President, I call up my amendment No. 4340 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read 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 amendment is as follows:

(Purpose: To create a point of order against bills that would raise gasoline prices)

At the end of the resolution, insert the following:

SEC. ____. 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.

(3) LEGISLATION.—In this section the term ''legislation'' means a bill, joint resolution, amendment, motion, or conference report.

(b) WAIVERS AND APPEALS.—

(1) WAIVERS.—Before the Presiding Officer rules 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.

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-vote point 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 privilege 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.]

YEAS—39

Allard	DeMint	Nelson (NE)
Barrasso	Dole	Roberts
Bayh	Ensign	Sessions
Bond	Enzi	Shelby
Brownback	Graham	Smith
Burr	Grassley	Snowe
Chambliss	Gregg	Specter
Coburn	Hatch	Sununu
Coleman	Hutchison	Thune
Collins	Inhofe	Vitter
Cornyn	Isakson	Voinovich
Craig	Kyl	Warner
Crapo	McConnell	Wicker

NAYS—59

Akaka	Durbin	Menendez
Alexander	Feingold	Mikulski
Baucus	Feinstein	Murkowski
Bennett	Hagel	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Obama
Boxer	Johnson	Pryor
Brown	Kennedy	Reed
Bunning	Kerry	Reid
Cantwell	Klobuchar	Rockefeller
Cardin	Kohl	Salazar
Carper	Landrieu	Sanders
Casey	Lautenberg	Schumer
Clinton	Leahy	Stabenow
Cochran	Levin	Stevens
Conrad	Lieberman	Tester
Corker	Lincoln	Webb
Dodd	Lugar	Whitehouse
Domenici	Martinez	Wyden
Dorgan	McCaskill	

NOT VOTING—2

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 not having 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.

AMENDMENT NO. 4313

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 read 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 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 needs to be truth in legislating when it comes to appropriations. I ask my colleagues to support this amendment.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

Mr. CONRAD. Does the Senator yield back his time?

The PRESIDING OFFICER. The time of the Senator from Texas has expired. The Senator from North Dakota has 1 minute.

Mr. CONRAD. Mr. President, I will ask a series of questions of the Parliamentarian through the Chair.

Is the amendment by the Senator from Texas germane?

The PRESIDING OFFICER. We have not seen the amendment.

Mr. CORNYN. It is amendment No. 4313.

The PRESIDING OFFICER. The amendment is not germane.

Mr. CONRAD. Would it be corrosive to the privileged status of the budget resolution if this amendment were adopted?

The PRESIDING OFFICER. It would not be corrosive.

Mr. CONRAD. Would it be fatal to the privileged status of the budget resolution if it came back from conference?

The PRESIDING OFFICER. No, it would not.

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.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, pursuant to section 904(c) of the Congressional Budget Act, I move to waive section 305(b)(2) of the Budget Act for consideration of this amendment to S. Con. Res. 70, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. 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 Mississippi (Mr. COCHRAN).

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

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

[Rollcall Vote No. 73 Leg.]

YEAS—27

Alexander	Craig	Inhofe
Allard	Crapo	Isakson
Bond	DeMint	Kyl
Brownback	Dole	McCain
Burr	Ensign	McConnell
Chambliss	Graham	Sessions
Coburn	Grassley	Shelby
Corker	Gregg	Smith
Cornyn	Hatch	Sununu

NAYS—71

Akaka	Feinstein	Nelson (NE)
Barrasso	Hagel	Obama
Baucus	Harkin	Pryor
Bayh	Hutchison	Reed
Bennett	Inouye	Reid
Biden	Johnson	Roberts
Bingaman	Kennedy	Rockefeller
Boxer	Kerry	Salazar
Brown	Klobuchar	Sanders
Bunning	Kohl	Schumer
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Stevens
Clinton	Lieberman	Tester
Coleman	Lincoln	Thune
Collins	Lugar	Vitter
Conrad	Martinez	Voinovich
Dodd	McCaskill	Warner
Domenici	Menendez	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	Wicker
Enzi	Murray	Wyden
Feingold	Nelson (FL)	

NOT VOTING—2

Byrd	Cochran

The PRESIDING OFFICER. On this vote, the yeas are 27, the nays are 71. Three-fifths of the Senators duly chosen and sworn not having 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. 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.

Or do we want to go to Senator DEMINT?

Mr. GREGG. Senator KYL.

Mr. CONRAD. Senator KYL.

Mr. REID. 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.

The PRESIDING OFFICER. 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. Prior to that time, we are going to have a finite list.

Mr. GREGG. In between we agree to have a finite list, and we will read them and that will be it.

Mr. CONRAD. We thank the leaders of both sides, and I especially thank our leader, Senator REID, for pushing to get a final definitive list.

With that, we go to Senator KYL.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 4348

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. While we are getting order, Mr. President, this amendment, I gather, had not been technically called up, amendment No. 4348.

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 4348.

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 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)

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 $28,000,000.

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 $28,000,000.

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 $9,334,000,000.

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 $3,720,000,000.

On page 5, line 8, increase the amount by $14,289,000,000.

On page 5, line 9, increase the amount by $23,623,000,000.

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 $3,720,000,000.

On page 5, line 16, increase the amount by $14,289,000,000.

On page 5, line 17, increase the amount by $23,623,000,000.

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 27, 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.

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. Mr. President, the budget resolution already provides for a 1-year package of extenders that is fully paid for. The Kyl amendment would add a second year without paying for it. Consequently, the Kyl amendment would drive us $28.6 billion into debt, driving us further away from the balance that we are seeking to achieve by the fourth year.

We anticipate that tax extenders will be dealt with in the regular order, and our resolution provides for longer term extensions, as long as they are paid for.

I ask colleagues to resist the Kyl amendment.

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.

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

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	Crapo	McCain
Allard	DeMint	McConnell
Barrasso	Dole	Murkowski
Bayh	Domenici	Roberts
Bennett	Ensign	Sessions
Bond	Enzi	Shelby
Brownback	Graham	Smith
Bunning	Grassley	Snowe
Burr	Gregg	Specter
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Thune
Coleman	Inhofe	Vitter
Collins	Isakson	Warner
Corker	Kyl	Wicker
Cornyn	Lugar	
Craig	Martinez	

NAYS—50

Akaka	Harkin	Nelson (FL)
Baucus	Inouye	Nelson (NE)
Biden	Johnson	Obama
Bingaman	Kennedy	Pryor
Boxer	Kerry	Reed
Brown	Klobuchar	Reid
Cantwell	Kohl	Rockefeller
Cardin	Landrieu	Salazar
Carper	Lautenberg	Sanders
Casey	Leahy	Schumer
Clinton	Levin	Stabenow
Conrad	Lieberman	Tester
Dodd	Lincoln	Voinovich
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Mikulski	Wyden
Feinstein	Murray	

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 a so-called 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, 4330, 4276, 4168, 4186, 4220, 4308, 4209, 4233, 4311, 4307, 4345, 4344, 4357, 4339, 4371, 4347, 4269, 4243, 4270, 4206, 4369, 4334, 4375, 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 OFFICER. 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 OFFICER. 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 OFFICER. 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 OFFICER. 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 OFFICER. 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. I thank JOHN 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 cosponsors, Senators OBAMA, CLINTON, and BAYH, and all of my Republican cosponsors 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 OFFICER. 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 OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. I ask unanimous consent that Senator DEMINT get an additional 30 seconds so he can be heard.

The PRESIDING OFFICER. 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.

The PRESIDING OFFICER. Is the Senator offering an amendment?

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT], for himself, Mr. MCCAIN, 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. BARRASSO, 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 OFFICER. 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. ___. 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 not 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 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 if that amendment 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 Houses shall be returned to the calendar until compliance with this subsection has been achieved.

(e) WAIVER.—Any Senator may move to waive any or all 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, 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.

Mr. CONRAD. Mr. President, I ask, through the Chair, a question to the Parliamentarian.

Is this amendment germane to the budget resolution?

The PRESIDING OFFICER. This amendment is not germane.

Mr. CONRAD. The amendment is not germane.

Mr. President, if this amendment were adopted, is it corrosive to the privileged status of the budget resolution?

The PRESIDING OFFICER. It is.

Mr. CONRAD. Mr. President, if this amendment were adopted and came back from conference, would it be fatal to the privileged nature of the budget resolution?

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. DEMINT. May I ask the Chair a question?

The PRESIDING OFFICER. Yes.

Mr. DEMINT. 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. DEMINT. 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:

[Rollcall Vote No. 75 Leg.]

YEAS—29

Alexander	DeMint	Lieberman
Allard	Dole	Martinez
Barrasso	Ensign	McCain
Bayh	Enzi	McCaskill
Burr	Feingold	McConnell
Chambliss	Graham	Obama
Clinton	Grassley	Sessions
Coburn	Inhofe	Sununu
Corker	Isakson	Thune
Cornyn	Kyl	

NAYS—71

Akaka	Durbin	Nelson (NE)
Baucus	Feinstein	Pryor
Bennett	Gregg	Reed
Biden	Hagel	Reid
Bingaman	Harkin	Roberts
Bond	Hatch	Rockefeller
Boxer	Hutchison	Salazar
Brown	Inouye	Sanders
Brownback	Johnson	Schumer
Bunning	Kennedy	Shelby
Byrd	Kerry	Smith
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Stevens
Cochran	Leahy	Tester
Coleman	Levin	Vitter
Collins	Lincoln	Voinovich
Conrad	Lugar	Warner
Craig	Menendez	Webb
Crapo	Mikulski	Whitehouse
Dodd	Murkowski	Wicker
Domenici	Murray	Wyden
Dorgan	Nelson (FL)	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 29, the nays are 71. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained, and the amendment falls.

Mr. CONRAD. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, the next amendment in order is an amendment by Senator LANDRIEU. It is a side-by-side to Senator KYL. This is on the estate tax. Obviously, these are important amendments. We would ask for the attention of our colleagues.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

AMENDMENT NO. 4378

Ms. LANDRIEU. Mr. President, I ask unanimous consent for each of us to have a minute and a half.

Mr. GREGG. I object.

The ACTING PRESIDENT pro tempore. Objection is heard. Each Senator has 1 minute.

Ms. LANDRIEU. Mr. President, a group of Senators, now for several years, has been working to reduce the estate tax. With the constraints on the budget, particularly with spending $348 million a day in Iraq, this has been difficult. But some of us have been working in good faith to reduce the 55-percent rate and to raise the unified credit. The tax in its current form is onerous, in my view unnecessary, and it clouds the ability of many of our successful business owners from planning the growth and expansion of their businesses that create jobs right here at home in America. Something should be done now, something that is real and does not increase our debt.

The amendment I offer will reduce the rate to 35 percent and increase the unified credit to $10 million. Most importantly, this is paid for by the President's own offsets in the budget he submitted to us. So it is fully paid for. It reduces the tax rate to 35 percent and increases the unified tax credit to $10 million.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Ms. LANDRIEU. I call up the amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 4378.

The amendment is as follows:

(Purpose: 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)

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 $4,297,000,000.

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 3, line 24, decrease the amount by $1,030,000,000.

On page 4, line 6, decrease the amount by $91,000,000.

On page 4, line 7, decrease the amount by $180,000,000.

On page 4, line 8, decrease the amount by $114,000,000.

On page 4, line 9, decrease the amount by $35,000,000.

On page 4, line 15, decrease the amount by $91,000,000.

On page 4, line 16, decrease the amount by $180,000,000.

On page 4, line 17, decrease the amount by $114,000,000.

On page 4, line 18, decrease the amount by $35,000,000.

On page 4, line 24, decrease the amount by $4,388,000,000.

On page 4, line 25, increase the amount by $475,000,000.

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 $387,000,000.

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 $387,000,000.

On page 26, line 20, decrease the amount by $91,000,000.

On page 26, line 21, decrease the amount by $91,000,000.

On page 26, line 24, decrease the amount by $180,000,000.

On page 26, line 25, decrease the amount by $180,000,000.

On page 27, line 3, decrease the amount by $114,000,000.

On page 27, line 4, decrease the amount by $114,000,000.

On page 27, line 7, decrease the amount by $35,000,000.

On page 27, line 8, decrease the amount by $35,000,000.

The ACTING PRESIDENT pro tempore. Who yields time in opposition?

The Senator from Arizona.

Mr. KYL. Mr. President, I oppose this amendment. The reason is very simple. The provisions are essentially the same as the amendment I offered earlier and will be offering again with the 5 and $5 million exempted amount and not to exceed 35 percent rate. There are minor differences. The bottom line is that the bulk of it, all but $22 billion, is not paid for with any explicit taxes. The question has to be, what tax are you going to raise permanently in order to offset the cost of this estate tax relief? It is not real if we are not willing to answer that question. You can't say there is going to be an amorphous fund out there that somehow or other we are going to raise some taxes for. We all know it is not going to happen that way. The question is, are we serious about tax relief for estates?

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 assistant legislative clerk called the roll.

The result was announced—yeas 23, nays 77, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—23

Baucus	Landrieu	Nelson (NE)
Bayh	Leahy	Pryor
Collins	Levin	Salazar
Conrad	Lieberman	Snowe
Feingold	Lincoln	Stabenow
Hutchison	McCaskill	Tester
Klobuchar	Mikulski	Wyden
Kohl	Nelson (FL)	

NAYS—77

Akaka	Crapo	McCain
Alexander	DeMint	McConnell
Allard	Dodd	Menendez
Barrasso	Dole	Murkowski
Bennett	Domenici	Murray
Biden	Dorgan	Obama
Bingaman	Durbin	Reed
Bond	Ensign	Reid
Boxer	Enzi	Roberts
Brown	Feinstein	Rockefeller
Brownback	Graham	Sanders
Bunning	Grassley	Schumer
Burr	Gregg	Sessions
Byrd	Hagel	Shelby
Cantwell	Harkin	Smith
Cardin	Hatch	Specter
Carper	Inhofe	Stevens
Casey	Inouye	Sununu
Chambliss	Isakson	Thune
Clinton	Johnson	Vitter
Coburn	Kennedy	Voinovich
Cochran	Kerry	Warner
Coleman	Kyl	Webb
Corker	Lautenberg	Whitehouse
Cornyn	Lugar	Wicker
Craig	Martinez	

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.

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 read 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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 $62,930,000,000.

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 $40,563,000,000.

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.

Mr. KYL. Mr. President, this is a revote of a vote we had earlier in the day. If you supported the estate tax reform then, obviously you would want to do it now.

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.

The bill 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 Nevada (Mr. ENSIGN).

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

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—48

Alexander	Collins	Hagel
Allard	Corker	Hatch
Barrasso	Cornyn	Hutchison
Bennett	Craig	Inhofe
Bond	Crapo	Isakson
Brownback	DeMint	Kyl
Bunning	Dole	Lincoln
Burr	Domenici	Lugar
Chambliss	Enzi	Martinez
Coburn	Graham	McCain
Cochran	Grassley	McConnell
Coleman	Gregg	Murkowski

Roberts	Snowe	Thune
Sessions	Specter	Vitter
Shelby	Stevens	Warner
Smith	Sununu	Wicker

NAYS—50

Akaka	Feinstein	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Bayh	Inouye	Obama
Biden	Johnson	Pryor
Bingaman	Kennedy	Reed
Boxer	Kerry	Reid
Brown	Klobuchar	Rockefeller
Cantwell	Kohl	Salazar
Cardin	Landrieu	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Stabenow
Clinton	Levin	Tester
Conrad	Lieberman	Voinovich
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	

NOT VOTING—2

Byrd	Ensign

The amendment (No. 4372) was rejected.

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. CONRAD. Mr. President, the next amendment is from the ranking member of the Finance Committee, Senator GRASSLEY.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

AMENDMENT NO. 4276, AS MODIFIED

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

The ACTING PRESIDENT pro tempore. 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 enforcement modifications to the individual alternative minimum tax (AMT) that prevent millions of additional taxpayers from having to pay the AMT)

SEC. _____. 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 deficit for 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 4 fiscal years following the budget year; or

(B) the period of the current fiscal year, the budget year, and the ensuing 9 fiscal years following the budget year.

(3) DIRECT SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term 'direct spending legislation' means any bill, joint resolution, amendment, motion, or conference report 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.

(4) EXCLUSION.—For purposes of this subsection, the terms '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 insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990; or

(C) any provision of legislation that affects the individual alternative minimum tax exemption amount for taxable years beginning after 2007; or

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

(5) BASELINE.—Estimates prepared pursuant to this subsection shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause 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 enacted in any bill pursuant to a reconciliation instruction since the beginning of that same calendar year shall never be made available on the pay-as-you-go ledger and shall be dedicated only for deficit reduction.

(b) SUPERMAJORITY WAIVER AND APPEALS.—

(1) 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.

(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 controlled by, the appellant 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 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 Committee 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 2008 concurrent resolution on the budget, shall no longer apply.

Mr. GRASSLEY. Mr. President, remember, before Christmas the Senate voted to make sure that middle-class America didn't pay the alternative minimum tax, and we did it without an offset by a vote of 95 to something. So here we are again with an opportunity to say to middle-class America that we are not going to tax the people who were not supposed to be hit by the AMT, and we are going to do it without an offset.

This amendment gives us an opportunity to get over that hurdle that is in this budget resolution that, under pay-go, you would have to have an offset 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 25 million families who will be hit by the AMT increase will get a tax increase 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 tempore. 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 opportunity—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 tempore. The question is on agreeing to the amendment.

Mr. CONRAD. 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.

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. DOMENICI).

The ACTING PRESIDENT pro tempore. 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.]

YEAS—47

Alexander	Craig	Martinez
Allard	Crapo	McCain
Barrasso	DeMint	McConnell
Bayh	Dole	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Smith
Burr	Gregg	Specter
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Thune
Coleman	Inhofe	Vitter
Collins	Isakson	Warner
Corker	Kyl	Wicker
Cornyn	Lugar	

NAYS—51

Akaka	Durbin	Lieberman
Baucus	Feingold	Lincoln
Biden	Feinstein	McCaskill
Bingaman	Harkin	Menendez
Boxer	Inouye	Mikulski
Brown	Johnson	Murray
Cantwell	Kennedy	Nelson (FL)
Cardin	Kerry	Nelson (NE)
Carper	Klobuchar	Obama
Casey	Kohl	Pryor
Clinton	Landrieu	Reed
Conrad	Lautenberg	Reid
Dodd	Leahy	Rockefeller
Dorgan	Levin	Salazar

Sanders	Stabenow	Webb
Schumer	Tester	Whitehouse
Snowe	Voinovich	Wyden

NOT VOTING—2

Byrd	Domenici

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 NOS. 4252, 4230, 4330, 4268, AS MODIFIED, 4186, 4311, 4357, 4361, 4370, 4200, 4334, 4376, 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. 4186, 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. 4283, 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. 4230

(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 $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 $4,000,000.

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

AMENDMENT NO. 4268, 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 $24,000,000.

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

On page 13, line 22, increase the amount by $24,875,000.

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

On page 14, line 1, increase the amount by $24,875,000.

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

On page 14, line 5, increase the amount by $24,875,000.

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 $32,300,000.

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 $40,000,000.

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

On page 28, line 3, decrease the amount by $40,000,000.

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

On page 28, line 7, decrease the amount by $40,000,000.

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. ___. 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 appellant 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. 4311

(Purpose: 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)

On page 18, line 16, increase the amount by $300,000,000.

On page 18, line 17, increase the amount by $15,000,000.

On page 18, line 21, increase the amount by $135,000,000.

On page 18, line 25, increase the amount by $105,000,000.

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 $15,000,000.

On page 27, line 21 decrease the amount by $135,000,000.

On page 27, line 25, decrease the amount by $105,000,000.

On page 28, line 4, decrease the amount by $45,000,000.

AMENDMENT NO. 4357

(Purpose: Point of order against using reconciliation to create new mandatory programs and 20% limit on new direct spending in reconciliation legislation)

SEC.——. POINT OF ORDER—20% LIMIT ON NEW DIRECT SPENDING IN RECONCILIATION LEGISLATION.

(a)(1) 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 outlays, if—

(A) the effect of all the provisions in the jurisdiction of any committee is to create gross new direct spending that exceeds 20% of the total savings instruction to the committee; or

(B) the effect of the adoption of an amendment would result in gross new direct spending that exceeds 20% of the total savings instruction to the committee.

(2)(A) A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(B) Paragraph (1) 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 paragraph (1).

(C) If a point of order is sustained under paragraph (1) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

AMENDMENT NO. 4361

(Purpose: 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)

On page 21, line 16, increase the amount by $1,000,000.

On page 21, 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.

AMENDMENT NO. 4370

(Purpose: 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)

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 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 retirement savings, can obtain the assistance 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, 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.

AMENDMENT NO. 4200

(Purpose: 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)

On page 57, line 12, insert ''for 5 years'' after ''to extend''.

AMENDMENT NO. 4334

(Purpose: 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)

On page 18, line 16, increase the amount by $184,000,000.

On page 18, line 17, increase the amount by $91,000,000.

On page 18, line 21, increase the amount by $86,000,000.

On page 18, line 25, increase the amount by $5,400,000.

On page 19, line 4, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $184,000,000.

On page 27, line 17, decrease the amount by $91,000,000.

On page 27, line 21, decrease the amount by $86,000,000.

On page 27, line 25, decrease the amount by $5,400,000.

On page 28, line 4, decrease the amount by $1,000,000.

AMENDMENT NO. 4376, AS MODIFIED

On page 68, line 4, insert '', and through reducing barriers to cafeteria plans'' after ''consumer protections''.

AMENDMENT NO. 4159

(Purpose: 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)

Strike paragraph (1) of section 306(e) and insert the following:

(1) RULES OR ADMINISTRATIVE ACTIONS.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that includes provisions regarding the final rule published on May 29, 2007, on pages 29748 through 29836 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) or any other rule or other administrative action that would affect the Medicaid program or SCHIP in a similar manner, or place restrictions on coverage of or payment for graduate medical education, rehabilitation services, or school-based administration, school-based transportation, or optional case management services under title XIX of the Social Security Act, or includes provisions regarding administrative guidance issued in August 2007 affecting SCHIP or any other administrative action that would affect SCHIP in a similar manner, so long as no provision in such bill, joint resolution, amendment, motion or conference report shall be construed as prohibiting the Secretary of Health and Human Services from promulgating or implementing any rule, action, or guidance designed to prevent fraud and protect the integrity of the Medicaid program or SCHIP or reduce inappropriate spending under such programs, 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.

AMENDMENT NO. 4333

(Purpose: 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)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING MEDICAID ADMINISTRATIVE REGULATIONS.

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

(1) The Medicaid program provides essential health care and long-term care services

to approximately 60,000,000 low-income children, pregnant women, parents, individuals with disabilities, and senior citizens. It is a Federal guarantee that ensures the most vulnerable will have access to needed medical services.

(2) Medicaid provides critical access to long-term care and other services for the elderly and individuals living 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 co-insurance, 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. Half of nonelderly women with permanent mental or physical disabilities have health coverage through Medicaid. Medicaid provides treatment for low-income women diagnosed 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 care for children in foster care and 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 2006, is not substantially higher. The system of Federal matching for State Medicaid expenditures ensures that Federal funds will grow as State spending increases in response to unmet needs, enabling Medicaid 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 relate to Federal payments to public providers, and for graduate medical education, rehabilitation services, school-based administration, school-based transportation, optional case management services.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that administrative regulations should not—

(1) undermine the role the Medicaid program plays as a critical component of the health care system of the United States;

(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 access to essential health services for low-income elderly individuals, individuals with disabilities, and children and families; or

(3) undermine the Federal guarantee of health insurance coverage Medicaid provides, which would threaten not only the health care safety net of the United States, but the entire health care system.

AMENDMENT NO. 4255

(Purpose: To increase 2009 funding for Juvenile Justice Programs to $560 million, with an offset)

On page 24, line 16, increase the amount by $170,000,000.

On page 24, line 17, increase the amount by $20,000,000.

On page 24, line 21, increase the amount by $48,000,000.

On page 24, line 25, increase the amount by $43,000,000.

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 $48,000,000.

On page 27, line 25, decrease the amount by $43,000,000.

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. 4283

(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. 4345

(Purpose: To provide for a deficit-neutral reserve fund for education reform)

At the end of title III, add the following:

SEC. ____. 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, 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.

AMENDMENT NO. 4220

(Purpose: To increase funding for water quality research programs at the United States Geological Survey, with an offset)

On page 13, line 13, increase the amount by $12,000,000.

On page 13, line 14, increase the amount by $11,000,000.

On page 13, line 18, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $12,000,000.

On page 27, line 17, decrease the amount by $11,000,000.

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

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. CONRAD. Mr. President, if Senator SNOWE's staff is in the Chamber, we need the modification to Senator SNOWE's amendment sent to the desk.

Senator DEMINT has an amendment on deductibility. If the Senator can describe that amendment and if he would be willing to take that amendment on a voice vote, we can accept it at this point.

AMENDMENT NO. 4339

Mr. DEMINT. Mr. President, I thank the chairman. This is amendment No. 4339. What it does is what I believe all of us in the Chamber would like to do and that is to make it easier for people without health insurance to buy health insurance. It does not accomplish all our goals or solve all the problems, but what it does is allow people who do not have health insurance through their employer to buy health insurance and deduct it the same way an employer would.

It is a very simple amendment. That is the only item in it, to allow individuals to deduct the cost of a health insurance premium from their taxes.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant journal clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 4339.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: 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)

At the end of title III, add the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR PROVIDING AN ABOVE THE LINE FEDERAL INCOME TAX DEDUCTION FOR INDIVIDUALS 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 through an employer and who purchase such insurance on the private market, provided that such legislation would not increase taxes and 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.

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

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

Mr. DEMINT. Correct.

Mr. CONRAD. I ask the Senator from South Carolina if he can describe the amendment briefly, and if he will accept 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 University 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 tempore. 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 Clinic Entrances Act, would apply to recruiting stations because we do not want anyone hurt by demonstrators. Whether it is at 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 University 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 people who had nothing to do with anything any city councilman in Berkeley said. And, by the way, P.S., they took 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 perhaps we can go to Senator VITTER's amendment, if that is OK.

Mr. DEMINT. Mr. President, I ask unanimous consent, since there has already been more than a minute in 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 tempore. Will the Senator call up his amendment?

AMENDMENT NO. 4380

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

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

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

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

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

At the end of title III, insert the following:

SEC. ___. RESERVE FUND FOR BERKELEY RESCISSIONS 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 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.

Mr. DEMINT. 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 amendment is not about free speech.

In Berkeley, CA, there were some folks protesting the Marine Recruitment Office. They have their right to protest, to speak out. My case is against the city of Berkeley, which incited hate against our marines and encouraged them to disrupt recruitment, which is their Federal responsibility.

This is a terrible precedent for a local government to take a position against our constitutional role to defend our Nation, which requires recruitment.

The things that were said by the city council about our marines were disgraceful. What we are proposing is to make a point. The earmarks that are talked about that went to Berkeley, over $2 million worth of earmarks, should not have gone there anyway, and they do involve special gourmet-type meals for the schools and money to the University of California at Berkeley, where they already have a $3.3 million endowment.

We can argue about the earmarks all night, but I am trying to make a point on behalf of marines and everyone in uniform that it is not the role of city or State governments to try to disgrace and intimidate, embarrass—whatever—our marines who are doing what we ask them to do.

So my amendment takes away those $2 million worth of earmarks as a symbol to every local government that may want to take on our Federal role and try to make an issue with our marines.

Semper Fi means ''Always Faithful.'' It is the motto of our marines. They are always faithful to us, and I promised many of their families, when I was in Iraq and back here, that I would stand up for them. I encourage all my colleagues to vote for this amendment to make a point.

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

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

The ACTING PRESIDENT pro tempore. 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 tempore. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, for the purpose of helping us move along effectively, in order to get this done it is very important that both sides have copies of the amendments that are offered. 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 sometimes 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 ending.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. 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 tempore. Without objection, it is so ordered.

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

minute by each of the Senators from California.

Mr. DEMINT. Would it be OK to add an additional 30 seconds, just to clarify the misinformation?

Mr. CONRAD. I think we have to cut this off at this point, if I can say that to my colleague.

So Senator FEINSTEIN.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered. The Senator from California.

Mrs. FEINSTEIN. Mr. President, this amendment is an overkill. My colleague and I are the first ones to say Berkeley made a huge mistake. Berkeley apologized for that mistake. Following all of this, the recruiting station wrote a letter to the University of California and thanked them for their steadfast service and accommodation of the recruiting center.

Essentially, what the Senator is trying to do is punish by rescinding any congressionally directed spending item for Berkeley, any entities located in such city, such as the Roberts Center which treats paralyzed veterans, and to transfer such funds to the Marine Corps. They would remove transportation funds, police and fire funds, and nutrition funds for children.

I mean, the point has been made. The situation is solved, but it isn't enough for the Senator. He has to come back and hit hard, and I disagree.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President and my colleagues, this is a moment we could be together because we had some outrageous statements coming out of the Berkeley City Council. They rescinded. They apologized. And what the Senator wants to do is take it out on people who, A, had nothing whatsoever to do with this in the first place; and, B, the whole thing ought to be moot because they have apologized.

Now, I don't see how you are faithful to the Marines—and by the way, I hope everyone will donate, as I do, to the Semper Fi Fund. Since you mentioned semper fi, there is a fund that takes care of our wounded vets. I hope we will all write a personal check tonight.

You want to help the Marines? How do you help the Marines and their families when you take money away from paralyzed people, including paralyzed veterans? That is what the earmark was about. How do you help the Marines when you take money away from American kids who are learning about the importance of nutrition? How do you help the Marines when you take money away from police and fire?

Please vote this down. It is mean spirited.

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

Mrs. BOXER. And it is not in the interest of America to do this.

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second? Seeing a sufficient second, the clerk will call the roll.

The legislative clerk proceeded to call 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 (Mr. BROWN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—41

Alexander	Craig	Landrieu
Allard	Crapo	Martinez
Barrasso	DeMint	McCain
Bayh	Dole	McConnell
Bond	Ensign	Roberts
Brownback	Enzi	Sessions
Bunning	Graham	Shelby
Burr	Grassley	Smith
Chambliss	Gregg	Snowe
Coburn	Hatch	Sununu
Coleman	Hutchison	Thune
Collins	Inhofe	Vitter
Corker	Isakson	Wicker
Cornyn	Kyl	

NAYS—57

Akaka	Hagel	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Bennett	Inouye	Obama
Biden	Johnson	Pryor
Bingaman	Kennedy	Reed
Boxer	Kerry	Reid
Brown	Klobuchar	Rockefeller
Cantwell	Kohl	Salazar
Cardin	Lautenberg	Sanders
Carper	Leahy	Schumer
Casey	Levin	Specter
Clinton	Lieberman	Stabenow
Cochran	Lincoln	Stevens
Conrad	Lugar	Tester
Dodd	McCaskill	Voinovich
Dorgan	Menendez	Warner
Durbin	Mikulski	Webb
Feingold	Murkowski	Whitehouse
Feinstein	Murray	Wyden

NOT VOTING—2

Byrd	Domenici

The amendment (No. 4380) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, in the previous list sent to the desk, we need to show amendment No. 4268, by Senator THUNE, as having been modified.

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

Mr. CONRAD. Mr. President, we are about to move. We are awaiting some additional amendments to clear. While we are doing that, we could go to the next amendments, which are on the unborn child. Senator BOXER has a side-by-side, followed by Senator ALLARD. These will require votes.

Senator BOXER.

AMENDMENT NO. 4379

Mrs. BOXER. Mr. President, I did not want to have to offer another amendment here to tonight. The only reason I am doing that is because the amendment that will be offered in a moment by Senator ALLARD says that the SCHIP program, our kids health program, should cover children—this is from his amendment—from the moment of conception until 19 years old. I am assuming the idea is to make sure pregnant women are covered. Yet it doesn't say that. So my side-by-side says pregnant women will be covered. That means you don't get into that whole area of when does life begin and so on.

We are saying, please vote for this. Let's cover pregnant women, and that will, indeed, cover the pregnant woman and her fetus, all the way from the minute she is pregnant.

This is what we hope you will vote aye for. We hope you will vote no on the Allard amendment. I am sorry to trouble you with another vote.

The PRESIDING OFFICER. Will the Senator from California call up her amendment?

Mrs. BOXER. I call up amendment No. 4379.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], proposes an amendment numbered 4379.

Mrs. BOXER. 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 facilitate coverage of pregnant women in SCHIP)

On page 60, line 8, insert ''or pregnant women'' after ''children''.

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

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

The yeas and nays were ordered.

Mr. ALLARD. Mr. President, I stand in opposition and ask for a ''no'' vote and ask for an ''aye'' vote on the Allard amendment.

What the Allard amendment does is redefines the child. The way the law right now reads, a pregnant woman is under the definition of a child. All we do is move the child out from the definition of the pregnant woman and say that the child is in the period from conception to birth, and then the rest of the program. If this is a health program for children, then we define the child as part of that population of children. The pregnant woman, who is the adult, would be kept separate.

As far as I am concerned, it is just a truth-in-labeling provision so we have a distinction between the child and mother. We have surgical procedures now that are just for the unborn child and not necessarily a surgical procedure, technically, on the woman.

Mrs. FEINSTEIN. Mr. President, is all time used?

The PRESIDING OFFICER. All time has been used.

Mr. ALLARD. Mr. President, can I make one more point? My amendment is a pro-life vote.

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:

[Rollcall Vote No. 80 Leg.]

YEAS—70

Akaka	Feingold	Murkowski
Alexander	Feinstein	Murray
Baucus	Graham	Nelson (FL)
Bayh	Grassley	Nelson (NE)
Biden	Harkin	Obama
Bingaman	Hutchison	Pryor
Bond	Inouye	Reed
Boxer	Isakson	Reid
Brown	Johnson	Rockefeller
Cantwell	Kennedy	Salazar
Cardin	Kerry	Sanders
Carper	Klobuchar	Schumer
Casey	Kohl	Smith
Chambliss	Landrieu	Snowe
Clinton	Lautenberg	Specter
Coleman	Leahy	Stabenow
Collins	Levin	Stevens
Conrad	Lieberman	Tester
Corker	Lincoln	Warner
Cornyn	Lugar	Webb
Dodd	McCain	Whitehouse
Dole	McCaskill	Wyden
Dorgan	McConnell	
Durbin	Menendez	

NAYS—27

Allard	Crapo	Martinez
Barrasso	DeMint	Roberts
Bennett	Ensign	Sessions
Brownback	Enzi	Shelby
Bunning	Gregg	Sununu
Burr	Hagel	Thune
Coburn	Hatch	Vitter
Cochran	Inhofe	Voinovich
Craig	Kyl	Wicker

NOT VOTING—3

Byrd	Domenici	Mikulski

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 numbered 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 regulation)

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. I will yield.

Mr. REID. 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 NOS. 4270, AS MODIFIED; 4302, 4300, 4331, 4209, AS MODIFIED; 4375, 4307, AND 4371

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; 4209, as modified, Senator COLLINS; 4375, Senators SPECTER and CASEY; 4307, Senator BUNNING; and 4371, 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. ____. DEFICIT-NEUTRAL RESERVE FUND FOR PROCESSING NATURALIZATION APPLICATIONS.

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 provide for the adjudication of name check and security clearances by October 1, 2008 by the Federal Bureau of Investigations for individuals who have submitted or submit applications 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 before March 1, 2008, 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 provide access, coverage, and choice for every American to quality and affordable care)

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, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) promotes 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.

AMENDMENT NO. 4300

(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. ____. 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, addressing 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)

At the end of Title III, insert the following:

SEC. ——. 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 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 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 leaders of the health insurance industry on March 3, 2008, including prohibitions on cold calling 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 up-selling of Medicare insurance products without prior consent of beneficiaries, 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. 4209, AS MODIFIED

On page 57, line 13, after ''resources,'' 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. 4375

(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 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 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 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 Kendrick 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.

AMENDMENT NO. 4307

(Purpose: To pennanently extend the adoption tax credit and the exclusion for adoption assistance programs included in the Economic Growth and Tax Relief Reconciliation Act of 2001)

On page 3, line 13, decrease the amount by $113,000,000.

On page 3, line 14, decrease the amount by $386,000,000.

On page 3, line 15, decrease the amount by $414,000,000.

On page 3, line 22, decrease the amount by $113,000,000.

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 $113,000,000.

On page 4, line 8, decrease the amount by $386,000,000.

On page 4, line 9, decrease the amount by $414,000,000.

On page 4, line 16, decrease the amount by $113,000,000.

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 $113,000,000.

On page 27, line 25, decrease the amount by $113,000,000.

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 $414,000,000.

On page 28, line 8, decrease the amount by $414,000,000.

AMENDMENT NO. 4371

(Purpose: To express the Senate of the Senate regarding a Balanced Budget Amendment to the Constitution of the United States)

At the appropriate place, insert:

SEC. ——. 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 (300–132);

(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.

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.]

YEAS—46

Alexander	Bunning	Coleman
Allard	Burr	Corker
Barrasso	Casey	Cornyn
Bennett	Chambliss	Craig
Bond	Coburn	Crapo
Brownback	Cochran	DeMint

Dole
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Nelson (NE)
Roberts
Sessions
Shelby
Smith
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NAYS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Clinton
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Specter
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—2

Byrd
Domenici

The amendment (No. 4233) was rejected.

Mrs. FEINSTEIN. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

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. 4339

Mr. DEMINT. 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. DEMINT. So you would like to bring it up and vote.

The PRESIDING OFFICER. The amendment is pending.

Mr. DEMINT. 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.

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 have a vote.

The PRESIDING OFFICER. The DeMint amendment is pending. Time has expired.

The question is on agreeing to DeMint amendment No. 4339.

Mr. CONRAD. 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 bill clerk called the roll.

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

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from New Mexico (Mr. DOMENICI), and 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 45, nays 51, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—45

Alexander
Allard
Barrasso
Bennett
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NAYS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—4

Bond
Byrd
Domenici
McCain

The amendment (No. 4339) was rejected.

Mr. CONRAD. Mr. President, have we reconsidered the vote?

I move to reconsider the vote.

Mr. REID. 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. No?

Mr. CONRAD. 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 o'clock 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.

Mr. CONRAD. Senator BIDEN.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 4245

Mr. BIDEN. Mr. President, I call up my amendment No. 4245.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. LUGAR, Mrs. FEINSTEIN, Mr. SMITH, Mr. DURBIN, Mr. SUNUNU, Mr. DODD, Mr. MARTINEZ, Mr. MENENDEZ, Ms. SNOWE, Mr. KERRY, Ms. COLLINS, Mr. LEVIN, Mr. VOINOVICH, Mr. OBAMA, Mr. CORKER, Mr. LEAHY, and Mr. HAGEL, proposes an amendment numbered 4245.

Mr. BIDEN. 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: To restore full funding for the international affairs budget, in support of the reconstruction of Iraq and Afghanistan, nuclear nonproliferation, foreign assistance, fighting global AIDS, promoting sustainable development, and other efforts, with an offset)

On page 10, line 12, increase the amount by $4,139,000,000.

On page 10, line 13, increase the amount by $2,127,000,000.

On page 10, line 17, increase the amount by $1,142,000,000.

On page 10, line 21, increase the amount by $418,000,000.

In page 10, line 25, increase the amount by $290,000,000.

On page 11, line 4, increase the amount by $161,000,000.

On page 27, line 16, decrease the amount by $4,139,000,000.

On page 27, line 17, decrease the amount by $2,127,000,000.

On page 27, line 21, decrease the amount by $1,142,000,000.

On page 27, line 25, decrease the amount by $418,000,000.

On page 28, line 4, decrease the amount by $290,000,000.

On page 28, line 8, decrease the amount by $161,000,000.

Mr. BIDEN. Mr. President, this amendment reinstates the President's international affairs budget to the number he called for, No. 1. No. 2, it has 34 cosponsors, evenly divided, Republicans and Democrats. Everyone from Senator LUGAR to Senator VITTER and everyone in between has cosponsored this amendment.

No. 3, the point I would like to make is, Defense Secretary Gates, as well as 50 flag officers, represented by General Zinni and Admiral Smith, as well as our commanders in the field, all recognize we are spending $19 to $1—19 military dollars to every one civilian dollar we spend—to deal with international affairs. I will conclude by saying, when I was in Afghanistan last week, the commanding general made the comment the Taliban begins where the road ends.

I say to my colleagues this is critically important to our physical security to fund the international function because it is redevelopment money to go to Afghanistan.

The PRESIDING OFFICER. The Senator's 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 legislative clerk called the roll.

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

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from New Mexico (Mr. DOMENICI), and 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 73, nays 23, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—73

Akaka	Feingold	Murray
Alexander	Feinstein	Nelson (FL)
Baucus	Graham	Nelson (NE)
Bayh	Hagel	Obama
Bennett	Harkin	Pryor
Biden	Inouye	Reed
Bingaman	Isakson	Reid
Boxer	Johnson	Roberts
Brown	Kennedy	Rockefeller
Brownback	Kerry	Salazar
Burr	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Chambliss	Levin	Stabenow
Clinton	Lieberman	Sununu
Coleman	Lincoln	Tester
Collins	Lugar	Voinovich
Corker	Martinez	Warner
Cornyn	McCaskill	Webb
Dodd	McConnell	Whitehouse
Dole	Menendez	Wyden
Dorgan	Mikulski	
Durbin	Murkowski	

NAYS—23

Allard	DeMint	Kyl
Barrasso	Ensign	Sessions
Bunning	Enzi	Shelby
Coburn	Grassley	Stevens
Cochran	Gregg	Thune
Conrad	Hatch	Vitter
Craig	Hutchison	Wicker
Crapo	Inhofe	

NOT VOTING—4

Bond	Domenici
Byrd	McCain

The amendment (No. 4245) was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

AMENDMENT NO. 4299

Mr. VITTER. Mr. President, I call up amendment No. 4299.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 4299.

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, 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 68-32 an amendment to 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 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 reserve 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 observe this. 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 we could have voice voted this.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I appreciate the Senator's comments. I only add my final comments that I was here Tuesday morning with this amendment, ready to briefly talk about this amendment and get a vote on the Senate rules on this amendment. For 48 hours, we did nothing in terms of votes.

I 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 amendment.

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.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from New Mexico (Mr. DOMENICI), and 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 73, nays 23, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—73

Akaka	Feingold	Obama
Alexander	Feinstein	Pryor
Allard	Graham	Reed
Baucus	Grassley	Reid
Bayh	Hagel	Roberts
Biden	Harkin	Rockefeller
Bingaman	Inhofe	Salazar
Boxer	Inouye	Sanders
Brown	Johnson	Schumer
Brownback	Kennedy	Sessions
Cantwell	Kerry	Shelby
Cardin	Klobuchar	Smith
Casey	Kohl	Snowe
Chambliss	Landrieu	Specter
Clinton	Leahy	Stabenow
Coburn	Levin	Tester
Coleman	Lieberman	Thune
Collins	Lincoln	Vitter
Conrad	Lugar	Voinovich
Corker	Martinez	Webb
Craig	McCaskill	Whitehouse
DeMint	Mikulski	Wicker
Dodd	Murray	Wyden
Dorgan	Nelson (FL)	
Durbin	Nelson (NE)	

NAYS—23

Barrasso	Dole	Lautenberg
Bennett	Ensign	McConnell
Bunning	Enzi	Menendez
Burr	Gregg	Murkowski
Carper	Hatch	Stevens
Cochran	Hutchison	Sununu
Cornyn	Isakson	Warner
Crapo	Kyl	

NOT VOTING—4

Bond	Domenici
Byrd	McCain

The amendment (No. 4299) was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, quickly, I have two other items of business.

AMENDMENT NO. 4206

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:

AMENDMENT NO. 4206

(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 ''yea,'' 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 rollcall vote No. 70, if present, I would have voted ''aye.''

AMENDMENT NO. 4347

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 avaricious.

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 dastardly, 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. Let the executive agencies make 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 it could be 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 Colombia, 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

House budget office. The idea that an all-knowing, all-powerful executive bureaucracy is more trustworthy than the elected representatives of the people when it comes to spending taxpayer dollars challenges the most basic tenet of our political system.

Frankly, the effort to demonize earmarks is a ruse; it is a feint; it is an effort to distract Americans from horrendous budget deficits which have mushroomed under President Bush. When President Bush took office, this Nation had just completed 4 straight years of budget surpluses. The Congressional Budget Office estimated that the surplus between 2002 and 2011 would be $5.6 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—21 times the amount of earmark 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—6 times 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 almost 2,000 earmarks, 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, it was the Congress that took the initiative to limit earmarks. In 2007, we 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.

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 2005, is responsible. We have already taken these steps. But pretending that we can save money by eliminating earmarks is pure folly. It is poppycock. It is also 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 with 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. A Republic cannot address its needs based on formulas and the educated guesses of bureaucrats. The earmark ushers judgment, compassion, need, humanity, decency, and common sense into the budget process. Certainly our bloated, bureaucratic Federal Government could use a whole lot more of all of those virtues.

I urge a ''no'' vote on the amendment.

Mr. LEAHY. Mr. President, I oppose the DeMint amendment to impose a year-long moratorium on congressionally directed spending projects, popularly known as earmarks, and I urge my colleagues to do the same. Rather than finding real solutions to a weakening economy and American dollar, the growing debt and job losses, and the fact that millions of Americans are losing their homes, the Senate is being asked to bow to political posturing by turning to the already much debated issue of earmarks.

Discretionary spending in the Federal budget continues to be a decreasing share of the overall budget, and appropriations provisions initiated in the Congress amount to only a sliver of that. Meanwhile, the President, and many in Congress who talk so much about earmarks, seem to find no inconsistency as they push Congress every few months to approve tens of billions of additional dollars to be sent to Iraq. An analysis by two prominent economists, published last Sunday in The Washington Post, forecast that the overall, budget and off-budget cost of the Iraq war eventually will exceed an incredible one trillion dollars. And unlike the regular appropriations bills, the periodic Iraq spending bills are off the budget altogether—they go directly onto the national debt, waiting there to be paid by our children and grandchildren.

Funny thing, but the President never bothers to point out to his audiences that these Iraq spending bills dwarf congressionally led appropriations items. Nor does he point out that regular appropriations bills are paid for, whereas his budget proposals for Iraq are not. Nor does he point out that by far the majority of earmarks suggested for appropriations bills are requested by the President, not by Congress. In Vermont, and in many of our States, we would call that kind of illogic about earmarks ''the old bait and switch.''

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 committee. Each of 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 departmental amounts recommended 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 every line item, every program 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 staffers in White House's budget office. 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, roads and bridges, strengthen 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 issues.

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 themselves to see the spending their elected officials are advocating.

Earmark opponents mislead when they say that congressional earmarks are given no scrutiny or oversight. Actually, the money is not just handed 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 appropriations 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 stuffs his budgets with billions 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 far, far more public scrutiny than do 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 are ready and willing to 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 being fiscally 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 unnecessary 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. SPECTER. 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 where Members of the House and Senate know more about their districts and States than the remote bureaucrats in Washington.

It is important to note the earmark allocation is a very small percent of the budget. Recognizing this fact, I was willing to make the tough decision to cut all of the earmarks in the appropriations bill when I was chairman of the Labor, Health and Human Services Subcommittee because there was insufficient funding available for healthcare, LIHEAP, and education.

For these reasons, I will oppose the amendment offered by the Senator from South Carolina, but I look forward to working with my colleagues in the future on reforms that will increase transparency in the appropriations process.

Mr. MCCAIN. Mr. President, I am pleased to lend my strong support for the amendment offered by Senator DEMINT to impose a 1-year moratorium on earmarks. I thank him for his leadership on this important, fiscally responsible proposal, and am pleased to join with Senators MCCASKILL, COBURN, KYL, CORKER, BURR, and GRAHAM in cosponsoring the amendment. Additionally, Mr. President, I understand that my colleagues from Illinois and New York, Senators OBAMA and CLINTON, have recently signed on as cosponsors of our effort. I welcome them to our cause.

All of us in Congress 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. Less than a month ago we passed an economic stimulus package in an effort to help avert an even worse situation than exists now. While I have long railed against wasteful porkbarrel spending, now more than ever, we have got to establish some commonsense budgetary guidelines to live within our means, just like most American families are doing, tightening their belts and not wasting their money on ''wants'' to ensure they have the funds available to cover their ''needs.'' We need to follow their lead. The American public is counting on us to represent their interests, not the special interests, and to stop spending their hard-earned tax dollars on needless earmarks.

Just over a year ago, in January 2007, 96 Members of the Senate voted to fundamentally reform ''business as usual'' in Washington when we voted to pass S. 1, the Legislative Transparency and Accountability Act of 2007. I was very proud to support the passage of that bill because in addition to sound ethics and lobbying reforms, many 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, causing a number of us to have to vote against its passage despite our support for some of the good reforms in the bill. We didn't just miss

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 as I recall, 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:

$50,000 for the 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;

$1.786 million to develop an exhibit for the Thunder Bay National Marine Sanctuary in Michigan;

$846,000 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;

$446,500 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;

$1.725 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, Congressional 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 earmark 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 start 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. 4297

Mr. HATCH. Mr. President, I rise to speak about an amendment that would ensure funding for an extremely 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, when I helped 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 results. For this reason, 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 cognitive 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 unique nature, TBI affects the whole family and often results in huge medical and rehabilitation expenses over a lifetime.

TBI may also be caused by explosives, 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 ability to pay attention. 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 damage to the brain and 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 disabilities require more specialized accommodations than physical disabilities. Finding needed services is typically a logistical, financial, and psychological challenge for family members and other caregivers, because so few coordinated systems of care exist for individuals with TBI.

The program comprises surveillance and research activities at the CDC and NIH, respectively, as well as grants through HRSA to fund State demonstration projects to improve access to health and other services and for protection and advocacy systems.

The passage of the original Traumatic Brain Injury Act of 1996 has improved TBI service systems at the State level and also increased the overall visibility and awareness of TBI. 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. 793—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 reaffirm 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.

And 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.

AMENDMENT NO. 4270

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 the right to participate in the 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 result is acceptable.

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 proven their commitment through hard work, perseverance, and responsibility deserve better. I urge all Senators to join us in support of this amendment.

AMENDMENT NO. 4245

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 our ideas, diplomacy, generosity, and values is at an all time low.

For example, America's lead development agency, the U.S. Agency for International Development, at one point in its history had more than 5000 full time foreign service officers working on health, education, agricultural, and political development around the world.

Yet today, while engaged in a global war of ideas and values, USAID has only 1000 foreign service officers. Its budget in real dollars has been cut by 27 percent from a high in the 1980s.

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.

Tragically, we have all 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 about the need for 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 cost a fraction of 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 America's continued generosity 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 country's health care providers and organizations, is 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, commonly known as PEPFAR. The President deserves credit for supporting this effort—an effort that should be continued.

AMENDMENT NO. 4232

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. In my judgment, Congress should make the assessment as to which programs are effective or ineffective and then Congress should act to eliminate all of the ineffective programs.

AMENDMENT NO. 4218

Mr. KENNEDY. Mr. President, I strongly support the amendment offered by Senator SANDERS. Budgets are vital documents that reflect our national priorities, and few things are more important than ensuring the health and well-being of all our Nation's children. Yet for the past 7 years, we have been moving in the wrong direction.

Thirteen million American children now live in poverty, an increase of 12 percent since the year 2000. Democrats have worked hard to support struggling families, especially in these difficult economic times, but we have not done enough. This amendment helps to fill the gap.

Federal investments in early childhood education and care are especially important in reducing the effects of poverty. The facts are clear. Early education unquestionably helps children achieve at higher levels when they enter school. Children from low-income families who participate in high-quality early childhood education have to repeat fewer grades. They are less likely to require special education, less likely to commit crimes, and less likely to be dependent on public assistance.

Despite these compelling facts, the United States ranks 9th among 14 developed countries in public investments in early education. Only 14 percent of eligible American families have access to quality child care for their children, and half of our neediest children still lack access to Head Start.

The Sanders amendment brings greater opportunities for high-quality early education for the children who need it most. It provides an additional $5 billion for Head Start to carry out the reforms enacted last year. It supports programs offering needed transportation services to children and families, provides cost of living increases to program staff, enables programs to offer full-day, full year services, and provides other essential support as well—such as mental health services for young children and their families.

The Sanders amendment also provides an additional $4 billion for the Child Care Development Block Grant, to reduce the shortfall in child care assistance across the nation and improve the quality of such care. With these additional funds, overwhelmed parents will be better able to balance their child care obligations with their jobs, and make sure that their children have a safe place to go after school. The funds will also mean better training and support for child care workers, and

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 disrepair, 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 never 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 in need.

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. 4209

Mr. LEVIN. I am pleased to join Senator COLLINS today in offering the 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 renewable production tax credit, 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 creation of new jobs. Similarly, the CREB 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 to those that may be 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 that we are proposing will help us 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 reduce 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 expire at the end of 2008. 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 by those pushing the technology toward 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 provide for a base tax credit of $3,000, with up to an additional $2,000 available based upon kilowatt hours of battery power capacity. This tax credit was previously included in the 2007 energy bill but not adopted in the final package. 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.

Lastly, I want to say something about the offset that we propose. Our amendment specifies that legislation 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 2005, 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 we can take significant strides toward reducing 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, preserving the environment, and 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 these old wood burning 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 to 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 and when 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. I believe 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 minority parties: 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. It really is that 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 hardworking families. I can assure you, not one of them has asked for higher taxes.

Instead, we should he focused 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—$2,121 increase; 48 million married couples—$3,007 increase; 43 million families with children—$2,323 increase; 12 million single women with dependents—$1,091 increase; 18 million seniors—$2,181 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 allow for. 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 to $3,283, or a 191-percent higher tax bill. A family of four with two children who earn $60,000 annual income today—$64,100 in 2011—would see a $1,901 increase, from $2,733 to $4,634, or a 70-percent higher tax bill.

Instead of increasing taxes as the Democrats' budget resolution envisions, and in turn spending that money on more Federal programs, or worse, earmarks, we should be focusing on less government, not more. Americans want jobs, not new Federal programs. Yet this budget provides for the largest tax increase in history—$1.2 trillion. And, not surprising, it calls for the largest spending increase in history—$1 trillion. And what does that get the average American family: a $2,300 tax increase. Thanks, but no thanks. Keep their taxes low and stop spending so much of their money—that is what most Americans will say—and I know because I hear that every single day.

What we should be doing within this budget resolution is considering the best long-term economic approach and acting accordingly. We need to adopt this amendment to avoid a crippling tax increase for millions of Americans. We need to adopt the DeMint earmark moratorium amendment, which I am pleased to also cosponsor, to rein in wasteful pork-barrel spending. We should eliminate the AMT, not just provide another 1-year patch as the Democrats are suggesting. These are steps we should take now to end the uncertainty facing American families and businesses—not raising taxes by $1.2 trillion.

As I said, this is a defining moment. American families want us to fix our economy and help those along the way who struggling the most. We have much ahead of us to do, and, unfortunately, the tax-and-spend budget resolution before us does not get us to where we need to be. Even worse, it is taking the country in the wrong direction.

I urge my colleagues to support this amendment.

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.

Specifically, I have joined 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 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 $1000, and I 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 child tax credit 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 staff of 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 be otherwise ineligible. Most 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. 4181

Ms. SNOWE. Mr. President, I rise to speak on an amendment, which 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 highlight 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 new 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 three fiscal years which will boost 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, and 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 an organized link to local research centers or universities, providing resident companies with constant access to the expertise, knowledge, and technology they need to prosper. 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 science parks, are critical to the success of new companies. To help start-up entrepreneurial companies in Maine, centers around the State provide business support tailored to companies in their region. The benefit of business incubators in Maine has been nothing short of monumental, with 87 percent of all businesses that graduate from incubators remaining in business. The seven technology centers located throughout Maine have played a pivotal role in promoting technology-led economic development by advancing their own regional competitive advantages. Under this amendment, funding can be made available for not only science parks, but business incubators may also be eligible for assistance.

It is also vital to point out that the jobs science parks create reflect the needs of a high-tech, innovative, and global marketplace. Science parks have helped lead the technological revolution and have created more than 300,000 high-paying science and technology jobs, along with another 450,000 indirect jobs, for a total of 750,000 jobs in North America.

Our Nation's capacity to innovate is a key reason why our economy continues to grow and remains the envy of the world. Through America's investments in science and technology, we continually change our country for the better. Ideas by innovative Americans in the private and public sectors have paid enormous dividends, improving the lives of millions throughout the world. We must continue to encourage the advancement of this vital sector if America is to compete at the forefront of innovation. I thank my colleagues for their support of this amendment, and I look forward to working with my colleagues to secure additional funding to ensure the growth and prosperity of science parks.

AMENDMENT NO. 4121

Mr. GRASSLEY. Mr. Secretary, I want to talk for 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, especially rural 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 to provide financial incentives to encourage physicians to adopt e-prescribing. I urge my colleagues to support the amendment.

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. Considering the value of our 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 at this crucial time. Now is the time to act to protect this important agency, which is so vital to our Nation's economy.

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 worldwide 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 will be able to ensure that 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 of fee diversion 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 and give the paying 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 have put together a smart, 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 no 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 $248 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 by 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) middle-class homeowners burdened by 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 targeted provisions 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 this 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 sustain 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 rejects 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 proposed funding level 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 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's willingness to work with me to include funding and report language that will help get the VA back on track on these projects.

In addition to the good things that this budget does to rebuild our military, honor our veterans, and cut taxes for middle class families, it also provides adequate funding for domestic programs that are fundamental to Americans' economic security.

As a Senator from a State where 57 of our 64 counties rely on payment in lieu of taxes, PILT, to offset tax revenue that can not be collected from the federally owned lands in their county, I know how damaging the President's cuts to PILT are. For a county like Mineral County, CO, which has over half a million acres of Federal land, cuts to PILT are devastating to its budget. That is why I am proud that the Budget Resolution rejects the President's cuts to PILT and creates a deficit neutral reserve fund to accommodate legislation that will fully fund the program for five years.

I am also cosponsoring an amendment that Senator ENZI is offering that will help stop the Federal Government from raiding the States' share of mineral leasing revenues. Those revenues from oil and gas leases in Colorado, Wyoming, and across the West should be divided 50–50 between the state and the Federal Government. The administration succeeded in changing this formula in 2008, but the reserve fund that Senator ENZI's amendment creates would help ensure that this does not happen again.

But these aren't the only steps we can take in this budget to help rural economies. The budget resolution also makes a dramatic new investment in renewable energy development and research. It puts $2 billion into the Department of Energy EERE account, which funds research and development at labs like the National Renewable Energy Lab in Golden, CO. This is a $738 million increase over the President's budget. It will help accelerate the renewable energy revolution that is sweeping across the country, giving new life to rural economies.

On health care, the budget once again lays the groundwork for expanding health care coverage for children. On two separate occasions last year, the President vetoed bills that would have expanded the Children's Health Insurance Program. If not for those vetoes, 3.8 million more children would have health insurance today.

We are not going to give up that fight, so the budget provides up to $50 billion for CHIP so that we can expand coverage to 6 million more children.

And on law enforcement, the budget resolution rejects the President's proposal to eliminate the COPS program. This was the sixth straight year that the President has proposed massive cuts to a program that has put over 100,000 police officers on the streets. As a former attorney general, I can tell you just how misguided these cuts would be, if we allowed them to go through.

As American families sort through their finances, stack up their bills, and calculate their 2007 taxes in this period, they know they have to set priorities in their own budgets.

They expect the Federal Government to do the same: they expect Congress to assemble and pass a budget that is fiscally disciplined, that provides tax relief, and that funds those programs that are fundamental to our security and our economy.

I believe that this budget meets those objectives by putting us on track to balance the budget by 2012, despite the fiscal recklessness that will be the legacy of this administration.

I again want to thank 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 a 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 Education Reserve Fund to provide for school construction and facility improvements, as well as the reauthorization 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.

This 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 will not see 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 current housing market crisis, a 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 lower costs, leading to improved 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 the child support enforcement program. 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 draw some observations about 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 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,
Washington, DC, March 12, 2008.

Hon. ED SCHAFER,
Secretary, Department of Agriculture, Washington, DC.

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

''. . . the Department is directed, beginning on the date of enactment of this Act, and thereafter, to provide monthly reports on the program performance and estimated funding requirements to fully fund the WIC program. Timeframes addressed in these estimates should include the prior year, current year, and budget year of the President's budget submission, currently under consideration by the Congress and should separately address baseline program performance from the impact of current law and legislative budget proposals. The Department shall consider, and include in these estimates, current participation trends and current Economic Research Service food cost estimates in developing updated WIC estimates.''

Although this measure was signed into law by the President on December 26, 2007, the first report pursuant to this directive was not received until March 4, 2008. It appears the Administration was either unable or unwilling to meet the established deadlines. This is unacceptable. The intent was clear, and similar disregard will not be tolerated in the future.

The letter accompanying the initial report notes that ''Since 2001, the Administration has consistently sought to ensure that all eligible women, infants and children seeking to participate in the WIC program can be served.'' Were that an entirely factual statement, this directive would not have been necessary in the first place.

Congress faced incredible difficulty fully funding WIC in FY 08 because program costs increased by more than $633 million above the President's budget request. This situation was never acknowledged by USDA in any responsible manner, nor were specific counter-measures recommended. Sadly, the Administration only recognized this problem (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 an outside (and historically reliable) organization. While I value the expertise of outside organizations, 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 contemplate that cooperation in the future, I am obliged as Chairman of the subcommittee to turn my attention to the Administration's FY09 budget request for WIC. Sadly, I find the Administration's proposal 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 using $150 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 in the budget is at least $400 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 grave 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 reporting directive to be difficult or require more work on the part of USDA. We are making an honest attempt to avoid the surprises and the dismal alternatives we faced last year when WIC costs increased suddenly and substantially, and we were forced to cut other important items at USDA in order to overcome this shortfall. Our hope was that these reports will be useful in protecting the integrity of USDA programs. They will be useless if the Administration refuses to provide the information in a timely and honest manner.

We are not asking for a budget amendment—simply information. Your initial report states that USDA believes the President's budget request is adequate, although it says participation estimates are already higher than anticipated. It further says that USDA will continue to monitor program performance. Continued monitoring means nothing unless you are willing to provide this information to the Congress. USDA employs many competent staff, including many at FNS and the Economic Research Service. I believe their expertise can provide better information than that which we have been sent so far.

It would be difficult to overstate the seriousness with which I view this issue. The WIC appropriation equals one third of this Subcommittee's entire discretionary allocation and estimate errors of only a few percentage points can mean shortfalls of hundreds of millions of dollars. You should know that if the Administration fails to provide this necessary information in the manner requested, this Subcommittee may, and likely will, 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, the Senate 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; our own government 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 scope and effectiveness of manufacturing programs across the Federal government; increasing support for the development of alternative fuels and leap-ahead automotive and energy technologies; and creating tax incentives to encourage continued 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 authorized funding 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-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 much-needed 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 extending a number of existing 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 reform at the 2009 level, meaning 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 afloat 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 those pushing the technology toward 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. 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 undermining 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 Subcommittee 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 also 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, congressionally-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 offload the missing revenue from their unpaid taxes onto 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 WHITEHOUSE. 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 of $236.4 billion.

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 economic stability and prosperity to a nation on the brink of recession, and 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 to Congress a responsible budget which addresses the needs of our country and is fair to all Americans. 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 over 1.4 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 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 Baucus 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 $686 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 property tax deductions on their tax returns. That leaves 28.3 million Americans without a property tax deduction benefit, over 451,000 of whom live in New Jersey.

Our amendment provides tax relief to those who don't itemize 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 $1000 in property tax relief.

Aside from providing 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 or functionally 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 runway incidents.

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 these 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 that America had a 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 these challenges.

The proposal by President Bush would cut funding for the Low-Income Home Energy Assistance Program, which provides much needed assistance for many contending 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, NJ, ''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 going 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. And now 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 3.4-percent pay raise 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, and perhaps most prudently, this budget provides relief to those being hit hardest by the current downturn of our economy.

It is clear that our economy is struggling. In response to that, this budget provides an additional $35 billion for a future stimulus bill to help families and businesses boost the economy.

I am hopeful that this stimulus bill will include funding for our States, including increased Medicaid funding and even more infrastructure dollars.

I commend Chairman CONRAD for his leadership on this budget resolution, and I am proud to be a coauthor. It is a much needed step in the right direction.

Ms. MIKULSKI. Mr. President, I congratulate Senator CONRAD on this budget. He has done a brilliant job, and this bill will give us a safer country and a stronger economy. It will meet compelling human needs and take care of the long-range needs of America.

This budget reflects America's priorities and my priorities: finding cures for devastating diseases, helping families with special needs, protecting our homeland and protecting our communities, supporting our troops with what they need overseas—and what they need when they come back home.

Unlike President Bush's proposal, this budget makes a difference for families. It looks out for our returning military and rejects the President's Draconian cuts that would hurt the most vulnerable people.

I am for this budget because it takes care of NIH. NIH is a jewel in the Nation's crown. It is saving lives and improving our Nation's health by bringing discoveries to patients from the lab to the bedside. NIH needs adequate resources to meet its mission.

That is why I strongly supported doubling the NIH budget from $13.6 billion in 1998 to $27 billion in 2003, but this year the President shortchanged NIH. His budget flat funds NIH at $29.5 billion which doesn't even keep up with inflation.

Shortchanging NIH means we slow down research and slow down our transition from research to treatment. We need this research to improve the treatments for autism, Alzheimer's, diabetes, cancer, and heart disease.

I am on the side of science, which is why I joined my colleagues Senator HARKIN and Senator SPECTER to cosponsor an amendment to increase 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, Bush announced a new rule which said CMS won't pay for most Medicaid case management services. This cuts our most vulnerable citizens off from their social workers and nurses.

This rule is just wrong. Without case management, Medicaid falls apart. If you don't provide the right services in homes and in schools, you can't coordinate health care plans to keep kids and the elderly healthy.

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 rejects the President's reckless rule until we have a new President and a new attitude. I am going to make sure that we keep the commitments in this budget and keep our promises to those sick adults and children who need our help.

Our budget also recognizes that families need a government that is on their side. However, the Bush budget shortchanges children with special needs and their families by not providing enough for IDEA. When Individuals with Disabilities Education Act, or IDEA, passed in 1975 Congress promised to pay 40 percent of costs. Thirty three years later, we don't even come close.

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 increase 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 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 who are scrimping and saving to stay afloat.

I know about social services block grants. Before I was ''Senator Barb,'' I was ''Social Worker Barb.'' The services provided are about more than 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 credit per child, 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 pay check. 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 $260 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 service—a tax 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 made must be promises kept. Vets fight 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 to America's vets by providing 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: $18.7 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 new 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 fought for this 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, aeronautics, 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 why 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. Democrats 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 not respond—when the costs of 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. Taken as a whole, 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 $3.227 per gallon—while 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 radically 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 with children. $2,300 in addition to 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—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 month's 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 we cannot betray. 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 1980s, Ronald 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 that we would live to regret 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 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-Qaida 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 Hezbollah, with intelligence pointing to support by al-Qaida. 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 real change. This inadequate response has been cited as a factor emboldening al-Qaida to undertake further plans. WMD proliferation throughout 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, Iraq, Syria, and other countries, threatened to absorb Taiwan, and intimidated 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 better, and turned inward, unilaterally disarming 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 possible future 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 of maneuver on the ground. In order 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 F–15, F–16, or Navy and Marine F–18, such as Russian Su–30s and 35s, or upgraded MiG–21s 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 overmatched 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 production time by 4 years.

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 sustain 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 must consider 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 weren't able to predict 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.

Tying 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 military and industrial base. It 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 defense-spending 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 continues the long 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 he took office in January of 2001, 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, supported the aspirations 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 costs of those who can least afford them 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 mismanagement 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 spending in 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, creating jobs, investing in our infrastructure, increasing our energy independence and supporting our military veterans and first responders, the Senate's budget plan puts the concerns of the working Americans front and center. Moreover, 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 phony arguments about domestic programs somehow paying for everything else, you come to inexorable 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 less than they should be. Our Nation is forgoing investments year after year to replace aging and deficient infrastructure, and that is going to come back to

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 local communities they 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 dismiss these investments as earmarks, but they are vital stimuli 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 appropriations bill, maybe an authorization bill, maybe a revenue bill, maybe on matters that are entirely unrelated to so-called earmarks. It is a dangerous, dangerous precedent, and something that is to be resisted.

After 8 years of budgets that have burdened future generations with enormous debt and interest payments, and left behind physical infrastructure that is dangerously underfunded, let us do what we should have done many years ago, and reject this President's ill-conceived proposal. I am glad that the Budget Committee produced an alternative budget, and I look forward to supporting it.

Mr. BIDEN. Mr. President, I rise today to speak in favor of the higher education tax provisions included in the fiscal year 2009 budget resolution.

I would like to begin by commending Chairman CONRAD and the rest of the Budget Committee for their foresight in providing for $13 billion in tax relief to help make college more accessible and affordable. Prioritizing education in this year's budget, in my opinion, is a step in the right direction. If we do not change the status quo, over the next decade, an estimated 2 million students will not attend college because their families cannot afford it. We must not stand idly by while the goal of providing a better future for our children becomes unattainable. Qualified students should not be denied access to a college education because they cannot afford it.

Since my first Senate campaign in 1972, I have supported tax incentives to help families send their children to college. While we have come a long way since then, we must do more, such as enacting the bill I introduced last year—the College Affordability and Creating Chances for Educational Success for Students Act, S.1399—or ''College ACCESS Act.'' I would encourage my colleagues to consider one specific provision in the College ACCESS Act: the creation of a single $3,000 refundable tax credit, or the ACCESS credit.

The ACCESS credit would consolidate two existing tax incentives—the Hope credit and the tuition deduction—and replace them with a single $3,000 refundable tax credit. Families would no longer face the complex and varying eligibility criteria or the difficult task of determining which tax incentive has the greatest value. The ACCESS credit improves the existing tax incentives in several ways.

First, the ACCESS credit would allow families to claim the credit for each child in their household. While the Hope credit can be claimed for multiple students in a household, 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 postsecondary education while the tuition deduction can 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 average 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 $1,120 per household.

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 complexity. Tax incentives cannot 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.

Mr. 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 am not going to 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 of the issues 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 was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
March 13, 2008.

MEMORANDUM

To: Senate Committee on Finance—Attention: Rodney L. Whitlock, 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 (CMS). Also 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.''

Your questions focus 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 addition questions or need clarification, please contact staff as follows: IGTs, Jean Hearne or Elicia Herz, GME and school-based services,

Elicia Herz, the Individuals with Disabilities Education Act (IDEA), Rick Apling, and rehabilitation services and TCM, Cliff Binder.

1.0 Intergovernmental Transfers (IGTs)

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 and because a provider's Medicaid receipts are indistinguishable from other receipts, effectively a portion of Medicaid payments may be included in those transfers. There are two allowable methods states can use to require hospitals to transfer funds to states: intergovernmental transfers and taxes. Each method has its own set of requirements. Congress specifically protects the ability of states to collect funds from governmental providers through intergovernmental transfers as long as those transfers are certified public expenditures (Section 1903(w)(6)(A)). States are limited, however, in their ability to collect funds from non-governmental providers. States are able to collect funds from all types of providers through taxes as long as the taxes comport with federal Medicaid law.

2.0 Graduate Medical Education (GME)

2.1 Is there any guidance in statute for how states should bill CMS for IME and GME?

Most states make Medicaid payments to help cover the costs of training new doctors in teaching hospitals and other teaching programs. Historically, both Medicare and Medicaid 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 1932(b)(2)(D) of the Social Security Act stipulates that non-managed care organization providers (non-MCO providers) that deliver emergency care to an MCO beneficiary must accept as payment in full (up to) the maximum amount applicable in the fee-for-service (FFS) setting, minus any GME payments.

There also is one explicit reference to GME in federal regulations at 42 CFR 438.6(c)(5)(v). This regulation stipulates that if a state makes payments to providers for GME costs under an approved state plan, the state must adjust capitation rates for managed care to 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.

These provisions are intended to prevent duplicate GME payments under Medicaid managed care since states may make supplemental GME payments directly to teaching hospitals outside of provider payments assumed in capitation rates to MCOs.

2.2 Do states bill for IME and GME using a consistent methodology?

There appear to be no data that directly address how states claim federal Medicaid matching dollars for payments related to IME and DGME. These payments may be included in claims for inpatient and outpatient hospital services when made on a FFS or direct payment basis, and also may be represented in claims for capitation rates paid to managed-care organizations.

Survey data show that 48 states provided payment for DGME and/or IME costs under their Medicaid programs. States use a variety of methods to calculate IME and DGME payment amounts under both FFS and managed care. Some states use more than one method. For example, under FFS in 2005, 20 states reported following Medicare's methodology; 12 used a per-resident amount based on a teaching hospital's share of total Medicaid 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 FFS, states typically use two methods to distribute GME payments to hospitals. Thirty-one states included GME payments as part of the hospital's per-case or per-diem rates, 20 states made a separate direct payment 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 the AAMC survey, in 2005, 11 states reported that their GME payments to providers did not distinguish between IME and DGME under at least one delivery system (FFS, managed care, or both).

2.4 Does CMS know how much they are being billed for IME and GME?

States are not required to report GME payments separately from other payments made for inpatient and outpatient 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.

3.0 School-based Services

3.1 Based on the original intention of the program, are states under-funded by the federal government for the provision of IDEA services?

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). This argument can be made on one of two grounds.

First, when IDEA was enacted in 1975, the Congress set a goal (or made a promise—depending on one's interpretation of the legislative history) to fund up to 40% of the excess cost of providing special education and related services to children with disabilities. The metric used to measure excess cost is the national average per pupil expenditure (APPE). Appropriations for Part B have never reached the 40% level. Current appropriations represent about 17%. Based on this goal, promise, or intent, one can argue that IDEA has been under-funded.

Another argument for under-funding can be based on authorization levels contained in the Act. The 2004 reauthorization of IDEA added specific authorization levels for FY2005 to FY2011. The authorization levels were intended to provide a path to ''full funding'' by FY2011. The FY2008 authorization is $19.2 billion while the FY2008 appropriation is $10.9 billion. So the current appropriation is below the ''full funding'' level, which would be about $25 billion for FY2008, and it is significantly below the FY2008 authorization level, which was meant to be a target on the path to eventual ''full funding.''

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 as a Medicaid benefit. These 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 is billed on a day when 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 is billing 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 also be billed to 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 apply whether the state is claiming FFP for transportation as medical assistance or administration.

There does not appear to be data that show the proportion of school-based 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 and how much has it increased recently?

There are two reporting mechanisms that states may use to report expenditures for optional rehabilitation services: the Form HCFA–64 and MSIS. States report expenditures on the Form HCFA–64, a quarterly financial accounting reporting form. There is a separate category on the HCFA–64 form where states may report optional rehabilitation services. States report rehabilitation expenditures through Medicaid Statistical Information System (MSIS). MSIS data are derived from individual paid Medicaid claims. Even though there is a category for reporting rehabilitative service expenditures, states have discretion in deciding which paid claims will be classified as rehabilitative services.

States report rehabilitation expenditures to CMS when claiming FFP. States or fiscal agents receive bills or Medicaid claims for payment from providers (e.g., hospitals, physicians, physical therapists, psychologists, social workers, nurses, and other providers). Claims submitted to Medicaid are verified that they meet certain requirements and electronically checked before being paid.

As shown in Table 1, in FY2005 total federal and state Medicaid expenditures reported via MSIS as rehabilitation services were approximately $6.4 billion. In FY1999, states reported MSIS rehabilitation expenditures of approximately $3.6 billion. Between FY1999 and FY2005, federal and state Medicaid rehabilitation expenditures increased by 77.7%. In FY1999, 1.2 million beneficiaries received rehabilitation services; but by FY2005, the number of beneficiaries receiving

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. In FY2005 six states reported no rehabilitation services expenditures and another state reported only 2 beneficiaries received rehabilitation services.

TABLE 1: MEDICAID REHABILITATION SERVICES EXPENDITURES AND BENEFICIARIES FY 2005 AND FY 1999

Item	FY1999	FY2005	Percent Change FY1999–FY2005
Beneficiaries	1,207,543	1,645,095	36.2
Expenditures, Federal and State (in billions)	$3.6	$6.4	77.7
Average $/Beneficiary	$3,020	$3,916	29.7%

Source: Medicaid Statistical Information System (MSIS), FY1999 and FY2005, downloaded March 6, 2008. FY2004 MSIS data for Maine were used as an estimate of state expenditures for Rehabilitation in FY2005.

4.2 Is there clear guidance to states for appropriate billing for rehabilitation services so that states bill on a consistent basis?

Guidance for claiming rehabilitation service expenditures and receiving FFP can be found in Section 1901 [42 U.S.C. 1396] of the Social Security Act (SSA) which gives states the option to cover rehabilitation services. Section 1905(a)(13) of SSA, and Medicaid regulations [42 CFR 440.130(d)] define rehabilitation services broadly as ''any medical or remedial 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 SPAs before a state may add or change a service.

In addition, a state Medicaid director letter (SMDL) was issued by CMS in June 1992 (#FME–42) that provided states some guidance on using the rehabilitation option as a vehicle for providing services to mentally ill beneficiaries. 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 states could cover under the rehabilitation option including: basic living skills, social skills, and counseling and therapy. The SMDL also described examples of services 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 strived to define how rehabilitation service benefits should be used as well as to control or reduce states' rehabilitation service expenditures. For example, the Secretary approved a few states to cover habilitative services in the 1970s and 1980s under the rehabilitation option for individuals with mental retardation. Habilitative, in contrast to rehabilitative services, are intended to help individuals acquire, retain, and improve self-help and adaptive skills, but are not intended to remove or reduce individuals' disabilities. The Secretary later withdrew approval for habilitative services, because the services were determined to not meet conditions to qualify for the rehabilitation benefit.

In 1989, with passage of the Omnibus Budget Reconciliation Act of 1989 [§6411(g), P.L. 101–239)], Congress intervened and specifically allowed states that already had received the Secretary's approval to cover habilitative services for individuals with mental retardation to continue to cover these services. Congress disallowed other states from being approved to cover habilitative services for mental retardation.

4.3 Is there clear guidance to states so that they can tell when they should be billing Medicaid for rehabilitation services or another program?

States need initial CMS' approval for state plan amendments to offer services for rehabilitation. There is limited formal guidance for states in Medicaid statutes and regulations on how to determine when medically necessary services should be billed as rehabilitation services. However, there is some informal guidance that states could utilize from GAO and HHS/OIG reports as well as audits, SPA denials, disallowances, and deferrals (see footnotes in next section).

Guidance also is often provided on a state-by-state basis from CMS' Regional Office staff. CMS' Central Office staff in the Center for Medicaid and State Operations also may provide individual state guidance on what services might be claimed as rehabilitation services.

4.4 Is there a clear definition for states of what constitutes 'rehabilitation'?

Section 1905(a)(13) of SSA, and Medicaid regulations [42 CFR 440.130(d)] define rehabilitation services broadly as ''any medical or remedial 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.''

In 2006, 47 states and the District of Columbia covered rehabilitation services. Rehabilitation services can be difficult to describe because the rehabilitation benefit is so broad that it has been described as a catchall. Services provided under the Medicaid rehabilitation optional benefit span a broad range of treatments from physical rehabilitation to behavioral health and substance abuse treatment, but there may not be consensus on one definition of Medicaid rehabilitation. GAO in particular has attributed confusion about the rehabilitation benefit to the lack of clear guidance and inconsistent enforcement of existing regulations across states and CMS Regions. Some states have been audited and faced subsequent disallowances and claim denials, while other states have been permitted to continue similar rehabilitation claiming practices.

Often Medicaid rehabilitation services assist beneficiaries who have mental-health conditions. 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 the Medicaid rehabilitation benefit for providing treatment to individuals with mental illness. Although mental health services are important, even dominant components of states rehabilitation service benefits, they are not the only services encompassed by the benefit. States also utilize rehabilitation to assist beneficiaries with services such as physical, occupational, and speech therapy, as well as other comprehensive services to treat and help individuals recover from substance abuse disorders.

5.0 Targeted Case Management (TCM)

5.1 How do states bill CMS for case management 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 paid Medicaid claims. In FY2005, six states and the District of Columbia did not report any TCM expenditures in the MSIS data. In addition, states report Medicaid expenditures to CMS to claim FFP using a financial accounting form (Form HCFA–64). The HCFA–64 has a reporting line for targeted case management. In FY2006, total federal and state expenditures for TCM reported on the HCFA–64, were $2.8 billion (individual state-by-state expenditures were not available from this data source). Expenditures reported on the HCFA–64 and MSIS data for the same years can vary considerably, since these systems for capturing and reporting Medicaid activity are independent of each other. HCFA–64 data were for FY2006, while the most recently available MSIS data were reported for FY2005.

Medicaid expenditures for TCM have increased rapidly. As shown in Table 2, between FY1999 and FY2005, total federal and state TCM expenditures reported in MSIS more than doubled from $1.41 billion in FY1999 to $2.9 billion in FY2005. For the same period, the total number of beneficiaries increased 62.6% from approximately 1.7 million in FY1999 to approximately 2.7 million in FY2005. The average expenditures per beneficiary also increased during the period FY1999–FY2005 rising by nearly 27%, from $834 in FY1999 to $1,058 in FY2005.

TABLE 2: MEDICAID TARGET CASE MANAGEMENT EXPENDITURES AND BENEFICIARIES FY1999 AND FY2005

Item	FY1999	FY2005	Percent change FY1999–FY2005
Beneficiaries	1,687,440	2,744,027	62.6
Expenditures, Federal & State (in $ billions)	$1.41	$2.90	105.7
Average $/Beneficiary	$834	$1,058	26.9

Source: Medicaid Statistical Information System (MSIS), FY1999 and FY2005, downloaded March 6, 2008. FY2004 MSIS data for Maine were used as an estimate of state expenditures for TCM in FY2005.

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 appropriate claiming of federal financial participation for TCM can be found in a number of official and unofficial sources including: a 2001 letter to state Medicaid and child welfare directors (SMDL 01–013); the Medicaid statute, Sections 1905(a)(19) and 1915(g) of the SSA; Section 6052 of the Deficit Reduction Act of 2005 (DRA, P.L. 109–171); Medicaid regulations at 42 CFR Parts 431, 440, and 441 (§§440.169 for TCM definition); the state Medicaid manual at Section 4302, Optional Targeted Case Management Services—Basis, Scope, and Purpose; CMS' Regional Office staff and CMS' Central Office state representatives; unofficial sources, such as reports from Health and Human Services (HHS) Office of Inspector General and the U.S. Government Accountability Office (GAO); and denials and approvals of state plan amendments.

In reviewing states use of contingency contractors, GAO found that CMS has allowed some states to continue to claim for TCM services even though other states were denied approval for state plan amendments for

similar proposals to provide TCM services. In addition, some states received disallowances, deferrals, and denials for TCM services, while other states were not audited for similar practices. States received guidance on TCM claiming for foster care in a January 2001 letter to state Medicaid and child welfare directors (#01–013). This letter reiterated the statutory definition of TCM and described services ''commonly understood to be allowable'' as case management including: (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, CMS added that, ''In general, allowable [case management] activities are those that include assistance in accessing a medical or other service, but do not include 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 describe as states' attempts to maximize FFP by claiming additional TCM. These tactics include the use of contingency contractors who allegedly assisted states in exploiting ambiguity in Medicaid statutes and regulations to claim additional FFP. Another tactic CMS and GAO cite that states use to increase Medicaid matching funds is the practice of paying for direct services delivered by staff of other state social services programs, such as schools, juvenile justice, parole, child welfare, and foster care programs. Furthermore, 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 rationale 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/TCM or as components of other programs: the state Medicaid manual at Section 4302, Optional Targeted Case Management Services—Basis, Scope, and Purpose; a 2001 letter to state Medicaid and child welfare directors [(SMDL 01–013), see reference in previous section]; HHS/OIG audits, such as (A–07–06–03078) [see footnote below]; Sec. 6052 of the Deficit Reduction Act of 2005, (DRA, P.L. 109–171); denials and approvals of state plan amendments; and CMS's Regional Office staff and CMS's Central Office state representatives.

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. Guidance for states on non-duplication of payments can be found in the State Medicaid Manual, ''Payment for case management services under 1915(g) of the [SSA] Act may not duplicate payments made to public agencies or private entities under the program authorities for this same purpose.'' States can not receive Medicaid FFP for services provided to beneficiaries who received these services from other state agencies, such as schools, foster care, child welfare, and juvenile justice. However, there has been misinterpretation and disagreement about claiming of a share of administrative costs attributable to other programs where there is overlap between Medicaid and other state programs (e.g., foster care, special education, and juvenile justice). The aforementioned sources advise states to allocate administrative costs between the overlapping programs in accordance with OMB Circular A–87 under an approved cost allocation plan.

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. A letter to state Medicaid directors (January 19, 2001, SMDL 01–013) indicates that FFP would not be available for the direct delivery of services by another program:

''Unallowable services: Medicaid case management services do not include payment for the provision of direct services (medical, educational, or social) to which the Medicaid-eligible individual has been referred. For example, if a child has been referred to a state foster care program, any activities performed by the foster care case worker that relate directly to the provision of foster care services cannot be covered as [Medicaid] case management.''

Subsequent HHS/OIG audits recommended that CMS establish policies and procedures to ensure state FFP claims do not include direct medical services.

Mr. GRASSLEY. Mr. President, I will start with the public provider regulation.

We know that in the past, many states used to recycle Federal health care dollars they paid to their hospitals to use for any number of purposes beyond health care.

It was an embarrassing scam that several administrations tried to limit.

This administration has gone a long way towards cleaning that up and the oversight of payments to public providers is part of that effort.

I have taken issue at times with the administration's methods. I don't believe they have their public provider definition right in the current regulation.

That said, simply making the CMS regulation go away opens the door for a return to the wasteful, inappropriate spending of the past.

Quoting from the CRS report, ''Under certain circumstances, a state can require providers to transfer funds to the state and because a provider's Medicaid receipts are indistinguishable from other receipts, effectively a portion of Medicaid payments may be included in those transfers.''

Intergovernmental transfers do have a legitimate role, but it is critical that states have a clear, correct understanding of what is a legitimate transfer and what is not.

If the regulation goes away, those lines will still not be adequately defined.

Now I would like to turn to the new regulation on graduate medical education. I personally think Medicaid should pay an appropriate share of graduate medical education or GME.

But I would like to see us put that in statute rather than return to the current customary practice because I don't think the taxpayers are well served by the way Medicaid GME operates today.

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 IME from GME, and CMS can't say how 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 made for inpatient and outpatient 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.

That 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 do 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 all openly acknowledge 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 acknowledge that just 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's responsibility.

Now I would like to turn to the rehabilitation services regulation.

I certainly wouldn't argue that Medicaid paying for rehabilitation services is a bad thing. We want Medicaid to help beneficiaries get better.

But States must have a common understanding of what the word 'rehabilitation' means in the Medicaid program.

Again quoting from the CRS memo: ''Rehabilitation services can be difficult to describe because the rehabilitation benefit is so broad that it has been described as a catch-all.''

Also, States need clear guidance on when they should bill Medicaid or another program.

Again quoting from the CRS memo: ''There is limited formal guidance for states in Medicaid statutes and regulations on how to determine when medically necessary services should be billed as rehabilitation services.''

You can say the CMS regulation went too far, but that does not mean there is not a problem out there.

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 Senate floor consideration 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 supplement 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, presenting with complex and multiple problems. Getting them the proper services requires thoughtful review, planning and management and I believe that Medicaid is 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 let me quote 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 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 supporters hope 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 an absolute farce 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 operations that he 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 nearly $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 fraudfeasors. 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.

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 the experience to do the job.

But it 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 prophesy. 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 some 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. But it also needs to fund 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 on the Medicaid side.

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 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 we invest 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 turning in their pinstripe suit 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 oversee 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 lowers 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 promotes the same tired old 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 tuition, the heating bills, the gas for 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 decide what we have 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 key elements 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 taxes flatten when the economy slows down, local governments are stretched thin. It is more important than ever for the Federal Government to support community development programs that provide funding for critical local housing programs.

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 $932 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 would be slashed for housing 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 towards 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 dependence 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 500,000 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 rebuilding our 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 last year to the crumbling roadways in Illinois and throughout the country. The American Association of State Highway and Transportation Officials reported last month that $18 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 mostly 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 can't afford. It is time to pass a budget like the Democratic resolution we have before us.

I urge my colleagues to do so.

Mr. GREGG. 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 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 Senator 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 and how to be chairman of the Senate Committee on the Budget. The Senator 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. During his time on the committee, Senator DOMENICI served with its first chairman, Edmund Muskie, and Muskie's brief successor, Senator Hollings in 1980. DOMENICI first became the Committee's Chairman in 1981, remaining in that position through 1986. After serving as ranking member from 1987 to 1994, he returned as chairman in 1995 and served in that role through May 2001. Over the years, he has served as the committee's ranking member to three Democratic chairmen: Senators Chiles, Sasser, and CONRAD.

Looking back over his distinguished career on the committee, Senator

DOMENICI has been at the center of Federal budgeting. This year he is participating 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 Gramm, Rudman, and Hollings in 1985 to offer the first major reforms to the 1974 Budget Act. He was in the forefront guiding fiscal policy through the dark days of the stock market crash in the fall of 1987 that led to a major budget summit agreement in November 1987. Later he directed and guided the Senate in the budget summit of 1990 that resulted in the Budget Enforcement Act of 1990, which remained the basis of fiscal discipline through its expiration at the end of 2002. The pinnacle of his budget leadership occurred in 1997 with the historic bipartisan balanced 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—Senator DOMENICI's intimate knowledge of the budget process, much of which he helped invent along the way, and wise counsel have been tremendously valuable in helping us 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, a little more than a year ago, offices were being relocated, staffs were being reorganized, and Capitol 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 now Chairman of the Senate Budget Committee 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 offered an amendment to change the Senate'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 reinstate 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 reconciliation bill and during the Senate Budget 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'' point of order, the proposal required deficit neutrality in the first year of the budget, over the sum of years 1 to 5 and over the sum of years 6 to 10. For example, if such a point of order were in place for the 2008 budget resolution, it would require direct spending and revenue legislation to be deficit-neutral in 2008, 2008 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 recorded from an enacted piece of legislation could be used to offset the cost of a future piece of legislation.

Why did Senate Democrats keep returning 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 legislation. If, at the end of each year, the net effect of all enacted laws affecting revenues 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 mandatory spending.

Statutory pay-go, in effect, was the original ''first-year'' test, enforced by sequestration. In 1993, Senate Democrats 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 encourage compliance.

But some Members sought to increase 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 second 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 pay-go law, the pay-go point of order, or both—was responsible for reducing 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 increase spending you have to pay for it. If you want to cut taxes you have to pay for it.'' And when Democrats returned to power in the Senate in 2007, 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 introduced S. 10, the Restoring Fiscal Discipline Act of 2007.

S. 10 included a provision to install in the Senate the exact same ''old-fashioned'' pay-go point of order offered so many times over the previous 3 years, as summarized in Table 1. S. 10 was referred to the Budget Committee on January 4, 2007, but the chairman has scheduled no further action.

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 requiring 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. The House had never before 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 years 1 to 6 or over years 1 to 11. So in the case of legislation considered during 2007, the relevant periods were 2007 to 2012 and 2007 to 2017; for 2008, the relevant 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 conference agreement on the 2008 budget resolution, there were two good reasons 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 include any pay-go point of order for the Senate or the House because 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 insisted over recent years and throughout the 2006 campaign on the same version of pay-go contained in the Senate-passed 2008 budget resolution and had pledged to return to it if they were in the majority.

Apparently, 15 years of Senate Democrats' support for ''old-fashioned'' pay-go was expendable when their conferees

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, the relevant time periods for measuring pay-go compliance are 2008 to 2012, the first 5 years, and 2008 to 2017, the 10-year period. The year 2007 is no longer included in the sum because 2007 is over.

But there is no test for the first year, which currently is 2008, and there is no test for just the ''second'' 5 years, which are 2013 to 2017, aka the 5 years after the first 5 years.

The rationale or excuse of the chairman of the Senate Budget Committee for this divergence from the pay-go rule that he had long promised was that the Senate wanted to be the same as the House. Of course that is nonsense.

Why does the House get to dictate the form of a point of order for the Senate? The Senate had a pay-go point of order for 13 years when the House never had one. If the Senate wanted to be like the House for all those years, the Senate never would have had a pay-go point of order in the first place.

The Senate has had, and currently has, plenty of points of order that the House does not have or that are different from the House's version of the point of order. If the Senate wanted to retain its old, tough first year test that it had from 1994–2006, it simply could have kept it, and all legislation would have had to clear that hurdle before it could be enacted, even if it was tougher than the House rule. This dynamic essentially describes the difference between the House and Senate anyway, where things can pass the House by simple majority and things almost always need 60 votes to pass the Senate.

And if the Senate really wanted to be the same as the House on the pay-go rule, then why does the Senate point of order not include some of the tougher features the House included in the House's new pay-go rule as shown in table 2.

For example, the pay-go point of order that applies only in the Senate as adopted via the 2008 budget resolution conference agreement measures any deficit effect of each bill against a pay-go scorecard. If the scorecard has a zero or negative balance on it, the legislation would have a pay-go point of order against it, unless the deficit increases are offset in the same measure. If the Senate pay-go scorecard has a sufficient positive balance on it, which represents a projected on-budget surplus or net decreases in the deficit accumulated from previously enacted legislation, then no pay-go point of order would apply against the measure.

In the House, there is no pay-go scorecard. Instead, each bill is independently evaluated by whether it increases the deficit, on net, over 6 and 11 years.

In addition, the House pay-go rule prohibits legislation that increases the on-budget deficit or reduces the surplus; the Senate rule only prohibits legislation that increases the on-budget deficit.

Despite their rhetoric about returning to good, old-fashioned pay-go enforcement, the Democrats' 2008 budget resolution 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 over the sum of 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 2008 with no budgetary effect thereafter. To avoid an old-fashioned, traditional pay-go point of order, you would have had to come up with a $9 billion offset in 2008 so that there would be no net increase in the deficit, which would satisfy the first-5-year 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 would be supremely tough. So maybe you defer your spending to 2009 instead. Then you don't need an offset in 2008, and you could come up with an offset that reduces the deficit by $9 billion over the next 4 years—say by $2.25 billion in each of the years 2009 to 2012—and still not have a pay-go point of order, as shown in table 3B.

But maybe you don't even have an offset that is palatable over the next several years. Maybe the only offset you can come up with is to extend customs user fees past 2015, when they are currently slated to expire. For this example, table 3C shows that doing so would yield about $3 billion in customs fees in each year 2015 to 2017, for a total of $9 billion. Customs user fees have been around since 1985 and will likely continue to be extended forever since they are a favorite offset.

So under tough old pay-go, customs user fees would not save you from a pay-go point of order because extending them does not provide an offset when you need it—in the first 5 years. Good thing that Senate Democrats threw out old pay-go for a new version that would allow them to skip a first-year test and use offsets far in the future, like customs user fees, to pay for near-term spending as shown in table 3D. While this example shows the increase in spending in 2009, note that, because there is no first-year test, this approach would work just as well if you want to do your spending in 2008 instead of 2009.

But the trick of using customs user fees—which won't be collected until 7 years from now—to pay for spending today requires one more tweak. While customs user fees will satisfy the 10-year test of deficit neutrality, extending these in 2015 still would not satisfy the first 5-years test, as shown in table 3D.

So what to do? Do what many bills have already done in the 110th Congress do a timing shift as shown in table 3E. Specifically, tell corporations with assets of at least $1 billion to increase their corporate estimated tax payment due in the last quarter of fiscal year 2012 by a certain percentage. Also tell corporations that their first payment due in fiscal year 2013 should be decreased by the same percentage.

This progression of examples demonstrates that new pay-go is essentially only a 10-year test of deficit neutrality. The stricter tests of deficit neutrality in the first year and over the first 5-years have been dropped or emasculated, respectively. The corporate tax timing shift is the linchpin for meeting new pay-go's significantly weakened tests in the 110th Congress because it makes it possible to satisfy the first 5-year test when the only real offsets occur near the end of the 10-year period.

Table 4 shows that in the first session of the 110th Congress, six bills were enacted that include the corporate estimated tax shift. The Internal Revenue Code now says that corporations must send in $6.8 billion more to the Federal Treasury in 2012. Congress apparently thinks that corporations are OK with that, since corporations will send in $6.8 billion less in 2013.

In addition, there is $8 billion more in corporate tax shifts still in the wind, depending on the conference outcomes of the farm bill and energy tax provisions. Is there a point at which corporations say ''Whoa!''? Perhaps. If the House-passed ''paid for'' AMT patch for 2007 had become law, corporations may have had a hard time shifting nearly $32 billion in tax payments from 2013 into 2012.

In the past, these timing gimmicks have been occasionally used to fill in budget enforcement holes here and there by both Republicans and Democrats. However, in the 110th Congress, it seems like the corporate estimated tax payment shift is a required element in every direct spending or revenue measure.

I am surprised that timing shifts have become so prevalent, especially considering the criticism that the current chairmen of the Budget and Finance Committees have both raised in the past.

The Senator from North Dakota has argued that timing shifts don't pay for anything. During Senate floor debate on the 2004 highway bill he said: ''I believe that the spending in this bill, which occurs over six years, should be fully paid for over the same six year period. However, I do not believe that

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.'' He continued: ''I am counting 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 timing changes; not by moving corporate receipts from 2010 to 2009, or any funny-money financing, but really paid for.''

The Senator from Montana levied similar criticism. During Senate Finance Committee debate on the 2004 highway bill, he said: ''The shift in corporate income in one year actually has moved forward, and then it is canceled out the next year. This is 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?

Supporters of the new pay-go who have bragged on its success throughout 2007 neglect to tell you about an important feature of their new, though not improved, rule. As the examples above demonstrate, because it no longer has a first-year test, new pay-go allows Congress to spend new money immediately, or cut taxes immediately, without an immediate offset.

Everything else being equal under our current Federal budget deficits, where does the Treasury go to get the money to pay for the new spending? To the credit markets, of course. Treasury has to go out and borrow the money to pay for the new spending or tax cuts today for as long as it takes for the offsets to kick in.

In the case of the example in table 3E, the offsets for the $9 billion in spending in 2008 do not start coming in until 2015 to 2017. The corporate tax timing shift only moves corporate payments forward by 1 month, which does not significantly affect Treasury's borrowing needs over the next 10 years. The Treasury won't be able to pay off all the principal amount of $9 billion until the end of 2017. By then, however, it will have cost Treasury $4 billion in interest to borrow that $9 billion for 8 to 10 years.

Does the new pay-go require that the $4 billion in interest costs be offset to satisfy the point of order? No.

Pay-go pretends that the Treasury does not have to borrow money in the near-term. But in fact, Treasury has no choice but to add to the debt, at least for many years, to provide for the new spending. If the ''debt is the threat,'' then why is it so virtuous that new pay-go requires the Treasury to borrow the $9 billion today and pay $4 billion in interest financing costs? This adds to the national debt forever the $4 billion in interest costs, which will never be offset under new pay-go.

By throwing away the discipline of a first-year test that had characterized all previous versions of pay-go from 1991–2006, the Democrats' current pay-go is now Wimpy's pay-go: ''I'll gladly pay you Tuesday for a hamburger today.'' What is a first-year test?—any spending increase or revenue reduction in the first year of a budget period had to be deficit neutral and therefore matched in that same year with an offsetting spending cut or revenue increase. But instead of a hamburger, Congress wants more spending today.

And instead of next Tuesday, Congress has decided to wait at least 5 or 6 years before starting to pay for the spending today.

Here are some specific examples from the first session of the 110th Congress to use in evaluating the actual experience with pay-go.

The U.S.-Peru Free Trade Promotion Agreement Implementation Act was signed into law on December 14, 2007. Over the next 5 years, the free-trade agreement part of the legislation increased outlays by exempting certain goods from customs merchandise processing fees by $27 million and reduced revenues through tariff phaseouts by $173 million, for a total 5–year deficit increase of $200 million. How was the deficit increase paid for? It wasn't paid for in 2008 or 2009 or 2010 or even 2011 and $465 million of corporate taxes were shifted into 2012 from 2013. Is it paid for yet? Well, the test for deficit neutrality in the first 5 years was satisfied, but the shift created a hole in the second 5 years. How was this hole filled? By our old friend, of course—customs user fees.

Under the law that existed at the beginning of the 110th Congress, customs user fees were set to expire on September 30, 2014. So far this Congress, five bills have been enacted that have extended these fees for 1 week, 2 weeks, and 2 months. The U.S.-Peru Free Trade Agreement increased the fees for 2 months through December 13, 2014, resulting in $485 million additional fee collections in 2015. Subsequently, the Andean Trade Preference Extension Act extended the fees through December 27, 2014.

Table 5 illustrates that the only real offset for the new spending that happens in years 2008 through 2015 is the customs user fee extension in 2015.

The Senator from North Dakota is fond of saying that prior to enactment of the 2007 AMT patch in December 2007, there was a ''surplus'' on the pay-as-you-go scorecard.

Consider in table 6 all of the bills with pay-go effects, except the AMT patch, that were enacted during the 1st session of the 110th Congress. The first line summarizes the pay-go effects of the six enacted bills that used the corporate tax timing shift. You can see that bills with the shift increased the deficit in each and every year until 2012. In 2012, the six bills reduced the deficit on net by $8.7 billion, then increased the deficit by $5.3 billion in 2013.

The second line of table 6 summarizes the pay-go effects of all the other bills enacted during the first session. You can see that these bills increased the deficit in 2008, 2009, and 2010, and only begin to reduce the deficit in 2010.

The total line shows that in 2007 to 2010, all of these bills increased the deficit by a total of $10.7 billion. Then how can there be a ''surplus'' on the pay-go scorecard? Because of the big, bumpy deficit reduction that takes place in 2012, thanks mostly to the corporate tax payment shifts. If the interest impacts of spend now, pay later were taken into account, there would be only a very small surplus on the scorecard in the first 6 years and a deficit of $1.5 billion over 11 years.

Nonetheless, the chairman of the Senate Budget Committee 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 ever 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 chairmen 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 scorekeeping rule 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 House Budget chairman who 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 to after the period of pay-go enforcement. So the Senate was dodging pay-go by hiding new spending from the enforcement period. CBO did not say that the Senate complied with pay-go, nor did it say that the Senate dodged pay-go. But any user of CBO's estimates would come to the conclusion that pushing spending outside the enforcement window is avoiding pay-go.

In addition, CBO does not evaluate the merits of ''policy'' in its cost estimates. CBO estimates the budgetary incidence of early sunsets and payment shifts exactly as written in legislation, gimmicks though they are. CBO's job is

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 and 2008 to 2017 periods, respectively, the pay-go surplus was $1.988 billion and $1.311 billion.

But what the scorecard omits is a 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 $2.8 billion 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 $50.6 billion in 2008 because it was not 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 protestations of the 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 Milk Income Loss Contract 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] . . . extends the MILC program for 13 months at a cost of $283 million, but the extension is as a discretionary program, which means CBO would not include it in the baseline. A Democratic House aide said the House did not include it 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 provided in annual 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 would be cut 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. To make things even easier, the joint explanatory statement of managers in the conference report on BEA included a list of all accounts at that time that were to be considered mandatory. Of course, the universe of spending accounts in the budget never remains static. So to anticipate future changes, as well as the likelihood that Congress may occasionally decide to make changes in mandatory spending programs in appropriation bills, or vice-versa, the statement of managers also included the following scorekeeping rule number 3 in a larger set of scorekeeping guidelines:

Entitlements and other mandatory programs, including offsetting receipts, will be scored at current law levels as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act, unless Congressional action modifies the authorization legislation. Substantive changes to or restrictions on entitlement law or other mandatory spending law in appropriations laws will be scored against the Appropriations Committee section 302(b) allocations in the House and the Senate.

Put another way, rule number 3 means that if an appropriation bill makes a change in what has in the past been a mandatory program, then the appropriation bill is the bill that gets charged with the cost or gets credit for the savings. That change is counted against the bill's discretionary limit, aka the 302(b) allocation.

If an authorization bill, which is any bill that is not an appropriation bill, makes a change to mandatory spending or previously enacted discretionary appropriations, then that authorization bill is scored with the cost or credit and that bill is measured under pay-go. Scorekeeping rule 3 has often been colloquially paraphrased in the following way: ''He who does the deed gets charged with the cost or the credit.''

So how did this work in practice? Consider in the following table some stylized discretionary caps roughly equivalent to the levels enacted for the last 5 years for which BEA discretionary caps and pay-go were in effect. Those statutory enforcement mechanisms expired at the end of fiscal year 2002; similar, but not equivalent, mechanisms for discretionary caps and pay-go that are enforced by points of order rather than sequesters have continued in the Senate since then. Last year the House adopted a pay-go point of order for the first time.

Assume all the appropriation bills for 1998 provided in aggregate the exact level of discretionary spending allowed for that year—$530 billion. Since the enacted level for all appropriation bills did not exceed the cap, there would be no sequester.

Out of this total, what if the Agriculture appropriation bill for 1998 included a $2 billion annual increase in a mandatory program that had been created by the agriculture authorizing committee in the 1996 farm bill? Budget experts will recognize this concept as a CHIMP, or Change In Mandatory Program. For purposes of scoring the 1998 Agriculture appropriations bill, the $2 billion increase would be considered discretionary spending in every year, even though it was for an existing mandatory program, because it was enacted in an appropriations bill, not an authorizing bill. This $2 billion increase in a mandatory program would not count against pay-go.

So where would it count? For 1998, 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 thereafter? 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 as ''re-basing'' in budget-speak, but its effects would not have escaped enforcement because the 1999 discretionary cap would be reduced from $535 billion to $533 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 about to expire late in 2002, many 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 the statutory 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 not have a discretionary allocation for 2003 and was concerned that members would want to load up 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 for 2003, there was 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 chairmen 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 out in law in advance for future years; instead, discretionary allocations were set 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 supermajority 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.

Therefore, budget authority 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, H. Con. Res. 95, 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 appropriations . . . 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 Parliamentarians—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 results from changes in mandatory 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 cover authorizing legislation 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 amendment did include 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 amendment, 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, MILC was not continued in the CBO 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 that authorization bill and the Agriculture Committee would have had to pay for the extension with an offset for the last month of 2007 as well as for the subsequent 10 years or else be subject to the 60-vote scrutiny of the pay-go point of order. Proponents of MILC were not able to convince the authors of the 2008 budget resolution to include a sufficient allocation to the Agriculture Committee to cover authorizing legislation to extend the MILC Program. But with the option of the 2007 supplemental, 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 KOHL's press release cited earlier—that CBO will ''build the cost of the dairy program into the baseline budget for the next farm bill.''

What happens instead is that CBO consults the chairman of the Senate Budget Committee on whether the Budget Committee wants CBO to continue an expiring mandatory program in the baseline. Note that in the case of

county payments mentioned above, the current Budget chairman had advised CBO not to extend the payments in the baseline after they would have expired under the supplemental at the end of 2012.

But in the case of the 1-month extension of MILC in the Senate-passed supplemental, the current chairman of the Senate Budget Committee has instructed CBO to parlay that 1-month extension, which cost $31 million, into a $1.2 billion increase in the 5-year allocation to the Agriculture Committee, or $2.4 billion over the 10-year enforcement period under pay-go, all without any offset or any 60-vote budget enforcement opportunity.

The chairman could have just as easily directed CBO not to assume continuation of MILC in the baseline, which is what Budget Committee chairmen have advised CBO to do about MILC in the past and what the current chairman did in the case of county payments. That would have prevented a $2.4 billion dodge around pay-go. Instead, the chairman chose to exempt MILC from the pay-go discipline.

The House-passed supplemental also included an extension of MILC, although it did so without amending the existing MILC law. In contrast to the Senate, the House supplemental simply appropriated money to USDA to make MILC-like payments to dairy farmers as if MILC were still in effect for the 13 months after August 31, 2007.

Even so, the distinction made in the news article cited earlier about the House extending MILC as a discretionary program and the Senate extending it as a mandatory program is misleading. MILC is by definition a mandatory program because it was created by an authorizing committee. However, any changes made to the MILC Program in an appropriation bill are considered discretionary for purposes of evaluating that appropriation bill for budget enforcement, regardless of whether MILC is extended by tweaking language in existing law or by creating parallel new language.

Further, the Democratic House aide cited in that article is not correct that ''under [House] budget rules that [House supplemental] bill had to account [with an offset] for the full 10–year cost of the [MILC] Program'' if the MILC program were going to be extended for that long. Note that the House supplemental did not ''pay for'' the $283 million cost of extending MILC through 2008; it just designated it as an emergency to avoid budget enforcement.

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 would 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 spending 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 reinstate 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, that 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 current incarnation 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 incredibly 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:

TABLE 1.—PROPOSED PAY-GO AT START OF THE 110TH CONGRESS

	S. 10	House (H. Res. 6)
Description	Would create a point of order in the Senate against measures that increase or create an on-budget deficit in the current year, the budget year (1st year), the first 5 years, or the second 5 years (would not apply if sufficient on-budget surpluses were projected)..	Makes it out of order to consider legislation that increases the deficit or reduces the surplus for the first 6 years (2007–2012) or the first 11 years (2007–2017)
Votes Needed to Waive Point of Order	60 votes	Simple majority through adoption of a rule that waives the point of order.
Scorecard	Uses a cumulative scorecard, so that savings in earlier enacted bills could offset deficit increases in later bills..	House point of order applies on a bill-by-bill basis. No scorecard maintained.
Sequestration	No sequestration enforcement.	House point of order is not a law and therefore can not include sequestration.
Expiration date	September 30, 2012.	House point of order is effective for the 110th Congress only.
In effect?	Must be enacted to go into effect. (Pay-go provision in S. 10 could be put into effect if written into a new budget resolution that Congress agrees to)..	House point of order is in effect now.

TABLE 2.—PAY-GO IN EFFECT IN THE 110TH CONGRESS

	Senate (Sec. 201 of S. Con. Res. 21, 2008 Budget Resolution Conference Agreement	House (H. Res. 6)
Description	Point of order against direct spending or revenue legislation that increases or creates an on-budget deficit..	Makes it out of order to consider direct spending or revenue legislation that increases the deficit or reduces the surplus.
Period covered	Must be deficit-neutral for the first 6 years (2007–2012) and the first 11 years (2007–2017). No first-year test and no test for years 6–10.	Must be deficit-neutral for the first 6 years (2007–2012) and the first 11 years (2007–2017). No first-year test and no test for years 6–10.
Application	Would not apply if sufficient on-budget surpluses were projected.	Applies regardless of whether on-budget surpluses are projected.
Votes Needed to Waive Point of Order	60 Votes	Simple majority—via adoption of a rule that waives the point of order.
Scorecard	Uses a cumulative scorecard, so that savings in earlier enacted bills could offset deficit increases in later bills..	House point of order applies on a bill-by-bill basis. No scorecard maintained.
Expiration date	September 30, 2017 or until changed by a subsequent resolution.	House point of order is effective for the 110th Congress only.
In effect?	Current pay-go point of order became effective on adoption of the conference agreement on S. Con. Res 21 (May 17, 2007)..	House point of order has been in effect since January 5, 2007.

a. In the House these were the periods covered for the first session of the 110th Congress. With the start of the 2nd session, the House pay-go rule required the enforcement periods to change to 2008–2013 for the first six years and 2008–2018 for the 11 years.

TABLE 3A.—TOUGH FIRST-YEAR OFFSET REQUIREMENT UNDER OLD-FASHIONED PAY-GO

($ billions)

	1st year 2008	2009	1st 5 years 2008–12	2nd 5 years 2013–17
Increase in Spending	9	0	9	0
Needed Offset (tax increase or spending decrease)	−9	0	−9	0
Net Deficit Effect [1]	0		0	0

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)

	1st year 2008	2009	1st 5 years 2008–12	2nd 5 years 2013–17
Increase in Spending	0	9	9	0
Needed Offset (tax increase or spending decrease)	0	−2.25	−9	0
Net Deficit Effect [1]	0		0	0

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)

	1st year 2008	2009	1st 5 years 2008–12	2nd 5 years 2013–17
Increase in Spending	0	9	9	0
Needed Offset—Customs Fees	0	0	0	−9
Net Deficit Effect (+ = deficit increase/minus=deficit decrease)	0		+9	−9

[1]. Old Pay-go test would have not been met because deficit increases in 2008–2012.

TABLE 3D.—NEW PAY-GO NEEDS MORE THAN LONG-TERM OFFSET TO PAY FOR SPENDING TODAY

($ billions)

	1st year 2008	2009	1st 5 years 2008–12	2nd 5 years 2013–17	all 10 years 2008–17
Increase in Spending	0	9	9	0	9
Needed Offset—Cust. Fees	0	0	0	−9	−9
Net Deficit Effect [1]	0		9		0

[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)

	1st year 2008	2009	1st 5 years 2008–12	2nd 5 years 2013–17	all 10 years 2008–17
Increase in Spending	0	9	9	0	9
Needed Offset-Customs Fees	0	0	0	−9	−9
Needed Timing Shift Corporate est. tax payments			−9	9	0
Net Deficit Effect [1]	0		0		0

[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

	Public Law	($ billions) 2012	2013
Enacted legislation:			
2007 Supplemental (incl. minimum wage increase)	110–28	+5.0	−5,0
Andean Trade Preference Act extension	110–42	+0.2	−0.2
Burmese Freedom and Democracy Act	110–52	+0.2	−0.2
Trade Adjustment Assistance extension	110–89	+0.2	−0.2
US-Peru Free Trade Agreement	110–138	+0.5	−0.5
Mortgage Forgiveness Debt Relief Act	110–142	+0.9	−0.9
Total enacted tax shift		+6.8	−6.8
Pending legislation:			
H.R. 2419, Farm Bill, as passed by the Senate (in conference)		+4.2	−4.2
Possible agreement on energy tax provisions (not included in H.R. 6)		+3.8	−3.8
Total tax shift in pending legislation		+8.0	−8.0
Tax shift in passed, but not enacted, legislation (H.R. 4351, House-passed 2007 AMT patch)		+31.7	−31.7

Details do not add to totals due to rounding.
Source: CBO/JCT cost estimates.

TABLE 6.—DEFICIT IMPACT OF PAY-GO LEGISLATION

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2007–2012	2007–2017
Subtotal, bills that included the corporate estimated tax shift	190	573	802	3,918	2,362	−8,682	5,296	−1,267	−1,792	−897	−688	−838	−192
Other enacted pay-go bills	3	4,320	2,478	−1,572	−3,561	−2,817	2,524	882	−921	−1,350	−1,107	−1,150	−1,119
Total deficit impact	193	4,893	3,280	2,346	−1,199	−11,499	7,820	−385	−2,713	−2,247	−1,795	−1,988	−1,311

NOTE: Positive numbers indicate increase in deficit and negative numbers indicate decrease in deficit.

ILLUSTRATION OF HOW CHANGES IN MANDATORY SPENDING ENACTED IN AN APPROPRIATION BILL COUNT FOR BUDGET ENFORCEMENT

[Budget authority in $ billions]

	1998	1999	2000	2001	2002
Illustrative Statutory Discretionary Caps	530	535	540	545	550
5-year Increase in Mandatory Spending:					
Program Enacted in a 1998 Appropriation Bill Counts against 1998 Discretionary Cap	.....	2	2	2	2
–and–					
Outyear Statutory Discretionary Caps Reduced to Reflect Mandatory Increase	.....	533	538	543	548

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, it is so ordered.

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:

Cheri Reidy, Allison Parent, Jim Carter, David Fisher, Jay Khosla, Melissa Pfaff, Liz Wroe, Amy Tenhouse, Matt Giroux, Nancy Perkins, Kevin Bargo, Greg McNeil, Mike Lofgren, Betsy Holahan, Emma Post, David Myers, Jim Hearn, Giovanni Gutierrez, Winnie Chang, and David Pappone.

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 Huffer, Jim Miller, Jim Esquea, Cliff Isenberg, Sarah Kuehl, Robyn Hiestand, Brodi Fontenot, Matt Salamon, Kobye Noel, 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.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. Mr. President, on this vote, I have a pair with the Senator from West Virginia, Mr. BYRD. If he were present and voting, he would vote ''yea.'' I withhold my vote, which is ''nay.''

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

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from New Mexico (Mr. DOMENICI), and 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 51, nays 44, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—51

Akaka	Feinstein	Murray
Baucus	Harkin	Nelson (FL)
Biden	Inouye	Nelson (NE)
Bingaman	Johnson	Obama
Boxer	Kennedy	Pryor
Brown	Kerry	Reed
Cantwell	Klobuchar	Reid
Cardin	Kohl	Rockefeller
Carper	Landrieu	Salazar
Casey	Lautenberg	Sanders
Clinton	Leahy	Schumer
Collins	Levin	Snowe
Conrad	Lieberman	Stabenow
Dodd	Lincoln	Tester
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Mikulski	Wyden

NAYS—44

Alexander	Crapo	Martinez
Allard	DeMint	McConnell
Barrasso	Dole	Murkowski
Bayh	Ensign	Roberts
Bennett	Enzi	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Smith
Burr	Gregg	Specter
Chambliss	Hagel	Sununu
Coburn	Hatch	Thune
Cochran	Hutchison	Vitter
Coleman	Inhofe	Voinovich
Corker	Isakson	Warner
Cornyn	Kyl	Wicker
Craig	Lugar	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Stevens, against

NOT VOTING—4

Bond	Domenici
Byrd	McCain

The concurrent resolution (S. Con. Res. 70), as amended, was agreed to.

(The concurrent resolution will be printed in a future edition of the RECORD.)

Mr. REID. I move to reconsider, and I move to lay that motion 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:''

O thou with dewy locks, who lookest down
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, as 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 after death, 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.

For this is love and nothing else is love,
The which it is reserved for God above
To sanctify to what far ends He will,
But which it only needs that we fulfill.

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, choosing 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 so 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.

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

[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 cancer fighter, a fall from a ladder 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 parts removed, at least—and now is debilitated. 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 ongoing pain, loss of sensation and difficulties in walking that came with the nerve damage.

''Other people have far worse problems,'' 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 could support an oncologist,'' 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 who 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. ''There is a high burnout rate. Most doctors who do this end up in research or something outside seeing patients every day.''

One reason is that 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 through the years as medicine has, 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 white blood cells, too. We now have antidotes that chemo patients get to keep their white cell levels from dropping.

''There are lots of things we have to battle cancer now that we didn't have then,'' 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' 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 came from dying men.

''I explained to one man that he was terminally ill and offered him a chance to take part in some research,'' Carloss said.

''He really didn't show 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 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 could 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, if there was a drug out there, I could use it for a patient and it would be paid for. We never turned anybody away if they didn't have the money.''

Beyond patient care in small 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 through the years. He likewise has been a prolific writer of medical scientific papers.

Carloss' 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 irons 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 commitments.

''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 solve 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 don'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 celebrates its 25th year of service this year. The center has been a long time contributor to the State and the community in western Kentucky surrounding Maple Mount.

In 1983, after many years as a boarding school, the Ursuline Sisters of Mount Saint Joseph made a difficult, yet promising decision to close its educational facilities. That led to the opportunity to develop the center into a modern facility. After much thought and prayer, the sisters that so dedicatedly ran the boarding school worked to transform it and its surroundings into a retreat center offering programs and meeting spaces for businesses and organizations.

Since the renovation 25 years ago, the Mount Saint Joseph Conference and Retreat Center has focused on spirituality, the arts, and environmental education. Each year, 500 students visit the center to tour the surrounding farm and learn good stewardship of the Earth. Groups from churches and businesses frequent the center, which contains living quarters and a cafeteria.

Not only does the center add to the mental and spiritual well-being of the people of western Kentucky, it works to preserve the environment as well. Through the dedicated leadership of Sister Amelia Stenger, director of the center, the Ursuline nuns have made it their mission to educate the community about the environment. In so doing, they have built one eco-friendly home out of straw and now plan to rebuild a home using several energy-saving measures.

They plan to build a ''near-zero'' home that uses no outside sources of energy in western Kentucky. Sister Stenger pioneers these efforts after a visit to Austria, where she toured various conservation efforts there. This house will be called the Casa del Solé Environmental Education Center. The name is Italian for ''house of the sun,'' and for the Ursulines it also refers to Jesus Christ.

The service and selflessness of Sister Stenger, three previous directors, and the center's staff has contributing much to those who visit the center every year and to the Commonwealth of Kentucky. I ask my colleagues to join me in honoring the Mount Saint Joseph Conference and Retreat Center for 25 years of service in the community.

HOUSE CONSIDERATION OF FISA LEGISLATION

Mr. LEAHY. Mr. President, I commend the House of Representatives for debating its amendment to the Senate's FISA Amendments 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 law was 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 flawed.

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 the end of all discussions, and the House must simply accept it. 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 the expiration 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 are just more in a long line 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 protections that I urged in the Senate. 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 a comprehensive 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, justified conducting 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 in the future.

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. 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 telephone 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 mechanism for the companies to present their defenses in secure proceedings in the district court. I think this is a fair provision.

I have been very 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 now have a choice: If they are concerned with a delay in authority, they should help the House, and in urn the Senate, pass the improvements to FISA that the House amendment contains and replace the expired Protect American 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 views 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 comprehensive 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.

On this 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—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, but 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 the ATF collects and 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 Camden, 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 20 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, State, 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 reaching Congress, 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 retroactively investigate 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 crime gun 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—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. Far too often these crimes 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 the public.

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 RAHHO

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 situation in Iraq and the vulnerability of the Chaldean community. I hope the Archbishop's life of integrity 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-qaida 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 Centers for Disease Control statistics, 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 gun 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.

In a New York Times Op-Ed written March 29, 1991, on the 10th anniversary of the assassination attempt on his life and that of his press secretary, James S. Brady, President Reagan described his incredible ordeal of surviving the shooting and then went on to talk about Jim Brady. President Reagan said:

> I was lucky. The bullet that hit me bounced off a rib and lodged in my lung, an inch from my heart. It was a very close call. Twice they could not find my pulse. But the bullet's missing my heart, the skill of the doctors and nurses at George Washington University Hospital and the steadfast support of my wife, Nancy, saved my life.
>
> Jim Brady, my press secretary, who was standing next to me, wasn't as lucky. A bullet entered the left side of his forehead, near his eye, and passed through the right side of his brain before it exited. The skills of the George Washington University medical team, plus his amazing determination and the grit and spirit of his wife, Sarah, pulled Jim through. His recovery has been remarkable, but he still lives with physical pain every day and must spend much of his time in a wheelchair.
>
> Thomas Delahanty, a Washington police officer, took a bullet in his neck. It ricocheted off his spinal cord. Nerve damage to

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 by a young man with a history of mental disturbance. 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 or protect them 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 particularly fragile 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 later in the week two bombs exploded 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. 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 supposedly key legislation. Yes, a debaathification 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 the Parliament by 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 tens of thousands of former-insurgent 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 Shi'ites.

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 Pakistan is its most dangerous component. And just a few months ago, the DNI again repeated the Intelligence Community's assessment that, over the last 2 years, ''[al] 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 9/11 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 need to rethink our 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 mistake it made over five years ago when 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 watch a 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 made a selection 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 maintaining integrity, providing transparency 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, a sole 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 defense 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 requirement.

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 tanker lease 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 by issuing 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 29, 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 draw on my experience as Under then as 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 procurement.

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:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, September 4, 2003.

Hon. DONALD H. RUMSFELD,
Secretary of Defense, Washington, DC.

DEAR MR. SECRETARY: 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 large attendance of members 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, to be followed by a traditional procurement, not a lease, of the remaining tankers, presumably under multiyear authority. Secretary Roche said that such an option had not been 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 proposal, 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 if tanker aircraft were purchased 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 $10.3 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.

Hon. 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 GAO'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 aircraft. We also asked for more detailed pricing information and an assessment of corrosion problems 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,
Washington, DC, September 25, 2003.

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 aircraft. We also asked for more detailed pricing information and an assessment of corrosion problems 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 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.

I ask that the CBO provide the results of this assessment as soon as possible.

Sincerely,

JOHN WARNER,
Chairman.

U.S. SENATE,
COMMITEE ON ARMED SERVICES,
Washington, DC, October 2, 2003.

Hon. JOSHUA B. BOLTEN,
Director, Office of Management and Budget, Washington, DC.

DEAR DIRECTOR BOLTEN: On September 4, 2003, Deputy Director Kaplan testified before the Senate Armed Services Committee on the proposed Air Force lease of 100 KC–767 tanker aircraft.

After the hearing, we wrote a letter to the Secretary of Defense (copy attached) in which we requested three things: (1) an analysis of the option of leasing up to 25 tanker aircraft; followed by a procurement of the remaining 75 aircraft; (2) a thorough assessment of the extent of corrosion problems in the existing KC–135 tanker fleet and the expected cost of addressing those problems over the period before purchased aircraft would become available; and (3) justification and explanation of the Department's decision to pay $10.3 million per aircraft more than the $120.7 million per aircraft determined by the Institute for Defense Analysis to be a reasonable purchase price. Deputy Secretary Wolfowitz has responded to our letter, a copy of which is also attached.

Given the importance of this tanker leasing issue, we would appreciate receiving the benefits of your review of Secretary Wolfowitz's response. Specifically, do you concur with the assessments of the advantages and disadvantages of the various funding options that are portrayed in the Deputy Secretary's letter, and do you agree with the stated rationale for paying the price per aircraft as negotiated by the Air Force? We believe that the Committee needs to hear your views on this subject before reaching a decision on the lease. Accordingly, we ask that you provide this matter prompt attention.

Sincerely,

CARL LEVIN,
Ranking Member.
JOHN WARNER,
Chairman.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, December 2, 2003.

Hon. PAUL WOLFOWITZ,
Deputy Secretary of Defense,
Defense Pentagon, Washington, DC.

DEAR SECRETARY WOLFOWITZ: I commend the Secretary of Defense and yourself 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 wherever it leads, in accordance with standard IG procedures. This inquiry should examine the actions of all members of the Department of Defense and the Department of the Air Force, 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 proceeding 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 restructured, must be executed in a manner that is fully consistent with Section 135 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136).

With kind regards, I am

JOHN WARNER,
Chairman.

JOHN MCCAIN,
U.S. SENATE,
Washington, DC, December 1, 2006.

Dr. ROBERT M. GATES,
President, Texas A&M University,
One Circle Drive, College Station, TX

Re: Tanker Replacement Program

DEAR DR. GATES: Subject to the confirmation of your nomination, perhaps the most important new major defense acquisition program for which you will be responsible, will arise from the replacement of the KC–135 aerial refueling tanker fleet. As you probably know, this program is currently valued at about $200 billion.

Given the regrettable history of the Air Force's prior attempt to recapitalize the fleet, it is vital that this program obtain the best possible joint aerial refueling capability at the most reasonable price. In my view, this can only be achieved by conducting a competition for replacement aircraft fully, openly and transparently—using objective, verifiable metrics. More to the point, if this very important program is to reach production timely, I respectfully suggest that the final Request for Proposals (RFP) must be unambiguous and uncontroversial. Unfortunately, I am not sure we are yet on that course.

In recent correspondence to Deputy Secretary Gordon England, I conveyed concern about the unprecedented inclusion of an element related to litigation between the United States and the European Union Trade Commission currently pending before the World Trade Organization (WTO), in the draft Request for Proposals (dRFP). I remain troubled that, without clarity on how answers to this provision will be evaluated, this element (and other similarly troubling provisions, including an overly restrictive invocation of the Berry Amendment and a questionable extension of ITAR regulations) may risk eliminating competition before bids are submitted. I understand that the Department will issue a final RFP on December 15, 2006.

Recent developments in the program underscore my concerns. On Tuesday, November 28, 2006, the Air Force held an Acquisition Strategy Panel (ASP) to review tanker requirements and select an acquisition strategy for replacement aircraft. I understand that the ASP selected a strategy that did not include a ''capabilities-based acquisition.'' As such, the approach that the ASP selected appears to deviate from what I understand the Joint Requirements Oversight Council (JROC) prescribed. I understand that, in vetting the KC–X Operational Requirements Document (ORD), the JROC called on the Air Force to consider tanker aircraft options that maximize cargo and passenger capacity. But, without a capabilities-based evaluation that objectively and verifiably measures capability beyond thresholds in either the primary mission area (aerial refueling) or other inherently critical missions available from large aircraft platforms (such as airlift), it is difficult to see how the JROC's recommendation can be implemented. As a result, competition may, once again, be eliminated before bids are even submitted.

Against this backdrop, I respectfully suggest that issuing a second dRFP, which can address issues raised by all prospective offerors in their responses to the first dRFP, and conducting a capabilities-based evaluation, which can help assure that the warfighter and the taxpayer obtain the most capable platform at the best possible value, may be useful.

If you are confirmed, I respectfully ask for the following: that you withhold releasing the final RFP until you have provided me with an explanation of how you intend to assure that the competition for tanker aircraft will be conducted fully, openly and transparently—particularly in light of the issues described above.

Sincerely,

JOHN MCCAIN,
Chairman, AirLand Subcommittee.

HONORING DR. OSCAR BISCET

Mr. NELSON of Florida. Mr. President, I join today with Senators MARTINEZ 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 Si' prison as 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 constitutents, 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 an inspiration.

I ask that an obituary that was published in The New York Times yesterday be printed in the RECORD.

The material follows:

[From the New York Times News Service, Mar. 12, 2008]

(By Douglas Martin)

Henrietta Bell Wells, the only woman, the only freshman and the last surviving member of the 1930 Wiley College debate team that participated in the first interracial collegiate debate in the United States, died Feb. 27 in Baytown, Texas. She was 96.

Her friend Edward Cox confirmed the death.

The story of the team, called the Great Debaters in last year's movie of the same name, began in 1924 at Wiley College, a small liberal arts college in Marshall, Texas, founded a half-century earlier by the Methodist Episcopal Church to educate ''newly freed men.''

Melvin B. Tolson arrived at the all-black school that autumn to teach English and other subjects. He also started a debate team.

Tolson, who would win wide distinction as a poet, saw argumentation as a way to cultivate mental alertness. Wiley was soon debating and defeating black colleges two and three times its size.

In 1930, Tolson decided to break new ground. He managed to schedule a debate with the University of Michigan Law School, an all-white school. Wiley won. Other debates with white schools followed, culminating with Wiley's 1935 victory over the national champion, the University of Southern California.

Tolson's stunningly successful debate team was portrayed in ''The Great Debaters,'' directed by Denzel Washington. Describing the cinematic young debaters in 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.''

Henrietta Pauline Bell was born on the banks of Buffalo Bayou in Houston on Jan. 11, 1912, and raised by a hard-pressed single mother from the West Indies. When riots broke out in 1917 over police treatment of black soldiers at a World War I training camp, the 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, because no large white-owned facility would host a racially mixed audience, according to an article in The Marshall News-Messenger. Wells remembered a standing-room-only crowd.

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 nondecision debate, but we felt at the time that it was a giant step toward desegregation.''

She debated for only one year, because of the need to work for money. She kept up with drama, which Tolson also coached. After graduating from college, she returned to Houston, where she met Wallace Wells and married. He was a church organist and later an Episcopal minister. She worked as a teacher and social worker.

Wells advised Washington on the movie, using her scrapbooks as visual aids. She urged him to play Tolson, something he at first was not inclined to do. He called her ''another grandma.''

Wallace Wells died in 1987. Wells left no immediate survivors.

Her advice to today's students was straightforward: ''Learn to speak well and learn to express yourself effectively.''

She learned this lesson directly from Tolson, whom she called her crabbiest and best teacher. He was known for issuing intellectual challenges immediately upon entering the classroom.

A typical salutation: ''Bell! What is a verb?''•

TRIBUTE TO THE DRAKE UNIVERSITY MEN'S BASKETBALL TEAM

• Mr. GRASSLEY. Mr. President, I am here today to commend the Drake University Men's Basketball team on its outstanding and unexpected success this past season. Drake is a school of less than 5,000 students in Des Moines, IA. Today the Drake community is experiencing basketball success the likes of which it hasn't seen in over 35 years. Coached by Keno Davis, the Bulldogs won the regular season Missouri Valley Conference, the Missouri Valley Conference tournament and earned a berth to the NCAA tournament. They were picked to finish ninth in the conference and instead roared to a 28–4 overall record. It was only the second winning season the Bulldogs have enjoyed in the past 20 years. And it's the first time since 1971 that they will play in the NCAA tournament. Drake also finished the regular season ranked 20th in the Nation and beating a tough Illinois State team by 30 points in the MVC tournament final. It's been a long drought, but the Bulldog nation, from Iowa to Washington, DC, to California, could not be prouder.

This upstart team has quite a story. Two starters, Adam Emmenecker and Jonathon Cox are former 3-year walk-ons who recently earned basketball scholarships. They are also incredibly successful academically. Drake started off the season well and won the mythical State championship by beating the University of Iowa, Iowa State University and the University of Northern Iowa. They snapped a 20 game losing streak at the University of Iowa. Drake also had great success in Missouri Valley Conference play. The Bulldogs cracked the Top 25, too, and traveled to Butler University and beat the eighth ranked team on their home court.

This Drake team exemplifies what it means to be a student-athlete. Five Drake players, Adam Emmenecker, Josh Young, Klayton Korver, Brent Heemskerk, and Jonathon Cox were named to the MVC's scholar-athlete team. Four of the five Bulldog starters have a GPA above 3.0. In addition, Emmenecker was named the ESPN Scholar Athlete of the year for NCAA Men's Division I basketball, with a 3.97 GPA and four majors.

It goes without saying that behind a great college team are great coaches and administrators. Keno Davis is in his first year as a head coach. He's been named the Missouri Valley Conference Coach of the Year, and Sporting News Coach of the Year. Just 36 years old, Keno learned from his father, Dr. Tom Davis, who retired as Drake's head coach in 2007, and was a longtime head coach at the University

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 Ohl 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 a team can win on the court and in the classroom.

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 Alcinder, known 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 them. 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's 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 Herbert Walker 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. Remarking on this mission, The New York Times wrote that ''if music could replace international politics, Byron Janis could consider himself an ambassador.''

In the decades since, 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. As he put it, ''I have arthritis—it doesn't have me.''

He continued to play for 12 years before disclosing his arthritis at a White House performance. That same day, Mr. Janis assumed the role of Ambassador for the Arts for the Arthritis Foundation.

Through his continued performances and other appearances, he has raised awareness as well as funds to support the foundation's noble cause. To this day, audiences continue to be captivated by Byron Janis's musical talents, even as they are impressed by his amazing persistence in the face of adversity.

March 24 will be Byron Janis's 80th birthday. And this year also marks the 60th anniversary of his debut at Carnegie Hall. Across all those years, his determination, courage, and selfless service have embodied the American spirit at its best. His lifetime of accomplishments as a performer, cultural ambassador, and role model are truly remarkable. I am pleased today to recognize and congratulate 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 Stanley A. Weiss, 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 slashing bureaucracy, 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 this 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 today, 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'' (Docket No. APHIS–2008–0003) 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; Modification of the Handling Regulation for Area No. 2'' (Docket No. AMS–FV–07–0115) 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 first quarter report for fiscal year 2008 of the 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 Commercial Activities Report for fiscal year 2007; to the Committee on Armed Services.

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 9699) 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'' (73 FR 10155) 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 ''Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations'' ((FCC 07–205) (MB Docket No. 00–168)) 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. 07–148)) 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. 87–268)) 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: Susanville, 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: Blanca, Colorado'' (MB Docket No. 07–165) 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 Southern Florida West Coast Subzone for the 2007–2008 Fishing Year'' (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–AV17) 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, the report of a rule entitled ''Final Rule Amending the Pacific Halibut Individual Fishing Quota Program Processing Restrictions'' (RIN0648–AU85) received on March 12, 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 ''Final 2008 Specifications for the Atlantic Bluefish Fishery'' (RIN0648–XB94) 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 ''Regulatory Amendment to the FMP for the Shrimp Fishery of the Gulf of Mexico'' (RIN0648–AU59) received on March 12, 2008; to the Committee on Commerce, Science, and Transportation.

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 Planning Purposes; 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 ''Control of Hazardous Air Pollutants From 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 Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the Attorney Advisor Program'' (RIN0960–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 Pooling for Resellers of New and Used Vehicles'' (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 ''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–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 Danger Pay Allowance for its 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 certification of a proposed agreement for the export of defense articles to Mexico to support the manufacture of electronic connectors and other materials for use in military avionics and guidance systems; to the Committee on Foreign Relations.

EC–5432. 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 the United Kingdom in support of the Directional Infrared Countermeasure System Program; to the Committee on Foreign Relations.

EC–5433. 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 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–5434. 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–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 Australia to provide continued support for the manufacture of F/A–18 structural components; 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'' (RIN1219–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 relative to national healthcare quality; to the Committee on Health, Education, Labor, and Pensions.

EC–5438. A communication from the Public Printer, 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 forwarded by the Benefit Security Coalition 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 Lake 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. Since the opening of the St. Lawrence Seaway in 1959, ocean-going ships have introduced more than 30 new species to the Great Lakes; and

Whereas, once introduced 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 viral hemorrhagic septicemia (VHS) that directly threatens the $4.5-billion Great Lakes fishery; and

Whereas, the ocean-going shipping industry has shown little urgency over the last two decades to develop and install ballast water treatment technology, even as it introduced more and more aquatic invasive species to new regions. Rather, the industry has continuously fought efforts in the United States Congress, state legislatures, and the courts to require expeditious treatment of their ballast water. For every year treatment is not required for ballast water, an additional one to two new species, with unknown but potentially devastating impacts, make the Great Lakes their permanent home; and

Whereas, the state of Michigan has succeeded in identifying and requiring treatment technologies that would provide additional 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 acknowledged 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, Federal ballast water legislation, such as the Coast Guard Authorization Act of 2007 (H.R. 2830) and the Ballast Water Management Act of 2007 (S. 1578), would preempt Michigan's efforts to protect its waters from further degradation. Preempting state actions before strong federal treatment standards are in place would leave the Great Lakes vulnerable to future invasions and would trample on fundamental states' rights to protect their natural resources. This shortsighted 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 waters safe, clean, and healthy for its residents with regulations, when needed, above and beyond minimum federal requirements; now, therefore, be it further

Resolved by the Senate, 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, 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.

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, this 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, 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:

S. 1580. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes (Rept. No. 110-276).

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 352. A bill to provide for media coverage of Federal court proceedings.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Vern M. Findley II, to be Lieutenant General.

Air Force nomination of Lt. Gen. Stephen R. Lorenz, to be General.

Air Force nomination of Maj. Gen. Allen G. Peck, to be Lieutenant General.

Air Force nomination of Maj. Gen. John T. Sheridan, to be Lieutenant General.

Army nomination of Lt. Gen. Martin E. Dempsey, to be General.

Army nomination of Maj. Gen. Kathleen M. Gainey, to be Lieutenant General.

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. (lh) William R. Burke and ending with Rear Adm. (lh) 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 favorably the following nomination lists 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 Jeffrey 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. Sill, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Air Force nominations beginning with Gerald B. Whisler 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. Yaccino, 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. Zernzach, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2008.

Air Force 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. Alpuerto 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.

Air Force 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. Aguayo 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. Szymaniak, to be Major.

Army nomination of Barbara T. Embry, to be Major.

Army nominations beginning with Jose A. Acostahernandez 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 Llena 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 James H. Kelly and ending with Kristine R. Saunders, 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.

Army nominations beginning with Harold L. Campbell, Jr. and ending with Kenneth P. Storz, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Army nominations beginning with Magdalena A. Acevedo and ending with Cory J. Young, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Marine Corps nominations beginning with Julian D. Alford and ending with Philip J. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2008.

Marine Corps nominations beginning with Bamidele J. Abogunrin and ending with Jay K. Zollmann, which nominations were received by the Senate and appeared in the Congressional Record on February 5, 2008.

Marine Corps nominations beginning with Berch H. Abbott and ending with Mark D. Zimmer, which nominations were received by the Senate and appeared in the Congressional Record on February 5, 2008.

Marine Corps nomination of Phillip J. Woodward, to be Major.

Marine Corps nominations beginning with Jeffrey S. Clemons and ending with Anthony J. Giovenco, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2008.

Marine Corps nominations beginning with Brian J. Corris and ending with Larry Miyamoto, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2008.

Marine Corps nominations beginning with Donald F. Carter, Jr. and ending with James R. Towney, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2008.

Marine Corps nominations beginning with Christopher J. Cox and ending with Douglas M. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2008.

Marine Corps nominations beginning with Robert 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.

Marine Corps nominations beginning with Billy A. Dubose and ending with Mark A. Mitchell, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2008.

Marine Corps nominations beginning with Stephen M. Breen and ending with Raymond J. White, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2008.

Marine Corps nominations beginning with Robert S. Adams and ending with John G. Zuppan, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2008.

Marine Corps nomination of Patrick T. Grosso, to be Major.

Marine Corps nomination of James D. McCoy, to be Lieutenant Colonel.

Marine Corps nomination of Walter C. Murphy, Jr., to be Lieutenant Colonel.

Marine Corps nomination of Donald L. Bohannon, to be Lieutenant Colonel.

Marine Corps nomination of Charles B. Spencer, to be Lieutenant Colonel.

Marine Corps nominations beginning with John G. Oliver and ending with Roger W. Scambler, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Marine Corps nominations beginning with Mark F. Birk and ending with Kenneth L. Kelsay, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Marine Corps nominations beginning with Christopher J. Ambs and ending with Todd E. Kunst, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Marine Corps nominations beginning with Tim J. Schroeder and ending with Joseph G. Sinese, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Marine Corps nominations beginning with Richard D. Hardin and ending with George M. Sexton, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Marine Corps nominations beginning with Roy E. Lawrence and ending with Daniel R. Westphal, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Marine Corps nominations beginning with Peter D. Charboneau and ending with Steven R. Fredeen, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Marine Corps nominations beginning with Sal L. Leblanc and ending with Kevin R. Williams, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Marine Corps nominations beginning with Robert F. Emminger and ending with Michael G. Marchand, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

Marine Corps nominations beginning with Christopher F. Bergeron and ending with Mark B. Windham, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2008.

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 nominations beginning with Michael D. T. Edwards and ending with Chad D. West, 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.

By Mr. INOUYE for the Committee on Commerce, Science, and Transportation.

*John J. Sullivan, of Maryland, to be Deputy Secretary of Commerce.

*Simon Charles Gros, of New Jersey, to be an Assistant Secretary of Transportation.

*Coast Guard nomination of Rear Adm. Clifford I. Pearson, to be Vice Admiral.

*Coast Guard nomination of Vice Adm. Robert J. Papp, to be Vice Admiral.

*Coast Guard nomination of Rear Adm. David P. Pekoske, to be Vice Admiral.

*Coast Guard nomination of RDML (select) Daniel R. May, to be Rear Admiral (Lower Half).

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists 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.

Coast Guard nomination of Kimberly J. Avsec, to be Lieutenant Commander.

Coast Guard nominations beginning with Anthony K. Palmer 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 Oceanic and 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.

Post: U.S. Ambassador to the Republic of Mozambique.

(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. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, $500.00, 04/22/2004, Friends of Brett Davis, (Candidate for State Assembly in Wisconsin); $1500.00, 10/22/2004, Republican National Committee; $1500.00, 04/20/2006, Republican National Committee.

2. Spouse: N/A.

3. Children and Spouses: William Alexander Curwen, None.

4. Parents: William Albert Steiger, (Deceased in 1978); Janet Dempsey Steiger, (Deceased in 2004), $250.00, 01/24/2003, Republican National Committee; $275.00, 12/15/2003, Republican National Committee; $1000.00, 02/12/2004, Bush-Cheney '04.

5. Grandparents: Carl Albert Steiger, (Deceased in 1985); Ruth Storms Steiger, (Deceased in 1990); Kathleen Wright Dempsey, (Deceased in 1989); Ray C. Dempsey, (Deceased in 1962).

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: N/A.

Mr. BIDEN. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on 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, 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.

*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.

*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.

*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.

*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.

*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 and second times by unanimous consent, and referred as indicated:

By Mr. CONRAD (for himself, Mr. BUNNING, Mr. HATCH, and Mr. ROCKEFELLER):

S. 2754. A bill to amend the Internal Revenue Code of 1986 to modify the definition of refined coal; to the Committee on Finance.

By Mrs. MURRAY:

S. 2755. A bill to provide funding for summer youth jobs; to the Committee on Health, Education, Labor, and Pensions.

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; 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 Kindergarten 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, tuburculosis, and malaria to 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 a 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 484(r) 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. 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.

By Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. KENNEDY, Mr. REED, Mrs. CLINTON, Mr. SCHUMER, and Mrs. FEINSTEIN):

S. 2769. A bill to authorize appropriate use of information in the Firearms Trace Database, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. STEVENS, Mr. AKAKA, and Mrs. BOXER):

S. 2770. A bill to amend the Federal Meat Inspection Act to strengthen the food safety inspection system by imposing stricter penalties for the slaughter of nonambulatory livestock; to the Committee on Agriculture, Nutrition, and Forestry.

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.

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. CLINTON):

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 the United States Government 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 certain goods 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. ENSIGN, 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 Mrs. BOXER):

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 in order 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. DOMENICI, 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 uncertified States and Indian 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 tax to the Highway Trust Fund, and for other purposes; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mrs. BOXER, and Mr. MCCAIN):

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 Ms. STABENOW:

S. 2785. A bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program; to the Committee on Finance.

By Mr. GRASSLEY:

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. BINGAMAN):

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.

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. LAUTENBERG, 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. DORGAN, Mr. ENSIGN, Mr. BINGAMAN, Mr. INHOFE, Mrs. MURRAY, Mr. REID, Mr. SALAZAR, Mr. STEVENS, Mr. MARTINEZ, and Mr. JOHNSON):

S. Res. 482. A resolution designating July 26, 2008, as ''National Day of the 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. BAUCUS, 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. CARPER, 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. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, 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. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. 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. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, 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. ENSIGN, Ms. CANTWELL, and Mrs. 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 could help break 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 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):

S. Res. 488. 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. SPECTER, Mr. CARDIN, and Mr. LEAHY):

S. Res. 489. A resolution designating April 2008 as Public Radio Recognition Month; considered and agreed to.

By Mrs. HUTCHISON (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; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, 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. 789

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. 881

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. 1050

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. 1376

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 provides.

S. 1675

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. 2159

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 Kansas (Mr. ROBERTS), 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 Mississippi (Mr. WICKER), 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 (Mr. SESSIONS), the Senator from Michigan (Ms. STABENOW), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Delaware (Mr. CARPER), 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. 2159, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

S. 2188

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor 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.

S. 2279

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.

S. 2291

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.

S. 2418

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.

S. 2431

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.

S. 2460

At the request of Mr. BINGAMAN, the names 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.

S. 2523

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2523, a bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families.

S. 2549

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 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.

S. 2578

At the request of Mr. COLEMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2578, a bill to temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services.

S. 2579

At the request of Mr. INOUYE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2580

At the request of Mr. BROWN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2580, a bill to amend the Higher Education Act of 1965 to improve the participation in higher education of, and to increase opportunities in employment for, residents of rural areas.

S. 2645

At the request of Mr. STEVENS, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2645, a bill to require the Commandant of the Coast Guard, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, to conduct an evaluation and review of certain vessel discharges.

S. 2690

At the request of Mr. BROWNBACK, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2690, a bill to authorize the placement in Arlington National Cemetery of an American Braille tactile flag in Arlington National Cemetery honoring blind members of the Armed Forces, veterans, and other Americans.

S. 2709

At the request of Mr. SESSIONS, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. DEMINT), 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.

S. 2710

At the request of Mr. SESSIONS, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. DEMINT), the Senator from Louisiana (Mr. VITTER) and 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.

S. 2711

At the request of Mr. SESSIONS, the names of the Senator from South Carolina (Mr. DEMINT), 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.

S. 2731

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. MIKULSKI) 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 political commitment and material 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. 4154

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. REID, 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.

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. 4165

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. 4166

At the request of Mr. BIDEN, the names of the Senator from California (Mrs. BOXER), the Senator from Vermont (Mr. LEAHY), the Senator from Wisconsin (Mr. KOHL), the Senator from Connecticut (Mr. DODD) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 4166 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. 4166 proposed to S. Con. Res. 70, supra.

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. 4171

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. 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 Minnesota (Ms. KLOBUCHAR) and the Senator from Vermont (Mr. SANDERS) 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.

AMENDMENT NO. 4194

At the request of Mrs. LINCOLN, the names 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. 4195

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 4195 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. 4197

At the request of Mr. KOHL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 4197 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. 4198

At the request of Mr. DORGAN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of amendment No. 4198 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. 4199

At the request of Mr. DORGAN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 4199 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. 4200

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.

AMENDMENT NO. 4203

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. BIDEN) 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. 4207

At the request of Mr. ALEXANDER, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of amendment No. 4207 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. 4210

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. 4212

At the request of Mr. NELSON of Nebraska, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Maine (Ms. SNOWE), 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. 4215

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. 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. 4218 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. 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. 4230

At the request of Mrs. FEINSTEIN, the names 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.

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. 4231

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. 4233

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. 4243

At the request of Mr. VITTER, the name of the Senator from North Carolina (Mrs. DOLE) 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.

AMENDMENT NO. 4245

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.

At the request of Mr. LUGAR, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Minnesota (Mr. COLEMAN), and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of amendment No. 4245 proposed to S. Con. Res. 70, supra.

At the request of Mr. BIDEN, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Maryland (Ms. MIKULSKI), the Senator from North Carolina (Mrs. DOLE), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Missouri (Mr. BOND), the Senator from Ohio (Mr. BROWN), the Senator from Louisiana (Mr. VITTER), the Senator from Maryland (Mr. CARDIN), the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. BOXER), the Senator from New York (Mr. SCHUMER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Washington (Ms. CANTWELL), the Senator from Rhode Island (Mr. REED), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 4245 proposed to S. Con. Res. 70, supra.

AMENDMENT NO. 4248

At the request of Mr. BARRASSO, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 4248 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. 4251

At the request of Ms. CANTWELL, the name of the Senator from New York (Mrs. CLINTON) 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. 4252

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.

AMENDMENT NO. 4254

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. CLINTON) 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. 4260

At the request of Mrs. CLINTON, the names of the Senator from Iowa (Mr. 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. 4263

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. 4266

At the request of Ms. SNOWE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 4266 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. 4267

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 4267 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. 4269

At the request of Mr. THUNE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 4269 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY:

S. 2755. A bill to provide funding for summer youth jobs; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. 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. 2755

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 ''Summer Jobs Stimulus Act of 2008''.

SEC. 2. SUMMER YOUTH JOBS.

(a) FINDINGS.—Congress finds that—

(1) a temporary $1,000,000,000 investment in summer employment for youth, through the summer youth jobs program supported under this section, will create up to 1,000,000 jobs for economically disadvantaged youth and stimulate local economies;

(2) research from Northwestern University has shown that every $1 a youth earns has an accelerator effect of $3 on the local economy;

(3) there is a serious and growing need for employment opportunities for economically disadvantaged youth, as demonstrated by statistics from the Bureau of Labor Statistics stating that, in December 2007—

(A) the unemployment rate increased to 5 percent, as compared to 4.4 percent in December 2006;

(B) the unemployment rate for 16- to 19-year-olds rose to 17 percent, as compared to 13 percent in December 2006; and

(C) the unemployment rate for African-American 16- to 19-year-olds increased 5 percent in 1 month, jumping to 34.7 percent, as compared to 20 percent in December 2006;

(4) summer youth jobs help supplement the income of families living in poverty;

(5) summer youth jobs provide valuable work experience to economically disadvantaged youth;

(6) often, the summer jobs provided through the program are an economically disadvantaged youth's introduction to the world of work;

(7) according to the Center for Labor Market Studies at Northeastern University, early work experience is a very powerful predictor of success and earnings in the labor market, and early work experiences raises earnings over a lifetime by 10 to 20 percent;

(8) participation in a summer youth jobs program can contribute to a reduction in criminal and high-risk behavior for youth; and

(9)(A) summer youth job programs benefit both youth and communities when designed around principles that promote mutually beneficial programs;

(B) youth benefit from summer youth jobs that provide them with work readiness skills and that help them make the connection between responsibility on the job and success in adulthood; and

(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 section, 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 129(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), 2914).

(3) MEASURE OF EFFECTIVENESS.—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 measures based on the core indicators of performance described in section 136(b)(2)(A)(ii)(I) of such Act (29 U.S.C. 2871(b)(2)(A)(ii)(I)).

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; to the Committee on Health, Education, Labor, and Pensions.

Mr. BIDEN. Mr. President, I rise today with my colleagues Senator HATCH and Senator SPECTER to introduce the Child Protection Improvements Act 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 mentoring 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 program 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 and inexpensive; 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 checks have to be fast, inexpensive, and accurate for these checks to be suitable for nonprofit 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 ebb and flow of the appropriations process creates instability with respect to how many checks can be completed, we felt that 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 by 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 that this fee will offset 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 towards helping us automate the process—especially with 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 criminal rap sheets. We formed 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 SPECTER's work on crafting this bill. We proved that we can help protect children at a 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 to its people, 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. 2756

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''.

SEC. 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 8,100,000,000 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, many of whom have been arrested or convicted multiple times.

(3) A study released in 2002, found that, of individuals released from prison in 15 States in 1994, an estimated 67.5 percent were rearrested for a felony or serious misdemeanor within 3 years. Three-quarters of those new arrests resulted in convictions or a new prison sentence.

(4) Given the large number of individuals with criminal records and the vulnerability of the population they work with, human service organizations that work with children need an effective and reliable means of obtaining a complete criminal history in order to determine the suitability of a potential volunteer or employee.

(5) The large majority of Americans (88 percent) favor granting youth-serving organizations access to conviction records for screening volunteers and 59 percent favored allowing youth-serving organizations to consider arrest records when screening volunteers. This was the only use for which a majority of those surveyed favored granting access to arrest records.

(6) Congress has previously attempted to ensure that States make Federal Bureau of Investigation criminal history record checks available to organizations seeking to screen employees and volunteers who work with children, the elderly, and individuals with disabilities, through the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.) and the Volunteers for Children Act (Public Law 105–251; 112 Stat. 1885). However, according to a June 2006 report from the Attorney General, these laws ''did not have the intended impact of broadening the availability of NCPA checks.''. A 2007 survey conducted by MENTOR/National Mentoring Partnership found that only 18 States allowed youth mentoring organizations to access nationwide Federal Bureau of Investigation background searches.

(7) Even when accessible, the cost of a criminal background check can be prohibitively expensive, ranging from $5 to $75 for a State fingerprint check, plus the Federal Bureau of Investigation fee, which ranges between $16 to $24, for a total of between $21 and $99 for each volunteer or employee.

(8) Delays in processing such checks can also limit their utility. While the Federal Bureau of Investigation processes all civil fingerprint requests in less than 24 hours, State response times vary widely, and can take as long as 42 days.

(9) The Child Safety Pilot Program under section 108 of the PROTECT Act (42 U.S.C. 5119a note) revealed the importance of performing fingerprint-based Federal Bureau of Investigation criminal history record checks. Of 29,000 background checks performed through the pilot as of March 2007, 6.4 percent of volunteers were found to have a criminal record of concern, including very serious offenses such as sexual abuse of minors, assault, child cruelty, murder, and serious drug offenses.

(10) In an analysis performed on the volunteers screened in the first 18 months of the Child Safety Pilot Program, it was found that 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 relevant 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 falsely indicated on their application form that they did not have a criminal record.

(11) 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.

SEC. 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 subsection (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, care placement, 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, care placement, supervision, treatment, education, training, instruction or recreation to children;

''(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—

''(i) is employed by or volunteers with, or seeks to be employed by or volunteer with, a covered entity; or

''(ii) owns or operates, or seeks to own or operate, a covered entity;

''(5) the term 'fitness determination program' means the fitness determination program established under subsection (b)(2);

''(6) the term 'identification document' has the meaning given that term in section 1028 of title 18, United States Code;

''(7) the term 'participating entity' means a covered entity that is approved under subsection (f) to receive nationwide background checks from the applicant processing center and to participate in the fitness determination program;

''(8) the term 'State' means a State of 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

''(9) 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.

''(b) ESTABLISHMENT OF PROGRAM.—Not later than 90 days after the date of enactment of the Child Protection Improvements Act of 2008, the Attorney General shall—

''(1) establish within the Federal Government or through an agreement with a nonprofit 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.

''(c) 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 on 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 from participating entities;

''(D) serve as a national resource center to provide guidance and assistance to participating entities on how to submit requests for nationwide background checks, how to interpret criminal history records, how to obtain State criminal background checks, and other related information;

''(E) 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 a nationwide background check, through 1 unified request to the applicant processing center;

''(F) convert all paper fingerprint cards into an electronic form and securely transmit all fingerprints electronically to the national criminal history background check

system and, if appropriate, the State authorized agencies;

''(G) collect a fee to conduct the nationwide background check, and, if appropriate, a State criminal background check, and remit fees to the National Center for Missing and Exploited Children, the Federal Bureau of Investigation, and the State authorized agencies, as appropriate;

''(H) convey the results of the fitness determination to the participating entity that submitted the request for a nationwide background check; and

''(I) coordinate with the Federal Bureau of Investigation, participating State authorized agencies, and the National Center for Missing and Exploited Children to ensure that background check requests are being completed within the time periods specified in subsection (e).

''(3) REQUESTS.—A request for a nationwide background check by a participating entity shall include—

''(A) the fingerprints of the covered individual, in paper or electronic form;

''(B) a photocopy of a valid identification document; and

''(C) a statement completed and signed by the covered individual that—

''(i) sets out the covered individual's name, address, and date of birth, as those items of information appear on a valid identification document;

''(ii) states whether the covered individual has a criminal record, and, if so, provides the particulars of such criminal record;

''(iii) notifies the covered individual that the Attorney General and, if appropriate, a State authorized agency may perform a criminal history background check and that the signature of the covered individual on the statement constitutes an acknowledgment that such a check may be conducted;

''(iv) notifies the covered individual that prior to and after the completion of the background check, the participating entity may choose to deny the covered individual access to children; and

''(v) notifies the covered individual of the right of the covered individual to correct an erroneous record of the Attorney General and, if appropriate, the State authorized agency.

''(4) FEES.—

''(A) IN GENERAL.—The applicant processing center may collect a fee to defray the costs of carrying out its duties and the duties of National Center for Missing and Exploited Children under this section—

''(i) for a nationwide 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 of conducting a nationwide background check and fitness determination under this section; or

''(II)(aa) $25 for a participating entity that is a nonprofit entity; or

''(bb) $40 for any other participating entity; and

''(ii) for a State criminal background check described in paragraph (2)(E), in the amount specified in the agreement with the applicable State authorized agency, not to exceed $18.

''(B) REDUCED FEES.—In determining the amount of the fees to be collected under subparagraph (A), the applicant processing center—

''(i) shall, to the extent possible, discount such fees for participating entities that are nonprofit entities; and

''(ii) may use fees paid by participating entities that are not nonprofit entities to reduce the fees to be paid by participating entities that are nonprofit entities.

''(C) PROHIBITION ON FEES.—

''(i) IN GENERAL.—A participating entity may not charge another entity or individual a surcharge to access a background check conducted under this section.

''(ii) VIOLATION.—The Attorney General shall bar any participating entity that the Attorney General determines violated clause (i) from submitting background checks under this section.

''(d) FITNESS DETERMINATION PROGRAM.—

''(1) PURPOSE.—The purpose of the fitness determination program is to provide participating entities with reliable and accurate 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 background records from the Federal Bureau of Investigation and, if appropriate, State authorized agencies;

''(B) make determinations regarding whether the criminal history record information received in response to a criminal history background check conducted under this section indicate that the covered 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 (3);

''(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 record information indicates 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.

''(e) TIMING.—

''(1) 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.

''(2) APPLICATION PROCESSING.—The applicant processing center shall electronically submit a national background check request to the national criminal history background check system and, if appropriate, the participating State authorized agency not later than 3 business days after the date that a request for a national background check is received by the applicant processing center.

''(3) CONDUCT OF BACKGROUND CHECKS.—The Federal Bureau of Investigation and, if appropriate, a State authorized agency shall provide criminal history records information to the National Center for Missing and Exploited Children not later than 3 business days after the date that the Federal Bureau of Investigation or State authorized agency, as the case may be, receives a request for a nationwide background check from the applicant processing center.

''(4) FITNESS DETERMINATIONS.—The National Center for Missing and Exploited Children shall convey a fitness determination to a participating entity and the applicant processing center not later than 4 business days after the date that the National Center for Missing and Exploited Children has received criminal history records from the Federal Bureau of Investigation and, if appropriate, each applicable State authorized agency.

''(f) PARTICIPATION IN PROGRAM.—

''(1) IN GENERAL.—The applicant processing center shall determine whether an entity is a covered entity and whether that covered entity should be approved as a participating entity, based on the consultation conducted under paragraph (2).

''(2) CONSULTATION.—In determining how many covered entities to approve as participating entities, the applicant processing center shall consult quarterly with the Federal Bureau of Investigation and the National Center for Missing and Exploited Children to determine the volume of requests for fitness determinations that can be completed, based on the capacity of the applicant processing center and the fitness determination program, the availability of resources, and the demonstrated need for such determinations in order to protect children.

''(3) PREFERENCE FOR NONPROFIT ORGANIZATIONS.—In determining whether a covered entity should be approved as a participating entity under paragraph (1), the applicant processing center shall give preference to any organization participating in the Child Safety Pilot Program under section 108(a)(3) of the PROTECT Act (42 U.S.C. 5119a note) on the date of enactment of the Child Protection Improvements Act of 2008 and to any other nonprofit organizations.

''(g) RIGHTS OF COVERED INDIVIDUALS.—

''(1) IN GENERAL.—A covered individual who is the subject of a nationwide background check under this section may contact the Federal Bureau of Investigation and, if appropriate, a State authorized agency to—

''(A) request that the full criminal history report of that covered individual be provided to that covered individual or the applicable participating entity not later than 10 business days after the date of that request; and

''(B) challenge the accuracy and completeness of the criminal history record information in the criminal history report.

''(2) RESOLUTION OF CHALLENGES.—The Federal Bureau of Investigation and, if appropriate, a State authorized agency shall promptly make a determination regarding the accuracy and completeness of any criminal history record information challenged under paragraph (1)(B).

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Attorney General $5,000,000 for fiscal year 2008, to—

''(A) establish and carry out the duties of the applicant processing center established under this section;

''(B) establish and carry out the fitness determination program; and

''(C) purse technologies and procedures to streamline and automate processes to enhance cost efficiency.

''(2) FITNESS DETERMINATIONS.—There are authorized to be appropriated to the Attorney General to carry out the agreement under this section with the National Center for Missing and Exploited Children $1,000,000 for each of fiscal years 2009 through 2013 to support the fitness determination program and so that fees for nonprofit organizations under that program are as low as possible.

''(3) SENSE OF THE SENATE.—It is the sense of the Senate that in fiscal year 2009, and each fiscal year thereafter, the fees collected by the applicant processing center should be sufficient to carry out the duties of the applicant processing center under this section and to help support the fitness determination program.

''(i) REPORT TO CONGRESS.—The Attorney General shall, on an annual basis, submit to Congress a report on the participating entities, the number of covered individuals submitting applications under this section, and the data on the number and types of fitness determinations issued under this section.

''(j) LIMITATION ON LIABILITY.—

''(1) IN GENERAL.—A participating entity shall not be liable in an action for damages solely for failure to conduct a criminal background check on a covered individual, nor shall a State or political subdivision thereof nor any agency, officer, or employee thereof, be liable in an action for damages for the failure of a participating entity (other than itself) to take action adverse to a covered individual who was the subject of a background check.

''(2) RELIANCE.—The applicant processing center or a participating entity that reasonably relies on a fitness determination or criminal history record information received in response to a background check under this section shall not be liable in an action for damages based on the inaccuracy or incompleteness of that information.

''(3) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the National Center for Missing and Exploited Children, including a director, officer, employee, or agent of the National Center for Missing and Exploited Children, shall not be liable in an action for damages relating to the performance of the responsibilities and functions of the National Center for Missing and Exploited Children under this section.

''(B) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subparagraph (A) shall not apply in an action if the National Center for Missing and Exploited Children, or a director, officer, employee, or agent of the National Center for Missing and Exploited Children, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard to a substantial risk of causing injury without legal justification, or for a purpose unrelated to the performance of responsibilities or functions under this section.

''(C) ORDINARY BUSINESS ACTIVITIES.—Subparagraph (A) shall not apply to an act or omission relating to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.''.

SEC. 4. EXTENSION OF CHILD SAFETY PILOT.

Section 108(a)(3)(A) of the PROTECT Act (42 U.S.C. 5119a note) 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 terminate on the date that the program for national criminal history background checks for child-serving organizations established under the Child Protection Improvements Act of 2008 is operating and able to enroll any organization using the Child Safety Pilot Program.''.

By Mr. DODD (for himself, Mr. LIEBERMAN, Mr. DURBIN, and Mr. KERRY):

S. 2759. A bill to provide for Kindergarten Plus programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce legislation to enhance opportunities for low-income children entering school. Today, I am introducing the Sandy Feldman 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. To prepare them for success, 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 students 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, children in low-income families have, 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 more support and 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 social justice and her focus on 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 was honored to have worked 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 Children's Defense Fund, 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 my effort and 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,

SECTION 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 elementary 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 39 percent in the lowest socioeconomic group, can recognize letters of the alphabet. Similarly, 98 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, in the summer before such children ordinarily enter kindergarten and in the summer before first grade, 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:

(1) 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

(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 ''Kindergarten Plus'' means a voluntary full day of kindergarten, during the summer before and during the summer after, the traditional kindergarten school year (as determined by the State).

(3) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 9101 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 stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

(5) PARENTAL INVOLVEMENT.—The term ''parental involvement'' means the participation of parents in regular, 2-way, and meaningful communication with school personnel involving student academic learning and other school activities, including ensuring 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) ELIGIBLE PROVIDER.—The term ''eligible provider'' means a local educational agency or a private not-for-profit agency or organization, with a demonstrated record in the delivery of early childhood education services to preschool-age children, that provides high-quality early learning and development experiences that—

(A) are aligned with the expectations for what children should know and be able to do when the children enter kindergarten and grade 1, as established by the State educational agency; or

(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 and performance measures described in subparagraphs (A) and (B) of subsection (a)(1), and subsection (b), of section 641A of the Head Start Act (42 U.S.C. 9836a) or the prekindergarten standards of the State where the entity is located.

(8) SCHOOL READINESS.—The term ''school readiness'' means the cognitive, social, emotional, approaches to learning, and physical development of a child, including early literacy and early mathematics skills, that prepares the child to learn and succeed in elementary school.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(10) STATE EDUCATIONAL AGENCY.—The term ''State educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 4. GRANTS TO STATE EDUCATIONAL AGENCIES AUTHORIZED.

(a) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to provide Kindergarten Plus within the State.

(b) SUFFICIENT SIZE.—To the extent possible, the Secretary shall ensure that each grant awarded under this section is of sufficient size to enable the State educational agency receiving the grant to provide Kindergarten Plus to all eligible students served by the local educational agencies within the State with the highest concentrations of eligible 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 USE OF FUNDS.—A State educational agency shall use—

(1) not more than 3 percent of the grant funds received under this Act for administration of the Kindergarten Plus programs supported under this Act;

(2) not more than 5 percent of the grant funds received under this Act to develop professional development activities and curricula for teachers and staff of Kindergarten Plus programs in order to develop a continuum of developmentally appropriate curricula and practices for preschool, kindergarten, and grade 1 that ensures—

(A) an effective transition to kindergarten and to grade 1 for students; and

(B) appropriate expectations for the students' learning and development as the students make the transition to kindergarten and to grade 1; and

(3) the remainder of the grant funds to award subgrants to local educational agencies.

(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 AGENCIES.

(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 awarded under this section; and

(2) shall award subgrants to local educational 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 students.

(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 percentage 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 ratios of kindergarten 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-Federal share of the costs of carrying out a Kindergarten 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 appropriate.

(b) CONSULTATION.—The application shall be developed by the State educational agency in consultation with representatives 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 application shall include—

(1) a description of developmentally appropriate 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 programs to carry out this Act;

(2) a general description of the nature of the Kindergarten Plus programs to be conducted 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 comprehensive services (such as nutritional services, health care, and mental health care), as needed; and

(5) a description of how—

(A) the State educational agency will coordinate and integrate services provided under this Act with other educational programs, such as Even Start, Head Start, Reading First, Early Reading First, State-funded preschool programs, preschool programs funded under section 619 or other provisions of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1411 et seq.), and kindergarten programs;

(B) the State will provide professional development for teachers and staff of local educational agencies and eligible providers that receive subgrants under this Act regarding how to address the school readiness needs of children (including early literacy, early mathematics, and positive behavior) 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 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;

(D) the State will conduct outreach to parents with eligible students, including parents whose native language is not English, parents of children with disabilities, and parents 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 shall 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 that—

(A) are aligned with the State expectations for what children should know 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 vocabulary;

(ii) interest in and appreciation of books, reading, writing alone or with others, and phonological and phonemic awareness;

(iii) premathematics 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;

(vii) in the case of limited English proficiency, progress toward the acquisition of the English language; and

(viii) approaches to learning;

(2) how the local educational agency will ensure that the Kindergarten Plus program uses curricula and practices that—

(A) are developmentally, culturally, and linguistically appropriate for the population of children served in the program; and

(B) are aligned with the State learning standards and expectations for children in kindergarten and grade 1;

(3) how the Kindergarten Plus program will improve the school readiness of children served by the local educational agency under this Act, especially in mathematics and reading;

(4) how the Kindergarten Plus program will provide continuity of services and learning for children who were previously served by a different program;

(5) how the local educational agency will ensure that the Kindergarten Plus program has appropriate services and accommodations in place to serve children with disabilities and children who are limited English proficient;

(6) how the local educational agency will perform a needs assessment to avoid duplication with other programs within the geographic area served by the local educational agency;

(7) how the local educational agency will—

(A) transition Kindergarten Plus participants into local elementary school programs and services;

(B) ensure the development and use of systematic, coordinated records on the educational development of each child participating in the Kindergarten Plus program through periodic meetings and communications among—

(i) Kindergarten Plus program teachers;

(ii) elementary school staff; and

(iii) local early childhood education program providers, including Head Start agencies, State prekindergarten program staff, and center-based and family child care providers;

(C) provide parent and child orientation sessions conducted by teachers and staff; and

(D) provide a qualified staff person to be in charge of coordinating the transition services;

(8) how the local educational agency will provide instructional and environmental accommodations in the Kindergarten Plus program for children who are limited English proficient, children with disabilities, migratory children, neglected or delinquent youth, Indian children served under part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.), homeless children, and immigrant children;

(9) how the local educational agency will conduct outreach to parents of 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 better engage and inform parents on the benefits of Kindergarten Plus and other programs; and

(C) other efforts to ensure that parents have a level of comfort with the Kindergarten Plus program and the school environment;

(10) 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

(11) 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) Transition services 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) Parental involvement programs, including materials and resources to help parents become more involved in their child's learning at home.

(7) Extended day services for the eligible students of working families, including working with existing programs in the community to coordinate services if possible.

(8) Child care services, provided through coordination with local center-based child care and family child care providers, and Head Start agencies, before and after the Kindergarten Plus program for the children participating in the program, to accommodate the schedules of working families.

(9) Enrichment activities, such as—

(A) art, music, and other creative arts;

(B) outings and field trips; and

(C) other experiences that support children's curiosity, motivation to learn, knowledge, and skills.

(b) ELIGIBLE PROVIDER GRANTS AND APPLICATIONS.—The local educational agency may use subgrant 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 for the local educational agency. Each eligible provider desiring a grant under this subsection shall submit an application to the local educational agency that contains the descriptions set forth in section 7 as applied to the eligible provider.

(c) CONTINUITY.—In carrying out a Kindergarten Plus program under this Act, a local educational agency is encouraged to explore ways to develop continuity in the education of children, for instance by keeping, if possible, the same teachers and personnel from the summer before kindergarten, through the kindergarten year, and during the summer after kindergarten.

(d) COORDINATION.—In carrying out a Kindergarten Plus program under 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) a highly qualified teacher, 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 ratio parameters 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-age children who are 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 the sections apply to a local educational agency receiving a subgrant under section 5(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 create an evaluation mechanism to determine the effectiveness of the Kindergarten Plus programs in the State, taking into account—

(1) information from the local needs assessment, conducted in accordance with section 7(c)(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.

(b) COMPARISON.—The evaluation process may include comparison groups of similar children who do not participate in a Kindergarten Plus program.

(c) 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.

(d) ANALYSIS OF EFFECTIVENESS.—The Secretary shall conduct an analysis of the overall effectiveness of the programs assisted under this Act and make the analysis available to Congress, and the public, biannually.

SEC. 12. SUPPLEMENT NOT SUPPLANT.

Funds made available under this Act shall be used to supplement, not supplant, other Federal, State, or local funds available to carry out activities under this Act.

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, 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.

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 Defense Integration Act of 2008. We introduce this legislation on behalf of the 91-member U.S. Senate National Guard Caucus, which we cochair. The military is still not structured properly to respond to the domestic emergencies that we know 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 clear 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 from the previous version of 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 local and State control—not 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 need a system that permits that. 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 force has stepped up 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 Compacts process, which helped make 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 properly involves every layer of Government. It 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 and 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 the command of the Governors, is part and parcel of the community. The Guard knows that it is civilians, including their elected leaders and the 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 attention is paid to homeland 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 separate budget to purchase 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 a joint agency than a sub-branch of the Army and the 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—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. 2760

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 ''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.''.

(2) CONFORMING AMENDMENT.—Section 10502 of such title is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following new subsection (d):

''(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 under section 151 of this title.''.

(b) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the following:

''(1) The requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.

''(2) The requirements referred to in paragraph (1) for which funding is to 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 by inserting 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 to address such gaps.

''(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the adjutants general of the States, have responsibilities as follows:

''(1) To validate the requirements of the several States and Territories 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 any other responsibility 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 for purposes of this subsection. The planning process may be known as the 'National Guard Bureau Strategic Integrated Planning Process'.

''(2)(A) Under the integrated planning process established under paragraph (1)—

''(i) the planning committee described in subparagraph (B) shall develop and submit to the planning directorate described in subparagraph (C) plans and proposals on such matters under the planning process as the Chief of the National Guard Bureau shall designate for purposes of this subsection; and

''(ii) the planning directorate shall review and make recommendations to the Chief of the National Guard Bureau on the plans and proposals submitted to the planning directorate under clause (i).

''(B) The planning committee described in this subparagraph is a planning committee (to be known as the 'State Strategic Integrated Planning Committee') composed of the adjutant general of each of the several States, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and the District of Columbia.

''(C) The planning directorate described in this subparagraph is a planning directorate (to be known as the 'Federal Strategic Integrated Planning Directorate') composed of the following (as designated by the Secretary of Defense for purposes of this subsection):

''(i) A major general of the Army National Guard.

''(ii) A major general of the Air National Guard.

''(iii) A major general of the regular Army.

''(iv) A major general of the regular Air Force.

''(v) A major general (other than a major general under clauses (iii) and (iv)) of the United States Northern Command.

''(vi) The Director of the Joint Staff of the National Guard Bureau under section 10505 of this title.

''(vii) Seven adjutants general from the planning committee under paragraph (B).''.

(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 materials 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 for 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, materiel, and other supplies and services necessary for the provision of such assistance and such operations in such 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 10503 the following new item:

''10503a. 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.''.

SEC. 4. 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 ''Deputy Director, Army National Guard'' each place it appears and inserting ''Deputy Vice Chief, Army National Guard'';

(3) by striking ''Director, Air National Guard'' each place it appears and inserting ''Vice Chief, Air National Guard''; and

(4) by striking ''Deputy Director, Air National Guard'' each place it appears and inserting ''Deputy Vice 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, or Director of the Air National Guard'' and inserting ''Vice Chief of the Army National Guard, or Vice Chief of the Air National Guard''.

(c) REFERENCES.—

(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) DEPUTY 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 Vice 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 Vice 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 further 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):

''(C) Service of an officer as adjutant general shall be treated as joint duty experience for purposes of assignment or promotion to any position designated by law as open to a National Guard general officer.''.

(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 who performs the duties of 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 TO QUALIFY AS JOINT DUTY EXPERIENCE.—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, in consultation with the adjutants general of the National Guard, submit to the Chairman of the Joint Chiefs of Staff and to Congress a report setting forth the recommendations of the Chief of the National Guard Bureau as to which duty of officers, and which duty of enlisted members, of the National Guard in the Joint Force Headquarters of the National Guard of the States should qualify as joint duty or joint duty experience for purposes of the provisions of law requiring such duty or experience as a condition of assignment or promotion.

(d) ANNUAL REPORTS ON JOINT EDUCATION COURSES.—Not later than six months after the date of the enactment of this Act, and annually thereafter, the Chairman of the Joint Chiefs of Staff shall submit to Congress 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 in 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 are available to and 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.

(3) 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 NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.

(a) COMMANDS 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 by the Armed Forces.

(b) DISCHARGE OF RESPONSIBILITY.—In discharging the responsibility set forth in subsection (a), the Commander of the United States Northern Command and the Commander of the United States Pacific Command shall each—

(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, assist the States in 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.—

(1) MEMORANDUM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) MODIFICATION.—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(d) AUTHORITY TO MODIFY ASSIGNMENT OF COMMAND RESPONSIBILITY.—Nothing in this section shall be construed as altering or limiting the power of the President or the Secretary of Defense to modify the Unified Command Plan in order to assign all or part of the responsibility described in subsection (a) to a combatant command other than the United States Northern Command or the United States Pacific Command.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of aiding the expeditious implementation of the authorities and responsibilities in this section.

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 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.

''§ 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 in regulations 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 governor of a State or possession as 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.''.

(b) 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 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 Army 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, as applicable, who have served as the adjutant general of a State.

(d) CERTAIN JOINT TASK FORCE POSITIONS.—

(1) IN GENERAL.—Of the officers serving in the positions specified in each subparagraph of paragraph (2), as least one such officer under each subparagraph shall be an officer in the Army National Guard of the United States or an officer in the Air National Guard of the United States.

(2) COVERED POSITIONS.—The positions specified in this paragraph are:

(A) Commander, Joint Task Force Alaska, and Deputy Commander, Joint Task Force Alaska.

(B) Commander, Joint Task Force Civil Support, and Deputy Commander, Joint Task Force Civil Support.

(C) Commander, Joint Task Force North, and Deputy Commander, 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

National Guard Empowerment and State-National Defense Integration Act of 2008

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 administer 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 Vice Chief, Army National Guard'' and ''Deputy Vice Chief, Air National Guard,'' respectively.

Section 5: Joint Duty Credit

Provides the Adjutant 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 Force Headquarters, 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, these commands must assist 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.

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 Forces Headquarters of the National Guard of the State. According to Department of Defense standard terms, Tactical Control is ''Command authority over assigned or attached forces or commands ... that is limited to the detailed direction and control of movements or maneuvers within the operational area necessary to accomplish missions or tasks assigned.''

Section 8: National Guard Command Positions

A National Guard officer will remain Commander 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.

NATIONAL GUARD ASSOCIATION OF THE UNITED STATES, INC.,
Washington, DC, March 13, 2008.

Hon. PATRICK LEAHY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: The National Guard Association of the United States applauds your introduction of the ''National Guard Empowerment and State-National Defense Integration Act of 2008.'' Your legislation is the logical next step in fully codifying the initiatives that had their birth two years ago in the National Guard Empowerment Act.

With the passage of the National Defense Authorization Act for 2008, many of the substantive elements of ''empowerment'' for the National Guard have been presented to the Department of Defense for immediate implementation in accordance with the wishes of the Congress. We are eagerly awaiting their timely response.

Meanwhile, we support the additional well-reasoned legislative remedies contained in your new bill that will knit together the missing pieces of the empowerment concept. In our view, empowerment for the National Guard is simply a restatement, in contemporary language, of the reliance placed on the National Guard by the framers of the United States Constitution in Article 1, Section 8.

Thank you for leading this effort for the American people.

Sincerely,

STEPHEN M. KOPER,
Brigadier General, USAF (ret), President.

ADJUTANTS GENERAL ASSOCIATION OF THE UNITED STATES,
Washington, DC, March 13, 2008.

Hon. PATRICK LEAHY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: The Adjutants General Association of the United States commends you, your colleagues and your staff on your foresight in introducing the ''National Guard Empowerment and State-National Defense Integration Act of 2008.'' This legislation will take the next logical step in advancing the gains of the National Guard Empowerment Act and ensuring the intent of that legislation is met.

We understand and appreciate just how hard you and the entire Guard Caucus worked to gain passage of the National Defense Authorization Act for 2008, which gave birth to ''empowerment'' for the National Guard. However, the realization of empowerment has been slow to materialize. With the introduction of this legislation, we are hopeful that the Department of Defense will act in accordance with the wishes of the Congress.

Again, we thank you for your new bill which will serve to complete the vision of the empowerment concept, which had its genesis two years ago with the original National Guard Empowerment Act. It is clear that empowerment for the National Guard remains a priority of the Congress.

We thank you for your continuing efforts on the National Guard's behalf.

Sincerely,

FRANCIS D. VAVALA,
MAJOR GENERAL, DEARNG,
President AGAUS.

ENLISTED ASSOCIATION OF THE NATIONAL GUARD OF THE UNITED STATES,
Alexandria, VA, March 13, 2008.

Hon. PATRICK LEAHY,
U.S. Senate, Washington, D.C.

Hon. KIT BOND,
U.S. Senate, Washington, DC.

The Enlisted Association of the National Guard of the United States, EANGUS is pleased to express our strongest possible support, on behalf of the Enlisted men and women of the Army and Air National Guard, in your efforts to amend Title 10 of the United States Code to enhance the responsibilities of the Chief of the National Guard Bureau and the functions of the National Guard Bureau.

Although some historic changes were made in Public Law 110–181, signed by the President on January 28,2008, many of the original provisions of the National Guard Empowerment Act of2007 were ''left on the cutting table'' and not enacted into law. These valuable and necessary provisions must be addressed and are addressed in your legislation.

Our association stands firm in support of your action to remedy this error of omission. The lack of respect of the leadership of the National Guard by service secretaries and leaders, the consistent under-funding of National Guard appropriations accounts, and the intentional lack of communication and coordination all have the possibility of being rectified by this legislation by making the Chief a full partner in the decision-making and appropriations process.

Thank you for taking legislative action that is not only timely, but unfortunately necessary, and long overdue. We look forward to working with your staff as this legislation works its way into law.

Working for America's Best!

MICHAEL P. CLINE,
Master Sergeant, USA (Ret), Executive Director.

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 to in-need countries; to the Committee on Foreign Relations.

Mr. KYL. Mr. President, I rise today to call attention to the reauthorization of the President's Emergency Plan for AIDS Relief, also known as PEPFAR.

The program authorized in 2003 provided $15 billion over 5 years to the cause of AIDS relief in parts of the world ravaged by that disease. PEPFAR was a demonstration of the American people's desire to help those in need.

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 the funds be devoted to 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 programs—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 the bill passed by 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 objectionable. Wisely, this provision was kept in the bill passed by the House committee, though it is substantially watered down—to the point of being nonbinding—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 the requirement 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 these two 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 I am sure the sponsors 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, and those people suffering from these dreaded 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 simply cannot afford. PEPFAR 2003 authorized $15 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 $50 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 235,157 homeowners with such a bailout.

Moreover, Congress just passed, and the president just signed, a program to provide Americans 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 add their spending to the forthcoming 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. COBURN, and the Senator from North Carolina, Mr. 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.

By Mr. DODD:

S. 2767. A bill to provide for judicial discretion regarding suspensions of student eligibility under section 484(r) of the Higher Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce legislation to add judicial discretion to the Higher Education Act Aid Elimination Penalty. Since 1998 the law prevents any student convicted of possession of a controlled substance from receiving Federal financial aid.

Since the penalty was enacted, approximately 200,000 low to middle income students seeking a college education have been disqualified from receiving Federal financial assistance. In many cases, these are committed young people who simply want to make better lives for themselves. In order to be eligible for financial aid in the first place, these students have proven they can perform academically. Unfortunately, they have made the mistake many young people have made experimenting with drugs.

Just like every Senator in this chamber, I want to help keep America's young people from making this mistake and jeopardizing their health and their futures. We should all work to enact policies that effectively deter dangerous drug use. But this is a sophisticated and complicated issue and it cannot be solved by blunt measures such as the Aid Elimination Penalty.

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, rehabilitation, 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 consequences of the 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 Aid 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 the judge to deny student 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 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 a reality 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 guaranty 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 exempts homeowners from having to make a down payment or secure private mortgage insurance.

The newly-enacted Economic Stimulus Act of 2008, however, temporarily reset the Fannie Mae, Freddie Mac, and FHA home loan guarantee limits 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 in place.

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 3703(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

the date of the enactment of this Act and ending on December 31, 2011, the term ''maximum guaranty amount'' shall mean an amount equal to 25 percent of the higher of—

(1) the limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for the calendar year in which the loan is originated for a single-family residence; or

(2) 125 percent of the area median price for a single-family residence, but in no case to exceed 175 percent of the limitation determined under such section 305(a)(2) for the calendar year in which the loan is originated for a single-family residence.

By Mrs. FEINSTEIN (for herself, Mr. STEVENS, Mr. AKAKA, and Mrs. BOXER):

S. 2770. A bill to amend the Federal Meat Inspection Act to strengthen the food safety inspection system by imposing stricter penalties for the slaughter of nonambulatory livestock; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself, Senator STEVENS and Senator AKAKA to offer a bill that takes a major step forward in protecting our Nation's food supply. This bill will provide penalties for those who are caught trying to slaughter ''nonambulatory'' or downed animals for food, and will improve public notification procedures for voluntary food recalls.

First, this bill would ban the slaughter of ''nonambulatory'' animals for use in food.

Second, it would establish a graduated penalty system providing incentives for slaughter facilities to follow the law regarding nonambulatory animals; and; third, in the event of a meat or poultry recall, it would direct the USDA to release the names of establishments that have received the recalled products so consumers can more easily identify products that could be harmful.

Animals that are sick and too weak to stand or walk on their own should not be slaughtered and used for food.

The safety of our food supply is too important to take any chances.

Processing downed animals poses a health risk especially to vulnerable populations, those who have compromised immune systems, and the very young and elderly who rely on our Government food inspection system to protect them against foodborne illness.

On February 17, 2008, the Westland/Hallmark Meat Company in Chino, CA, issued a recall of over 143 million pounds of beef products that were processed at their plant.

This came after the Humane Society of the U.S. released a video showing workers abusing nonambulatory cows to get them on their feet for slaughter.

The recall brought to the forefront the risk associated with processing sick or injured animals for human consumption.

The potential health risk of slaughtering downed animals became a public concern in late 2003 when a cow imported from Canada was found to have BSE, mad cow disease.

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 USDA 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 income.

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. The 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 deemphasized 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 60 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 such 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) While 51,000 children are adopted from the foster care system each year, more than 117,000 children are waiting to be adopted.

(6) 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 ends.

(7) The child welfare system includes State and local governments, tribal governments, child welfare agencies, child welfare caseworkers, private agencies, social workers, the courts, volunteer court-appointed special advocates, mental health and health care professionals, educators, and advocates.

(8) There is an overrepresentation of certain populations, including Native Americans and African-Americans, in the child welfare system.

(9) The number of children being raised by grandparents and other relatives is increasing and exceeds 6,000,000 children. The Government recognized that kinship care is a permanency option through the enactment of the Adoption and Safe Families Act of 1997.

(10) The State courts make key decisions in the lives of children involved in the child welfare system, including decisions about whether children have been victims of child abuse, whether parental rights should be terminated, and whether children should be reunified with their families, adopted, or placed in other settings.

(11) The child welfare system will never fully address its primary mission unless the courts are an integral and functioning component of a statewide system of care and protection.

(b) POLICY.—It is the policy of Congress that—

(1) the Government should work jointly with the States and their residents to develop recommendations and plans for action to meet the challenges and needs of children and families involved with the child welfare system, consistent with this Act;

(2) in developing such recommendations and plans, the persons involved should emphasize the role of the Government, State and local child welfare systems, State and local family court systems, child welfare advocates, guardians, and other key participants in such child welfare systems, with a goal of enhancing and protecting the lives and well-being of children and families who are involved with such child welfare systems; and

(3) Federal, State, and local programs and policies should be developed to reduce the number of children who are abused and neglected, to reduce the number of children in foster care, and to dramatically increase the number of children in permanent placements through family reunification, kinship placement, and adoption.

SEC. 3. 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 in this Act 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 improvements in each State and local child welfare system, 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 heads of other appropriate Federal entities, including the Attorney General, the Secretary of Education, and the Secretary of Housing and Urban Development.

(c) PURPOSES OF THE CONFERENCE.—The purposes of the Conference are—

(1) to identify the problems and challenges of child abuse and neglect, and the needs of 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 before 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 maintaining and improving 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 providers and children directly affected by the child welfare system.

(2) 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.

(B) MINORITY APPOINTEES.—Two members shall be selected by the minority leader of the House of Representatives, after consultation with the ranking minority members of such committees.

(3) SENATE APPOINTEES.—

(A) MAJORITY APPOINTEES.—Two members shall be selected by the majority leader of the Senate, after consultation with the chairpersons of the Committee on Health, Education, Labor, and Pensions, and the Committee on Finance, of the Senate.

(B) MINORITY APPOINTEES.—Two members shall be selected by the minority leader of the Senate, after consultation with the ranking minority members of such committees.

(b) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Policy Committee. Any vacancy in the Policy Committee shall not affect its powers, but 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. The chairperson 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 last member is selected. Subsequent meetings of the Policy Committee shall be held at the call of the chairperson of the Policy Committee.

(2) 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 later than 90 days after the first meeting of the Policy Committee;

(C) determine the number of delegates to be selected in accordance with section 5 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.

(e) 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.

(f) 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 31, 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 convene 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) members 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, families and children (including youth) affected by the child welfare system, and the general public.

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 ensure that—

(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 to 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 of 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 published in the Federal Register, and 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 and are appointed without regard to political affiliation or past partisan activity;

(5) the recommendations of the Conference are not inappropriately influenced by any public official or 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 children;

which the Secretary may obtain by making grants to or entering into agreements with, public agencies or nonprofit organizations, are readily available in advance of the Conference to the delegates.

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 a statement of 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 solicit recommendations about and other comments on the proposed report, to be submitted not later than 180 days after the publication of the report. The Secretary shall request that 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, and 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) DEFINITIONS.—In this Act:

(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 Marianas.

(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 $10,000,000 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 is obligated to make outlays 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, 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.

Mr. LEAHY. Mr. President, today, I join with Senator HATCH to introduce a bipartisan bill to address the resource needs of our men and women on the Federal judiciary and people around the country by authorizing additional U.S. courts of appeals and district court judgeships. It has been 18 years since the last time a comprehensive judgeship bill was enacted to address the growth in the workload of the Federal judiciary by adding new Federal judgeships. That legislation established 11 additional circuit court judgeships and 61 permanent and 13 temporary district court judgeships.

Since 1990, case filings in our Federal appellate courts have increased by 55 percent and case filings on our district courts have risen by 29 percent. Without a comprehensive bill, Congress has proceeded to authorize only a few additional district court judgeships and extend temporary judgeships when it could. For instance, in 2002 we were able to provide for 15 new judgeships in the Department of Justice authorization bill. However no additional circuit court judgeships have been created since 1990 despite their increased workload.

In 2006, the weighted number of filings in district courts, which takes into account an assessment of case complexity, were 464 per judgeship, well above the Judicial Conference's standard. The same year, the national average circuit court caseload per three-judge panel approached the record number of 1,230 cases, recorded a year earlier.

Our Federal judges are working harder than ever, but in order to maintain the integrity of the Federal courts and the promptness that justice demands, judges must have a manageable workload. The bill that we are introducing today would add 12 permanent circuit court judgeships, 38 permanent district court judgeships, and convert five existing temporary judgeships into permanent positions. These additional judgeships would address the significant increase in caseloads that the Federal courts have seen over the nearly two decades since the last comprehensive judgeship bill was enacted. It is based on the recommendations of the Judicial Conference and its analysis of caseloads and needs.

Our bipartisan bill would also add 14 temporary district court judgeships, two temporary circuit court judgeships, and extend one existing temporary district court judgeship. These additional temporary judgeships allow Congress some flexibility with regard

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 FEINSTEIN 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. CIRCUIT 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, will, with respect to each judicial circuit, 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:

"Circuits	Number of judges
District of Columbia	11
First	7
Second	15
Third	16
Fourth	15
Fifth	17
Sixth	17
Seventh	11
Eighth	13
Ninth	33
Tenth	12
Eleventh	12
Federal	12.''.

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 section 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), as of the effective date of this Act, shall be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 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 in the office of district judge in this district occurring 20 years or more after the confirmation date of the judge named to fill the temporary judgeship created by section 302(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	Judges
Alabama:	
Northern	7
Middle	3
Southern	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	7
Maine	3
Maryland	10
Massachusetts	13
Michigan:	
Eastern	15
Western	4
Minnesota	8
Mississippi:	
Northern	3

"Districts	Judges
Southern	6
Missouri:	
Eastern	7
Western	6
Eastern and Western	2
Montana	3
Nebraska	4
Nevada	7
New Hampshire	3
New Jersey	17
New Mexico	8
New York:	
Northern	5
Southern	28
Eastern	18
Western	5
North Carolina:	
Eastern	4
Middle	4
Western	4
North Dakota	2
Ohio:	
Northern	11
Southern	8
Oklahoma:	
Northern	3
Eastern	1
Western	6
Northern, Eastern, and Western	1
Oregon	7
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. 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 appropriate space and facilities for the judicial positions created by this Act.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—This Act (including the amendments made by this Act) shall take effect 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, Americans are blessed to have the best and most independent judicial system in the world. In our constitutional framework, Congress has responsibility to both make the laws and ensure that the judiciary tasked with interpreting and applying those laws has the appropriate resources. This includes addressing the staffing and compensation needs of the judicial branch, and we should strive to do so without political gambles or speculation about the outcome of a Presidential election.

For that reason, when I chaired the Judiciary Committee I sponsored and cosponsored judgeship bills in 2000 when Bill Clinton was President and in the 108th Congress under the current President. And that is why I am cosponsoring this bill with Senator LEAHY, the current Judiciary Committee, chairman. It is based on the judicial conference's assessment of their needs, not on backroom political deals, and it reflects the changes to the allocation 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 Security Act to treat certain domestically controlled foreign persons performing 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 Emanuel and Senator OBAMA and I are introducing 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 Stockman of the Boston Globe reported that Kellogg, Brown and Root Inc. KBR, has avoided payroll taxes by hiring workers through shell companies in the Cayman Islands. The article estimates that hundreds of millions of dollars in payroll taxes have been avoided a disturbing, yet not all too surprising discovery.

KBR is an American engineering and construction company, formerly a subsidiary of Halliburton, based in Houston, TX. Throughout its history, KBR and its predecessors have won numerous contracts with the United States military. In recent years, however, many of these contracts have been called into question based on everything from wasteful spending to mismanagement 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 contractors setting up shell companies in foreign jurisdictions to avoid payroll taxes. The legislation amends the Internal Revenue Code and the Social Security Act to treat foreign subsidiaries of U.S. companies performing services under contract with the U.S. Government as American employers for the purpose of Social Security and Medicare payroll taxes. The legislation will apply to foreign subsidiaries of a U.S. parent. The degree of common ownership applied by the legislation is 50 percent, meaning that the U.S. parent would have to own more than 50 percent of the subsidiary.

In addition, the legislation addresses the situation in which a U.S. subsidiary of a foreign corporation subcontracts with its foreign subsidiary to perform a contract with the U.S Government. In this situation, the legislation would apply to wages paid by the foreign subsidiary to its U.S. employees. The legislation does not address the situation in which the foreign parent contracts directly with the U.S. Government. Present law will continue to apply to totalization agreements. The legislation applies to services performed after the date of enactment.

The bottom line is this: Federal contractors 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 not have a competitive advantage 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 taxpayers they claim to protect, it is costing our citizens.

At a time when as much as $300 billion per year in taxes goes uncollected by the government, and by some estimates more than a third of that money may be related to corporations using offshore tax havens, we should close every loophole possible.

Just last week, the Government Accountability Office, GAO, went to the Caymans to investigate U.S. companies' offshore operations. The GAO went to look at the buildings where U.S. corporations locate shell corporations. These corporations are often nothing more than a computer file. According 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 investigation.

As a member of the Finance Committee, I will continue working to close corporate loopholes that are fueled by greed. I urge my colleagues to support ending this egregious practice.

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. 2775

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 ''Fair Share Act of 2008''.

SEC. 2. CERTAIN DOMESTICALLY CONTROLLED FOREIGN PERSONS PERFORMING SERVICES UNDER CONTRACT WITH UNITED STATES GOVERNMENT TREATED AS AMERICAN EMPLOYERS.

(a) FICA TAXES.—Section 3121 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new subsection:

''(z) TREATMENT OF CERTAIN FOREIGN PERSONS AS AMERICAN EMPLOYERS.—

''(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) DOMESTICALLY CONTROLLED GROUP OF ENTITIES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'domestically controlled group of entities' means a controlled group of entities the common parent of which is a domestic corporation.

''(B) CONTROLLED GROUP OF ENTITIES.—The term 'controlled group of entities' means a controlled group of corporations as defined in section 1563(a)(1), except that—

''(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein, and

''(ii) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

''(3) LIABILITY OF COMMON PARENT.—In the case of a foreign person who is a member of any domestically controlled group of entities, the common parent of such group shall be jointly and severally liable for any tax under this chapter for which such foreign person is liable by reason of this subsection.

''(4) CROSS REFERENCE.—For relief from taxes in cases covered by certain international agreements, see sections 3101(c) and 3111(c).''.

(b) SOCIAL SECURITY BENEFITS.—Subsection (e) of section 210 of the Social Security Act (42 U.S.C. 410(e)) is amended—

(1) by striking ''(e) The term'' and inserting ''(e)(1) The term'',

(2) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and

(3) by adding at the end the following new paragraph:

''(2)(A) 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.

''(B) For purposes of this paragraph—

''(i) The term 'domestically controlled group of entities' means a controlled group of entities the common parent of which is a domestic corporation.

''(ii) The term 'controlled group of entities' means a controlled group of corporations as defined in section 1563(a)(1) of the Internal Revenue Code of 1986, except that—

''(I) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein, and

''(II) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563 of such Code.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3) of such Code) by members of such group (including any entity treated as a member of such group by reason of this sentence).''.

(c) 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. ENSIGN, 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.

There being no objection, the text of the bill was ordered to 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 the study, defense, and denunciation of 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 Cuban independence and democracy advocates have always used this statement as a sign of civil disobedience, the regime nonetheless accused Dr. Biscet of insulting 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 therefor remains in Cuba's political gulag;

(12) on November 5, 2007, President Bush recognized Dr. Biscet and presented him (in absentia) with the Presidential Medal of Freedom, stating that ''Dr. Biscet is a champion in the fight against tyranny and oppression. Despite being persecuted and 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 a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE 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.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. 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 for the costs of the medals struck pursuant to this Act.

(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 Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal 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

Land, AML, Program authorized by the Surface Mining Control and Reclamation Act, SMCRA, for non-coal mine reclamation.

The Tax Relief and Health Care Act of 2006 contained amendments to SMCRA reauthorizing collection of an AML fee on coal produced in the U.S. and making certain modifications to the AML program. Under this program, which is administered by DOI, funds are expended to reclaim abandoned mine lands, with top priority for protecting public health, safety, general welfare, and property and restoration of land and water resources adversely affected by past mining practices. The program is largely directed to abandoned coal mine reclamation, but under section 409 of SMCRA, limited funds have been available to address non-coal mine sites.

Unfortunately, the Department of the Interior has interpreted the amendments in a manner that limits the ability of western states to use certain funds under SMCRA to address significant problems relating to non-coal abandoned mines, despite the fact that these funds had previously been available for these purposes.

Section 409 of SMCRA, provides that states may address public health and safety hazards at abandoned mine sites, both coal and non-coal. Western states such as New Mexico, Colorado, and Utah, have prioritized the use of AML funds to undertake the most pressing reclamation work on both coal and non-coal mine sites. While activities on non-coal sites have consumed a relatively insignificant portion of the funding provided for the overall AML program, the results in terms of public health and safety in these states is considerable, and there is significant work yet to be done. For example, New Mexico alone has over 15,000 remaining mine openings with a vast majority of these being non-coal. All AML-related fatalities in the State in the last few decades have been at non-coal mine sites.

I disagree with this interpretation by DOI. This result was not the intention of those of us working on the SMCRA amendments, and I believe the interpretation is in error. First, OSM's interpretation disregards the fact that section 409 was left unamended by the Congress. Furthermore, this interpretation is inconsistent with assurances repeatedly given to us by OSM during the consideration of the legislation that non-coal work could continue to be undertaken with these AML funds. Finally, the interpretation has the unacceptable result of requiring states to devote funds to low priority coal sites while leaving dangerous non-coal sites unaddressed.

The bill that I am introducing today would correct this problem by modifying the language of SMCRA to clarify that the funding would be available for noncoal reclamation as it was prior to the passage of the amendments in 2006. 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 MINE 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(h)(1)'' after ''section 402(g)''.

(b) USE OF FUNDS.—Section 411(h)(1)(D)(ii) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(h)(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 $18 million a 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 residents 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 OSTEOPATHIC 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 1,300 interns, residents, and fellows within our state. Support for the training of these physicians comes primarily from federal financing through the Medicare program. We are acutely aware how our training institutions are disadvantaged by the current operations of the DGME payment system. Many of our hospitals receive less than the national average from Medicare that is used to offset medical education. Public demands for increased patient safety and competency assessment of procedural skills performed by residents are unfunded mandates that we are now challenged to provide.

We are aware that Congress has addressed this issue in piecemeal fashion in moving the reimbursement level from 70 percent to 85 percent of the locally adjusted national average. Congress further recognized in the Medical Modernization Act of 2003 by adding a provision that the redistributed postdoctoral positions be reimbursed at 100 percent of the national average. The next logical step 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 welcome and endorse legislation that has the same impact sponsored in the 109th Congress, S. 2289/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 Medicare 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 needs. Insufficient funding makes it very difficult for hospitals to train a workforce sufficient to care for the growing Medicare population.

In our state, 34 teaching hospitals lose more than $18 million a year as a result of Medicare's out-dated policy. More than 600 hospitals nationwide 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 so no hospitals receive 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,
Washington, DC, March 4, 2008.

Hon. DEBBIE STABENOW,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. JIM BUNNING,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATORS 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 the per resident payment floor for direct graduate medical education payments under the Medicare program. We applaud your leadership and strongly support your efforts.

Numerous academic and advisory bodies, including the Council on Graduate Medical Education (COGME), have issued reports showing that there will be an inadequate number of physicians to meet patient demands by the year 2020. This shortage of physicians comes at a time when the Nation's senior population and the number of Medicare beneficiaries is growing at a rapid rate. While the precise number of physicians needed is debatable, there is little doubt that the Nation's graduate medical education system limits our ability to meet the future physician workforce needs.

Currently, one in five medical school students in the United States is enrolled in a college of osteopathic medicine. The Nation's colleges of osteopathic medicine currently graduate 3,000 new osteopathic physicians annually. This number will increase to approximately 3,500 in 2008 and is projected to be greater than 4,500 by 2013.

Please be assured that we are committed to educating and training quality physicians that 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.

SENATORS 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 outdated 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 see this legislation enacted. If you have any 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@shcare.net.

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; Stanford Hospital; UCLA Medical Center; UC San Francisco Medical Center; University of CA Davis Medical Center; UCSD 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 Moffit 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; Riverside 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.

WISCONSIN

Gundersen Lutheran; Univ. of Wisconsin Hospitals & 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 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 all 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 1999 Congress established a floor for calculating Medicare payments for DGME at 70 percent of the national average. In 2001, Congress raised the floor to 85 percent of the national average.

The legislation Senator STABENOW and I are introducing today would bring all of Medicare's DGME hospitals up 100 percent of the national average over a 3-year period. This would affect about 600 hospitals across the Nation that are currently being reimbursed below the national average, including the 20 in Kentucky.

I am glad we are introducing this legislation today and hope my colleagues can take a close look at it. Adequately paying our teaching hospitals is critically important, and this bill would benefit many hospitals across the country.

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.

Mr. HARKIN. Mr. President, today I am introducing a bill, the Menu Education and Labeling Act, on behalf of myself and my colleagues, Ms. FEINSTEIN of California, and Mr. KENNEDY of Massachusetts.

Poor nutrition and obesity are a major public health problem in the U.S. The issue is far from merely cosmetic. It is medical and economic. Diet-related disease are prevalent in the U.S. Cardiovascular disease, which is the leading cause of death in the U.S., is clearly linked to poor diets. Type-2 diabetes, results in amputation, blindness, and premature death.

Diet is also clearly associated with rising rates of overweight and obesity. More than 65 percent of American adults are overweight, and more than 30 percent are clinically obese. We lead the world in this dubious distinction, which is growing worse. Increasingly the problem starts in childhood. According to the Institute of Medicine, since 1963, obesity rates have quadrupled among older children ages 6 to 11 years, and tripled for adolescents between the ages of 12 and 19. If we do not change course, kids attending school today will be the first generation in American history to live a shorter lifespan than their parents

The obesity epidemic has far-reaching consequences. Overweight people have an increased risk of diabetes, cardiovascular disease, cancers and other illnesses. Sixty percent of overweight youth already have at lest one risk factor for heart disease, which is the leading cause of death in the U.S. Obesity also causes or contributes to $117 billion a year in health care and related costs, more than half borne by taxpayers.

There is no single solution to the complex problem of poor nutrition and diet-related disease, but we must start taking meaningful steps to address this growing problem by giving people the tools necessary to consume healthier diets. The legislation that we are introducing today will extend nutrition labeling beyond packaged foods to include foods at chain restaurants with 20 or more locations, as well as food in vending machines. This common-sense idea will give consumers a needed tool to make wiser choices and live healthier lives.

In 1990, Congress passed the Nutrition Labeling and Education Act, NLEA, requiring food manufacturers to provide nutrition information on nearly all packaged foods. The impact has been tremendous. Not only do nearly three-quarters of adults use the food labels on packaged foods, but studies indicate that consumers who read labels have healthier diets.

American adults and children now consume a third of their calories at restaurants and nutrition and health experts say that rising caloric consumption and growing portion sizes are causes of obesity. However, restaurants were excluded from the Nutrition Labeling and Education Act. Consumers say that they would like nutrition information provided when they order their food at restaurants, yet, while they have good nutrition information in supermarkets, at restaurants they can only guess.

Similarly, vending machine food sales also play a large role in contributing to the diets of Americans. Over the last three decades vending machine sales have shot up 85 percent after inflation. Most vending machine sales include foods of low nutritional value.

The Menu Education and Labeling Act will require 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 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 poor nutrition or halt rising 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 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 improve 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 might set up shop. As 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 responsible members 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 Medicare payments for both 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 amount 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 an additional 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 outpatient 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 physician payment 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. Geographic 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 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 significant difficulties in recruiting 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. It also revises the calculation of the work and practice expense formulas 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 providers in rural areas that will expire soon. This bill extends the five percent incentive payments for primary care and specialty physicians in scarcity 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 to 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 FY2005 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 (have at least 60% of acute inpatient days or discharges attributable to Medicare in FY1987 or in two of the three most recently audited cost reporting periods). An MDH cannot be a Sole Community Hospital (SCH) and must have 100 or fewer beds. Until October 1, 2006, MDHs were paid at the wage-adjusted national standardized amount or, if higher, 50% of their adjusted FY1982 or FY1987 hospital specific costs. Starting for discharges on October 1, 2006, an MDH would be able to elect payments based on its FY2002 hospital specific costs if that would result in higher Medicare payments. Also, starting for discharges on October 1, 2006, an MDH that elected to be paid using its hospital-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 elects to be paid using the national standardized amount would not have that per discharge payment amount adjusted by an area wage adjustment unless such adjustment will result in improved payments to the MDH. Starting for discharges on October 1, 2008 until October 1, 2011, those MDHs would have their payments based on 85% of their hospital specific costs.

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 per discharge payment amount or on the basis of its updated hospital-specific per discharge amount from FY1982, FY1987, or FY1996, whichever would result in the largest payment.

Explanation of Provision

Starting for discharges on October 1, 2008, SCHs would be able to elect payment based on their FY2002 hospital-specific payment amount per discharge. This amount would be increased by the annual update starting in FY2008.

Section 104. Temporary Improvements to the Medicare Inpatient Hospital Payment Adjustment 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 empirical 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 25 percent. Accordingly, under regulations, 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 FY2009 and FY2010 to more low-volume hospitals. A low-volume hospital could be located more than 15 road miles from another comparable hospital and have 2,000 discharges of individuals entitled to or enrolled for Medicare Part A benefits. The Secretary would determine the applicable percentage increase using a linear sliding scale ranging from 25% for low-volume hospitals below a certain threshold to no adjustment for hospitals with greater than 2,000 discharges of individuals with Medicare Part A benefits.

Section 105. Temporarily Lifting the Disproportionate Share Hospital (DSH) Adjustment Cap.

Current Law

Medicare will increase its payments to hospitals that qualify for a DSH adjustment. In many instances, the size of a hospital's DSH adjustment will depend upon the number of patient days provided to poor Medicare patients or Medicaid patients (DSH patient share). However, small urban hospitals and many rural hospitals have their DSH adjustment capped at 12%.

Explanation of Provision

The provision would eliminate the DSH adjustment cap for these hospitals for discharges occurring in FY2009 and FY2010. For discharges on or after October 1, 20010, the DSH adjustment cap would revert to 12%.

TITLE II—PROVISIONS RELATING TO MEDICARE PART B

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 Sole Community Hospitals (SCHs) can receive additional Medicare payments if their outpatient payments under the prospective payment system are less than under the prior reimbursement system. For CY2006, these hospitals will receive 95% of the difference between payments under the prospective payment system and those that would have been made under the prior reimbursement system. The hospitals will receive 90% of the difference in CY2007 and 85% of the difference in CY2008.

Explanation of Provision

The provision would establish that in CY 2009 and CY 2010, small rural hospitals, including Medicare Dependent Hospitals and SCHs, would receive 100% of the difference between payments made under the Medicare Hospital Outpatient Prospective Payment System and those made under the prior reimbursement system.

Section 202. Expansion of the Medicare Hospital Outpatient Department Add-on Payment for Rural Sole Community Hospitals (SCHs).

Current Law

Under Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA), the Secretary was required to study to determine whether the costs incurred by rural hospitals were greater than urban hospitals and whether the prospective payment system (PPS) for hospital outpatient departments (HOPD) accounted for those cost differences. The Secretary was authorized to provide a payment adjustment for rural hospitals by January 1, 2006 if such an adjustment was warranted. Starting in CY2006, rural SCHs have had their Medicare payments for outpatient services increased by 7.1%.

Explanation of Provision

This provision would establish that the Secretary's authority to provide a payment adjustment would apply to services furnished in 2006, 2007 and 2008. The Medicare statute would be amended so that SCHs and Medicare Dependent Hospitals (MDHs) in rural areas would receive a 7.1% increase in payments for covered HOPD services for services starting January 1, 2009. The increase would be applied before calculating outliers and coinsurance. The Secretary would be able to revise this percentage starting for services furnished after January 1, 2010 through promulgation of a regulation. The increase would not apply to pass-through drugs and biologicals. The increased payments as they relate to SCHs and MDHs would not be implemented in a budget-neutral manner.

Section 203. Permanent Treatment of Medicare Reasonable Costs Payments for Certain Clinical Diagnostic Laboratory Tests Furnished to Hospital Patients in Certain Rural Areas.

Current Law

Generally, hospitals that provide clinical diagnostic laboratory services under Part B are reimbursed using a fee schedule. Hospitals with under 50 beds in qualified rural areas (certain rural areas with low population densities) receive 100% of reasonable cost reimbursement for the clinical diagnostic laboratories covered under Part B that are provided as outpatient hospital services. Reasonable cost reimbursement for laboratory services provided by these hospitals will expire on July 1, 2008.

Explanation of Provision

This provision would add Section 1833(v) to the Social Security Act which would make reasonable cost reimbursement for laboratory services provided by qualified rural hospitals permanent starting July 1, 2008. The Secretary would be required to apply the current rules that are used to determine whether clinical diagnostic laboratory services are furnished as an outpatient Critical Access Hospital service (without regard to amendments enacted in this legislation.)

Section 204. 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 CAHs on an outpatient 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 CAH or whether the specimen was collected in a skilled nursing facility or clinic that is owned by or co-located with the CAH.

Section 205. Extension of Medicare Incentive Payment Program for Physician Scarcity Areas.

Current Law

MMA provided for an additional 5% in payments for 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 these payments through June 30, 2008. The Secretary was required to calculate, separately for practicing primary care physicians and specialists, the ratios of such physicians 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 scarcity areas with the lowest ratios 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 other area. The listing of counties appeared in Appendix I 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 average would have an index below 1.00. The physician work geographic adjustment factor is based on a sample of median hourly earnings in six professional specialty occupational categories. Unlike the other geographic adjustments, the work adjustment factor reflects only one-quarter of the cost differences in an area. The Secretary is required to periodically review and adjust the geographic indices.

MMA required the Secretary to increase the value of any work geographic index that was below 1.00 to 1.00 for services furnished on or after January 1, 2004 and before January 1, 2007. TRHCA extended the provision for an additional year, through December 31, 2008, and MMSEA extended the provision for an additional six months, for services provided before July 1, 2008.

Explanation of Provision

Subsection (a) would extend the 1.0 work floor through December 31,2009. Subsection (b) would recognize the equality of physician work in all geographic areas and eliminate differing work index values by establishing a national value of 1.0, effective 2010.

Section 207. Revisions to the Practice Expense 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 average would have an index below 1.00. The practice expense geographic adjustment is calculated by measuring variations in employee wages, office rents, and miscellaneous. The Secretary is required to periodically review and adjust the geographic indices.

Explanation of Provision

Subsection (a) would establish a practice expense floor of 1.0 for 2009 by requiring the Secretary to increase the value of any practice expense geographic index that was below 1.0 to 1.0 for services furnished on or after January 1, 2009 and before January 1, 2010. 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 208. 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 ground 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 Originating Sites for Payment of Telehealth Services.

Current Law

Medicare may cover a telehealth service for beneficiaries who are located (i) in an area designated as a rural health professional shortage area; (ii) in a county that is not included in a Metropolitan Statistical Area; or (iii) at an entity that participates in a federal telemedicine demonstration project that has been approved by (or receives funding from) the Secretary of Health and Human Services as of December 31, 2000. If a beneficiary is located in those areas, counties, or entities, then the beneficiary is permitted to receive telemedicine at one of the following sites: (1) a physician or practitioner's office; (ii) a critical access hospital; (iii) a rural health clinic; (iv) a federally qualified health center; or (v) a hospital.

Explanation of Provision

This provision would permit a hospital-based or critical access hospital-based renal dialysis center (including satellites) 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 cost-based reimbursement from Medicare, 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 at $92 per visit in 2009. The limit would be increased in subsequent years by the limit established for the previous year 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 service. The programs are required to be phased-in so that competition under the programs occurs in 10 of the largest metropolitan statistical areas (MSAs) beginning in 2007, 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 600,000 or less. Competitively 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, other than for contracts entered into pursuant 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 to Serve 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 Medicare Benefit Policy Manual defines post-hospital extended care services as services 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 under a written plan of care established and periodically reviewed by the individual's attending physician and the medical director (and by the interdisciplinary group of the hospice program). 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.

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.

Explanation of Provision

For purposes of a hospice written plan of care, the provision would include a physician assistant in the definition of an attending physician. The provision would continue to exclude physician assistants from the authority to certify an individual as terminally ill.

Both provisions would apply to items and services furnished on or after January 1, 2009.

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. BINGAMAN):

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:

S.J. RES. 30

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves 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 (published at 72 Fed. Reg. 68077 (December 4, 2007)), and such rule shall have no force or effect.

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 AND 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:

S. RES. 481

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 it costs approximately $80,000 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 the special needs of 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, expand programs for individuals 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 options for young people 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. DOMENICI, Mr. DORGAN, Mr. ENSIGN, 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:

S. RES. 482

Whereas pioneering men and women, recognized as ''cowboys'', helped establish the American West;

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 fans and rodeo is the 7th most-watched sport in the Nation;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of a cowboy span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music 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, George 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, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate 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 laws.'';

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 these days. If we don't have the proper fundamental moral background, we will finally wind up with a totalitarian government which does not believe in rights for anybody except the state.'';

Whereas, in addition to being understood as an elemental source for American law, the Ten Commandments have become a recognized symbol of law in our Nation's culture;

Whereas a marble relief portrait of Moses, the Hebrew prophet and bearer of the Ten Commandments, is located prominently in the United States Capitol over the gallery doors of the chamber of the House of Representatives in honor of his work in establishing the principles that underlie American law;

Whereas images of the Ten Commandments are prominently displayed in many Federal buildings, including the United States Supreme Court, the National Archives, and the Library of Congress;

Whereas the first weekends of May in 2006 and 2007 were celebrated by many Americans as ''Ten Commandments Weekend'' in recognition of the importance of the Ten Commandments in their faith and the history and culture of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the first weekend of May 2008 as ''Ten Commandments Weekend'';

(2) celebrates the Ten Commandments as a significant aspect of the national life of the United States; and

(3) encourages citizens of the United States to reflect on the integral role that the Ten Commandments have played in the life of the Nation.

SENATE RESOLUTION 484—DESIGNATING MARCH 25, 2008, AS ''NATIONAL CEREBRAL PALSY AWARENESS DAY''

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was:

S. RES. 484

Whereas cerebral palsy is any number of neurological disorders that appear in infancy or early childhood and permanently affect body movement and the muscle coordination necessary to maintain balance and posture;

Whereas cerebral palsy is caused by damage to 1 or more specific areas of the brain, usually occurring during fetal development, before, during, or shortly after birth, or during infancy;

Whereas the majority of children are born with cerebral palsy, although it may not be detected until months or years later;

Whereas 75 percent of individuals with cerebral palsy also have 1 or more additional developmental disabilities including epilepsy, intellectual disability, autism and visual impairments, or blindness;

Whereas the Centers for Disease Control and Prevention recently released information indicating an increase in the prevalence of cerebral palsy and that the rate is now about 1 in 278 children;

Whereas 800,000 Americans are affected by cerebral palsy;

Whereas, while there is no current cure for cerebral palsy, some treatment will often improve a child's capabilities and scientists and researchers are hopeful that breakthroughs will be forthcoming;

Whereas researchers across the Nation are conducting important research projects involving cerebral palsy; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of cerebral palsy: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2008, as ''National Cerebral Palsy Awareness Day'';

(2) recognizes that all people of the United States should become more informed and aware of cerebral palsy; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to Reaching for the Stars: A Foundation of Hope for Children with Cerebral Palsy.

Mr. SPECTER. Mr. President, I have sought recognition today to offer a resolution to designate March 25, 2008, as National Cerebral Palsy Awareness Day.

Cerebral palsy is a group of chronic, neurological disorders that appear in infancy or early childhood and permanently affect body movement and muscle coordination necessary to maintain balance and posture. Cerebral palsy is caused by damage to one or more specific areas of the brain, usually occurring during fetal development; before, during or shortly after birth; or during infancy. The top two risk factors for the disorders are premature births and multiple births, and despite the introductions of modern prenatal testing, improved obstetric care, and newborn intensive care technologies, the rate of incidence has increased in the United States. These disorders are not caused by problems in the muscles or nerves but, instead, faulty development or damage to motor areas in the brain.

Cerebral palsy currently affects children at a rate of 1 in 278 and an estimated 800,000 Americans. The majority of children who have cerebral palsy are born with it, rather than developing the disorder over time; however, it may not be detected for months or years. Over seventy-five percent of individuals with cerebral palsy also have one or more additional developmental disability including epilepsy, intellectual disability, autism and visual impairments or blindness. The disorders are not progressive and non-communicable.

Currently, there is no cure for cerebral palsy. There are treatments, however, which can serve to alleviate some of the symptoms. Treatments now include physical and occupational therapy; speech therapy; drugs to control seizures, relax muscle spasms, and alleviate pain; surgery to correct anatomical abnormalities or release tight muscles; braces and other orthotic devices; wheelchairs and rolling walkers; and communication aids such as computers with attached voice synthesizers.

It is essential that more research be conducted on ways in which to prevent and treat cerebral palsy. As Chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I led the effort to double funding for the National Institutes of Health, NIH. Funding for the NIH has increased from $11.3 billion in fiscal year 1995 to $29.2 billion in fiscal year 2008. In 2007, the NIH provided $16 million for cerebral palsy research, which is a $4.5 million increase over 2000, when the NIH provided $11.5 million. The Centers for Disease Control and Prevention, CDC, recently conducted a study on the prevalence rates of cerebral palsy across the nation and found

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 any number 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, usually occurring 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 understanding, and resources for research and treatment. 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 far 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 about CP can 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. VOINOVICH, Mr. BROWN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, 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. CARPER, 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. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, 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. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. 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. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution:

S. RES. 485

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.

Resovled, 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 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

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;

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: 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 innovation and 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 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 and Educators Association (RCEA), 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 (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;

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 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.

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;

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 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 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, 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 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, 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 commitment to community and fact-based journalism with several initiatives including the Local News Initiative, a national 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 observations, 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 exists 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 THE 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 4285. 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 2008 and 2010 through 2013.

SA 4286. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra.

SA 4287. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 70, supra.

SA 4288. 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 4289. 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 4290. 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 4291. 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 4292. 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 4293. 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 4294. 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 4295. 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 4296. 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 4297. Mr. HATCH (for himself, Mr. KENNEDY, and Mrs. CLINTON) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4298. Mr. THUNE 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 4299. Mr. VITTER proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4300. Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. KENNEDY, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res . 70, supra.

SA 4301. Mr. SCHUMER (for himself and Mr. BROWN) 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 4302. Mr. GREGG (for himself, Mr. MCCONNELL, Mr. KYL, Mr. CORNYN, Mr. BURR, Mr. DEMINT, Mr. ALEXANDER, Mr. COBURN, Mr. CHAMBLISS, Mr. THUNE, Mr. ALLARD, Mr. MARTINEZ, Mr. ENZI, Mr. BARRASSO, Mr. CORKER, Mr. VITTER, Mrs. HUTCHISON, Mr. ISAKSON, Mr. ROBERTS, Mr. ENSIGN, Mr. CRAIG, Mr. GRASSLEY, Mr. BENNETT, Mr. VOINOVICH, Mr. WICKER, Mr. CRAPO, Mr. COLEMAN, Mr. INHOFE, Mr. GRAHAM, Mr. BUNNING, Mr. MCCAIN, Mr. SUNUNU, Mr. HATCH, Mr. LIEBERMAN, Mr. BAUCUS, Mr. KOHL, and Mr. SALAZAR) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4303. 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 4304. 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 4305. 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 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, supra; which was ordered to lie on the table.

SA 4307. Mr. BUNNING (for himself, Mr. NELSON, of Nebraska, and Mr. DEMINT) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

SA 4308. 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 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, supra.

SA 4310. Mr. OBAMA (for himself, Mr. DURBIN, and Mr. BROWN) 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 4311. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4312. Mr. CORNYN 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 4313. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4314. Mr. CORNYN 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 4315. Mr. CORNYN 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 4316. Mr. CORNYN (for himself, Mr. VOINOVICH, Mr. CHAMBLISS, and Mr. ISAKSON) 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 4317. Mr. CORNYN 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 4318. Mr. KERRY (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 4319. Mr. WICKER 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 4320. Mr. WICKER 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 4321. Mr. ENSIGN 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 4322. Mr. ENSIGN 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 4323. Mr. ENSIGN 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 4324. Mr. BARRASSO 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 4325. 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 4326. 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 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, supra; which was ordered to lie on the table.

SA 4328. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

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, supra.

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, supra.

SA 4331. Mr. BAUCUS (for himself and Ms. SNOWE) proposed an amendment to the concurrent resolution S. Con. Res. 70, supra.

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, supra.

SA 4333. Mr. BAUCUS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4334. Mr. SMITH (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

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.

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.

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, supra; which was ordered to lie on the table.

SA 4347. Mr. DEMINT (for himself, Mr. MCCAIN, 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. BARRASSO, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

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. LAUTENBERG, Mrs. CLINTON, and Mr. SANDERS) 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 him 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.

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. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 70, supra.

SA 4365. Mr. GRAHAM (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.

SA 4369. Mr. COBURN 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 4370. Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. CARDIN, Mr. OBAMA, Mr. PRYOR, Ms. COLLINS, Mr. DODD, Mr. LEVIN, Mr. KERRY, Mr. CASEY, Mr. KENNEDY, Mr. SANDERS, Mrs. LINCOLN, Mr. HARKIN, Mr. NELSON, of Nebraska, Ms. STABENOW, and Mrs. CLINTON) submitted an amendment intended to be proposed by him 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.

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. SPECTER (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.

TEXT OF AMENDMENTS

SA 4285. 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 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 4286. 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

(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 amounts 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

through 2013; which was ordered to lie on the table; as follows:

At the end of Sec. 302, insert the following:

(b) The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would increase funding for the 21st Century Community Learning Centers program by up to $1 billion, 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 4289. Mr. SESSIONS (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 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. _____. 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 amount under section 24 of the Internal Revenue Code of 1986.

SA 4290. Mr. SESSIONS (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 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. _____. 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 the reduction of individual Federal income tax rates under section 1(i) of the Internal Revenue Code of 1986.

SA 4291. Mr. SESSIONS (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 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. _____. 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 any temporary marriage penalty relief under the Internal Revenue Code of 1986.

SA 4292. Mr. SESSIONS (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:

At the end of title III, add the following:

SEC. _____. EXCLUSION OF EXTENSION OF THE ADOPTION 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 increased limitation on the adoption tax credit under section 23 of the Internal Revenue Code of 1986.

SA 4293. Mr. SESSIONS (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:

At the end of title III, add the following:

SEC. _____. 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.

SA 4294. Mr. SESSIONS (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:

At the end of title III, add the following:

SEC. _____. EXCLUSION OF EXTENSION OF 10 PERCENT FEDERAL INCOME TAX BRACKET 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 bracket under section 1(i) of the Internal Revenue Code of 1986.

SA 4295. Mr. SESSIONS (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 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. _____. EXCLUSION OF EXTENSION OF CAPITAL GAINS AND DIVIDEND 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 reductions in the capital gains and dividend tax rates under the Internal Revenue Code of 1986.

SA 4296. Mr. SESSIONS (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 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. _____. 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 the tax relief provided 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 Increase Prevention and Reconciliation Act of 2005, and the Tax Increase Prevention Act of 2007.

SA 4297. Mr. HATCH (for himself, Mr. KENNEDY), 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 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 TRAUMATIC BRAIN INJURY.

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 provide at least $9,000,000 for fiscal year 2009 to funds traumatic brain injury programs under sections 393A, 393B, 1252, and 1253 of the Public Health Service Act, 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 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:

On page 50, between lines 9 and 10, insert the following:

SEC. _____. SENSE OF THE SENATE AGAINST LEGISLATION THAT RAISES INCOME TAX RATES FOR 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 474(c) of the Internal Revenue Code of 1986) or family farms or family ranches (within the meaning of section 2032A 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 11(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.

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 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, 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 68–32 an amendment to 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 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.

SA 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 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, addressing 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.

SA 4301. Mr. SCHUMER (for himself 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; 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 supplement 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. DEMINT, Mr. ALEXANDER, Mr. COBURN, Mr. CHAMBLISS, Mr. THUNE, Mr. ALLARD, Mr. MARTINEZ, Mr. ENZI, Mr. BARRASSO, Mr. CORKER, Mr. VITTER, Mrs. HUTCHISON, Mr. ISAKSON, Mr. ROBERTS, Mr. ENSIGN, Mr. CRAIG, Mr. GRASSLEY, Mr. BENNETT, Mr. VOINOVICH, Mr. WICKER, Mr. CRAPO, 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, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) promotes 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.

SA 4303. 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 appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR COMPREHENSIVE MEDICAL LIABILITY REFORM.

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 through 2013 or the period of the total of fiscal years 2008 through 2018.

SA 4304. 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 appropriate place, insert the following:

SEC. ___. 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 $268,000,000.

On page 3, line 12, decrease the amount by $1,538,000,000.

On page 3, line 13, decrease the amount by $17,673,000,000.

On page 3, line 14, decrease the amount by $20,049,000,000.

On page 3, line 15, decrease the amount by $40,873,000,000.

On page 3, line 20., increase the amount by $268,000,000.

On page 3, line 21, decrease the amount by $1,538,000,000.

On page 3, line 22, decrease the amount by $17,673,000,000.

On page 3, line 23, decrease the amount by $20,049,000,000.

On page 3, line 24, decrease the amount by $40,873,000,000.

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 $3,404,000.

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 $21,484,229,000.

On page 5, line 2, increase the amount by $43,870,020,000.

On page 5, line 8, decrease the amount by $271,404,000.

On page 5, line 9, increase the amount by $1,289,983,000.

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, increase the amount by $84,806,774,000.

On page 5, line 16, decrease the amount by $271,404,000.

On page 5, line 17, increase the amount by $1,289,983,000.

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 $84,806,774,000.

On page 26, line 16, decrease the amount by $3,404,000.

On page 26, line 17, decrease the amount by $3,404,000.

On page 26, line 20, increase the amount by $23,386,000.

On page 26, line 21, increase the amount by $23,386,000.

On page 26, line 24, increase the amount by $489,542,000.

On page 26, line 25, increase the amount by $489,542,000.

On page 27, line 3, increase the amount by $1,435,229,000.

On page 27, line 4, increase the amount by $1,435,229,000.

On page 27, line 7, increase the amount by $2,997,020,000.

On page 27, 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:

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 or committees, aggregates, and other levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) provide up to $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 nonimmigrants described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(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. 1153(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 new fees for the issuance of such recaptured nonimmigrant visas pursuant to such section 101(a)(15)(H)(i)(b) and of such recaptured immigrant visas pursuant to such section 203(b) that would result in the collection of an additional $750,000,000 of such fees; and

(6) establish reasonable, additional enforcement measures relating to the use of visas for nonimmigrants described in such section 101(a)(5)(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 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 $386,000,000.

On page 3, line 15, decrease the amount by $414,000,000.

On page 3, line 22, decrease the amount by $113,000,000.

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 $113,000,000.

On page 4, line 8, decrease the amount by $386,000,000.

On page 4, line 9, decrease the amount by $414,000,000.

On page 4, line 16, decrease the amount by $113,000,000.

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 $113,000,000.

On page 27, line 25, decrease the amount by $113,000,000.

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 $414,000,000.

On page 28, line 8, decrease the amount by $414,000,000.

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 violation of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)), provided that such legislation would not increase the deficit over—

(1) the 6-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. 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; which was ordered to lie on the table; as follows:

At the end of Title III, insert the following:

SEC. ___. 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 one or more bills, joint resolutions, amendments, motions, or conference reports that would enable a reduction in the corporate tax rate for entities designated as Patriot Employers because they invest in American jobs for American workers, pay each employee wages sufficient to support a family, remain neutral in employee organizing drives, prepare workers for retirement with defined benefit or adequate defined contribution plans, provide health insurance, and pay the difference between regular salary and military salary for all National Guard and Reserve employees who are called for active duty, 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 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 $15,000,000.

On page 18, line 21, increase the amount by $135,000,000.

On page 18, line 25, increase the amount by $105,000,000.

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 $15,000,000.

On page 27, line 21 decrease the amount by $135,000,000.

On page 27, line 25, decrease the amount by $105,000,000.

On page 28, line 4, decrease the amount by $45,000,000.

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 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. ___. REQUIREMENT THAT LEGISLATION BE AVAILABLE AND SCORED 7 DAYS BEFORE CONSIDERATION.

(a) IN GENERAL.—It shall not be in order to consider a bill or resolution unless the text and Congressional Budget Office budget score of the legislation are available on a subsidy accessible congressional website 7 days before such consideration.

(b) SUPERMAJORITY WAIVER AND APPEAL.—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. 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 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. ___. 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'' both places it appears and inserting ''all''.

SA 4314. 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. ___. 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 consideration the effect of the bill, the Congressional Budget Office estimates that 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 subsection (a).

(c) DETERMINATION.—For purposes of this section, the level of mandatory outlays and United States Gross Domestic Product shall

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. ___. 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 those projections that is less than its historical thirty-year average, as a percentage of the United States Gross Domestic Product and shall include such provisions as are necessary to protect Social Security and facilitate debt reduction.

(b) POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget or any conference report thereon that fails to project the gross debt to be less than its historical 30-year average, as a percentage of the United States Gross Domestic Product.

(c) 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 real GDP) for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, this section is suspended.

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

(d) 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 appellant 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.

(e) 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.

SA 4316. Mr. CORNYN (for himself, Mr. VOINOVICH, Mr. CHAMBLISS, and Mr. ISAKSON) 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. ___. RESERVE FUND FOR SUNSET COMMISSION LEGISLATION.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion or conference report that—

(1) provides for a bipartisan sunset commission that will review Federal programs, focusing on unauthorized and low-performing programs;

(2) provides for a process that will help abolish obsolete and duplicative Federal programs; and

(3) provides for improved Government accountability and greater openness in Government decisionmaking;

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. ___. 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 one or more bills, joint resolutions, amendments, motions, or conference reports 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 technology upgrades and new systems needed for effective 2-way secure communication between State and local law enforcement agencies and Federal law enforcement agencies that handle immigration matters;

(3) creates real-time information sharing between Federal, State, and local governments and law enforcement agencies who detect, apprehend, and remove undocumented criminal aliens, alien absconders, and visa overstays from the United States;

(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 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 4318. Mr. KERRY (for himself and Mr. LIEBERMAN) 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 15, line 13, increase the amount by $21,000,000.

On page 15, line 14, increase the amount by $16,000,000.

On page 15, line 18, increase the amount by $3,000,000.

On page 15, line 22, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $21,000,000.

On page 27, line 17, decrease the amount by $16,000,000.

On page 27, line 21, decrease the amount by $3,000,000.

On page 27, line 25, decrease the amount by $1,000,000.

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, decrease 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 $16,000,000.

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, increase 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 $49,000,000

On page 5, line 19, increase the amount by $52,000,000.

On page 5, line 20, increase the amount by $55,000,000.

On page 21, line 16, increase the amount by $17,000,000.

On page 21, line 17, increase the amount by $17,000,000.

On page 21, line 20, increase the amount by $16,000,000

On page 21, line 21, increase the amount by $16,000,000.

On page 21, line 24, increase the amount by $9,000,000.

On page 21, line 25, increase the amount by $9,000,000.

On page 22, line 3, increase the amount by $3,000,000.

On page 22, line 4, increase the amount by $3,000,000.

On page 22, line 7, increase the amount by $3,000,000.

On page 22, line 8, increase the amount by $3,000,000.

SA 4320. 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:

At the end of title III, add the following:

SEC. _____. DEFENDERS OF FREEDOM TAX RELIEF FUND.

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 extend for 5 years the election to treat combat pay excluded from gross income as earned income under the earned income tax credit under section 32 of the Internal Revenue Code of 1986, 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 4321. Mr. ENSIGN 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 32, between lines 3 and 4, insert the following:

(3) INAPPLICABILITY DURING DECLARATION OF WAR BY CONGRESS.—This subsection shall not apply if a declaration of war by Congress is in effect.

On page 32, strike lines 10 through 12 and insert the following:

(2) for fiscal year 2009, for the defense category, $537,669,000,000 in new budget authority, for the non-defense category, $470,813,000,000 in new budget authority, and $1,108,449,000,000 in outlays for the defense and non-defense categories combined;

SA 4322. Mr. ENSIGN 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. 202. DYNAMIC SCOREKEEPING.

(a) ESTIMATES OF THE CONGRESSIONAL BUDGET OFFICE.—In addition to any other estimates it may prepare of any proposed change in Federal revenue law, a fiscal estimate shall be prepared by the Congressional Budget Office of each such proposed change on the basis of assumptions that estimate the probable behavioral responses of personal and business taxpayers and other relevant entities to that proposed change and the dynamic macroeconomic feedback effects of that proposed change. The preceding sentence shall apply only to a proposed change that the Congressional Budget Office determines, pursuant to a static fiscal estimate, has a fiscal impact in excess of $250,000,000 in any fiscal year.

(b) DISCLOSURE OF ASSUMPTIONS.—Any report to Congress or the public made by the Congressional Budget Office that contains an estimate made under this Act of the effect that any legislation will have on revenues shall be accompanied by—

(1) a written statement fully disclosing the economic, technical, and behavioral assumptions that were made in producing that estimate, and

(2) the static fiscal estimate made with respect to the same legislation and a written statement of the economic, technical, and behavioral assumptions that were made in producing that estimate.

(c) CONTRACTING AUTHORITY.—In performing the tasks specified in this section, the Congressional Budget Office may, subject to the availability of appropriations, enter into contracts with universities or other private or public organizations to perform such estimations or to develop protocols and models for making such estimates.

SA 4323. Mr. ENSIGN 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 25, line 16, increase the amount by $229,000,000.

On page 25, line 17, increase the amount by $229,000,000.

On page 27, line 16, decrease 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, insert 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.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate 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 paragraphs (1) through (3) if the legislation—

(1) encourages States to verify the legal status of all driver's license applicants;

(2) instructs the Secretary of Transportation to withhold 10 percent of the amount apportioned for highway construction and maintenance under section 104(b) of title 23, United States Code, from States that do not verify the legal status of all driver's license applicants; and

(3) redistributes funds withheld from States under paragraph (2) to States that verify the legal status of all driver's license applicants, in the same ratio as the original apportionments under section 104(b) of title 23, United States Code.

(b) LIMITATION.—Revisions under subsection (a) may not be made unless the legislation described in subsection (a) would not increase the deficit over—

(1) the 6-year period comprised of fiscal years 2008 through 2013; or

(2) the 11-year period comprised of fiscal years 2008 through 2018.

SA 4325. Mr. ENSIGN (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:

On page 69, after line 25, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND TO ENSURE THE RIGHT OF SECRET BALLOTS.

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 ensure that every election conducted by the National Labor Relations Board is a secret-ballot election designed to protect the democratic rights of every employee, 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 4326. 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:

At the appropriate place, insert the following:

SEC. ____. POINT OF ORDER AGAINST DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL THAT DOES NOT FULLY FUND COMPLETION OF THE SOUTHERN BORDER FENCE.

(a) IN GENERAL.—It shall not be in order in 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)

of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note).

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of ⅗ 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.

SA 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 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 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 or committees, aggregates, 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 nonimmigrants described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(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. 1153(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 new fees for the issuance of such recaptured nonimmigrant visas pursuant to such section 101(a)(15)(H)(i)(b) and of such recaptured immigrant visas pursuant to such section 203(b) that would result in the collection of an additional $750,000,000 of such fees; and

(6) establish reasonable, additional enforcement measures relating to the use of visas for nonimmigrants described in such section 101(a)(5)(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 4328. 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 end of title III, add the following:

SEC. ____. RESERVE FUND FOR SOCIAL SECURITY REFORM.

If the Senate Committee on Finance reports a bill or joint resolution, or an amendment is offered thereto, or a conference report is submitted thereon, that provides changes to the Federal Old Age, Survivors, and Disability Insurance Benefits Program established under title II of the Social Security Act (42 U.S.C. 401 et seq.) by—

(1) requiring that the Federal Old Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund are to be used only to finance expenditures to provide retirement income of future beneficiaries of such program;

(2) ensuring that there is no change to current law scheduled benefits for individuals born before January 1, 1952;

(3) providing participants with the benefits of savings and investment while permitting the pre-funding of at least some portion of future benefits; and

(4) ensuring that the funds made available to finance such legislation do not exceed the amounts of the Chief Actuary of the Social Security Administration's intermediate actuarial estimates of the Federal Old Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund, as published in the most recent report of the Board of Trustees of such Trust Funds;

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 such legislation, 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 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 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 2010 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 $4,000,000.

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. ___ 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 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 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 leaders of the health insurance industry on March 3, 2008, including prohibitions on cold calling 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 up-selling of Medicare insurance products without prior consent of beneficiaries, 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 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 64, 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

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 MEDICAID ADMINISTRATIVE REGULATIONS.

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

(1) The Medicaid program provides essential health care and long-term care services to approximately 60,000,000 low-income children, pregnant women, parents, individuals with disabilities, and senior citizens. It is a Federal guarantee that ensures the most vulnerable will have access to needed medical services.

(2) Medicaid provides critical access to long-term care and other services for the elderly and individuals living 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 coinsurance, 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. Half of nonelderly women with permanent mental or physical disabilities have health coverage through Medicaid. Medicaid provides treatment for low-income women diagnosed 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 care for children in foster care and 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 2006, is not substantially higher. The system of Federal matching for State Medicaid expenditures ensures that Federal funds will grow as State spending increases in response to unmet needs, enabling Medicaid 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 relate to Federal payments to public providers, and for graduate medical education, rehabilitation services, school-based administration, school-based transportation, optional case management services.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that administrative regulations should not—

(1) undermine the role the Medicaid program plays as a critical component of the health care system of the United States;

(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 access to essential health services for low-income elderly individuals, individuals with disabilities, and children and families; or

(3) undermine the Federal guarantee of health insurance coverage Medicaid provides, which would threaten not only the health care safety net of the United States, but the entire health care system.

SA 4334. Mr. SMITH (for himself and Mrs. LINCOLN) 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 $184,000,000.

On page 18, line 17, increase the amount by $91,000,000.

On page 18, line 21, increase the amount by $86,000,000.

On page 18, line 25, increase the amount by $5,400,000.

On page 19, line 4, increase the amount by $1,000,000.

On page 27, line 16, decrease the amount by $184,000,000.

On page 27, line 17, decrease the amount by $91,000,000.

On page 27, line 21, decrease the amount by $86,000,000.

On page 27, line 25, decrease the amount by $5,400,000.

On page 28, line 4, decrease the amount by $1,000,000.

SA 4335. Mr. ENSIGN 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 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.

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, 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 ENSURE THE RIGHT OF SECRET BALLOTS.

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 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 2008 through 2018.

SA 4337. 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 end of title III, add the following:

SEC. 3_____. DEFICIT-NEUTRAL RESERVE FUND FOR ELIMINATING THE PERMANENT TARIFF AND TEMPORARY DUTY ON ETHANOL.

(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 by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that provides for the elimination of the permanent tariff on ethanol and the temporary duty on ethanol without increasing taxes.

(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 4338. 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 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 by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would make voluntary section 404(a) of the Sarbanes-Oxley Act of 2002 and the rules issued thereunder for smaller public companies.

(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 4339. 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 end of title III, add the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR PROVIDING AN ABOVE THE LINE FEDERAL INCOME TAX DEDUCTION FOR INDIVIDUALS 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 through an employer and who purchase such insurance on the private market, provided that such legislation would not increase taxes and 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 4340. 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 end of the resolution, insert the following:

SEC. ___. 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.

(3) LEGISLATION.—In this section the term ''legislation'' means a bill, joint resolution, amendment, motion, or conference report.

(b) WAIVERS AND APPEALS.—

(1) WAIVERS.—Before the Presiding Officer rules 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. 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 end of title III, add the following:

SEC. 3_____. DEFICIT-NEUTRAL RESERVE FUND FOR YUCCA MOUNTAIN NUCLEAR REPOSITORY.

(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 by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would open the Yucca Mountain Nuclear Repository and provide for the expanded use of clean, non-carbon emitting nuclear energy in the United States.

(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 4342. 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 the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR THE PREVENTION OF GOVERNMENT SHUTDOWNS.

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 establish a process for continuing appropriations to prevent Government shutdowns in any fiscal year in which an appropriations Act is not timely enacted, 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. 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 end of title III, insert the following:

SEC. ___. 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:

''SEC. ___. For deposit of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt $_____.''.

(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 authority continues to count towards the section 302(b) allocation (with the outlays scored at the same level as scored in the original account).

(c) WAIVER AND APPEAL.—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 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 subsection (a).

SA 4344. 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 the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND FOR REFORM WITHIN THE UNITED NATIONS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for reform within the United Nations, including increased accountability 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. 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 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 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, 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. _____. 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. MCCAIN, 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. 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. ___. 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 not 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 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 if that amendment 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 Houses shall be returned to the calendar until compliance with this subsection has been achieved.

(e) WAIVER.—Any Senator may move to waive any or all 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, 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 $28,000,000.

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 $28,000,000.

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 $9,334,000,000.

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 $3,720,000,000.

On page 5, line 8, increase the amount by $14,289,000,000.

On page 5, line 9, increase the amount by $23,623,000,000.

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 $3,720,000,000.

On page 5, line 16, increase the amount by $14,289,000,000.

On page 5, line 17, increase the amount by $23,623,000,000.

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 27, 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 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 27, line 16, decrease the amount by $30,000,000.
On page 27, line 17, decrease the amount by $2,700,000.
On page 27, line 20, decrease the amount by $30,000,000.
On page 27, line 21, decrease the amount by $11,400,000.
On page 27, line 24, decrease the amount by $30,000,000.
On page 27, 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. ___. DEFICIT-NEUTRAL RESERVE FUND FOR FOOD SAFETY.

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 expand the level of Food and Drug Administration and Department of Agriculture food safety inspection services, develop risk-based approaches to the inspection of domestic and imported food products, provide for infrastructure and information technology systems to enhance the safety of the food supply, expand scientific capacity and training programs, invest in improved surveillance and testing technologies, provide for foodborne illness awareness and education programs, and enhance the Food and Drug Administration's recall authority, by the amounts provided in such 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 the total of fiscal years 2008 through 2018.

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:

At the appropriate place, insert the following:

SEC. ___. 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 caretaker 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 ''[a]mong families of enlisted soldiers in the US Army with substantiated reports of child maltreatment, rates of maltreatment are greater when the soldiers are 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.

(4) 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 (050) 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. ___. 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 conferees 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.

(c) APPEALS.—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. _____. 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 the Committee on Appropriations fails to report a bill under paragraph (1) not later than 5 session days after the message is transmitted, any Member may introduce a bill implementing the rescissions proposed in that special message which shall be considered under the procedures provided in this section.

(3) LIMITATION.—Not more than 4 bills may be considered under this section in any calendar year.

(4) RESUBMITTAL REJECTED.—If Congress rejects a bill introduced under this section or if an item is stricken under subsection (d)(2), that item or any of the dollar amounts of discretionary budget authority may not be reconsidered under this section.

(5) ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.—

(A) IN GENERAL.—Upon the reporting or introduction of any bill under this subsection, the Director of the Congressional Budget Office shall prepare an estimate of the savings in budget authority or outlays resulting from the proposed rescissions in such bill.

(B) METHODOLOGY.—The estimates required by subparagraph (A) shall be made relative to the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and transmitted to the chairmen of the Committees on the Budget of the House of Representatives and Senate.

(6) ENACTMENT OF RESCISSION BILL.—

(A) DEFICIT REDUCTION.—Amounts of budget authority that are rescinded pursuant to enactment of a bill as provided under this section shall be dedicated only to deficit reduction and shall not be used as an offset for other spending increases.

(B) ADJUSTMENT OF BUDGET TARGETS.—Not later than 5 days after the date of enactment of a rescission bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise spending and revenue levels under section 311(a) of the Congressional Budget Act of 1974 and adjust the committee allocations under section 302(a) of the Congressional Budget Act of 1974 or any other adjustments as may be appropriate to reflect the rescission. The appropriate committees shall report revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974. Notwithstanding any other provision of law, the revised allocations and aggregates shall be considered to have been made under a concurrent resolution on the budget agreed to under the Congressional Budget Act of 1974 and shall be enforced under the procedures of that Act.

(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 and the House of Representatives on or before the close of the 10th day of session of that 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 in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) LIMITS ON DEBATE.—Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this subsection or to move to reconsider the vote by which the bill 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 to the procedure relating to a bill under this section shall be decided without debate.

(D) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this section, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

(3) CONSIDERATION IN THE SENATE.—

(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. A motion to proceed to consideration of the bill may be made even though a previous motion to the same effect has been disagreed to. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith, shall not exceed a total of 10 hours, equally divided and controlled in the usual form.

(C) DEBATABLE MOTIONS AND APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour from the time allotted for debate, to be equally divided and controlled in the usual form.

(D) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

(E) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

(F) CONSIDERATION OF THE HOUSE BILL.—

(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote required under paragraph (1)(C), then the Senate shall consider, and the vote under paragraph (1)(C) shall occur on, the House companion bill.

(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes, pursuant to paragraph (1)(C), on the bill introduced in the Senate, the Senate bill shall be held pending receipt of the House message on the bill. Upon receipt of the House companion bill, the House bill shall be deemed to be considered, read for the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

(4) CONFERENCE.—

(A) PROCEEDING TO CONFERENCE.—If, after a bill is agreed to in the Senate or House of Representatives, the bill has been amended, the bill shall be deemed to be at a stage of disagreement and motions to proceed to conference are deemed to be agreed to. There shall be no motions to instruct. The Senate and the House of Representatives shall appoint conferees not later than 1 day of session after the vote of the second House under paragraph (1)(C). Debate on any debatable motion in relation to the conference report shall be limited to 1 hour to be equally divided between and controlled by the mover and manager of a bill, or their designees.

(B) PERIOD OF CONSIDERATION.—A conference report on a bill considered under this section shall be reported out not later than 3 days of session after the vote of the second House under paragraph (1)(C). If the 2 Houses are unable to agree in conference, the committee on conference shall report out the text of the President's original bill.

(C) SCOPE OF CONFERENCE.—The matter committed to conference for purposes of scope of conference shall be limited to the matter stricken from the text of the bills passed by the Senate and the House of Representatives.

(D) PROCEDURE.—Debate on a conference report on any bill considered under this section shall be limited to 2 hours equally divided between the manager of the conference report and the minority leader, or his designee.

(E) 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 2nd day of session of that House after the date the conference report is submitted in that House. If the conference report is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the conference report to be transmitted to the other House before the close of the next day of session of that House.

(F) ACTION OF SECOND HOUSE.—

(i) IN GENERAL.—If the Senate has received from the House, the conference report in relation to the special message from the President, prior to the vote required under subparagraph (E), then the Senate shall consider, and the vote under subparagraph (E) shall occur on the House conference report.

(ii) PROCEDURE AFTER VOTE ON SENATE CONFERENCE REPORT.—If the Senate votes, pursuant to subparagraph (E), on the conference report in relation to the special message from the President, then immediately following that vote, or upon receipt of the House conference report, the House conference report shall be deemed to be considered, read the third time, and the vote on passage of the Senate conference report shall be considered to be the vote on the conference report received from the House.

(c) 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 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) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

(C) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates obligations from or within accounts, programs, projects, or activities for which budget authority or an obligation limitation is provided in an appropriation law;

(D) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

(E) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates obligations from accounts, programs, projects, or activities for which dollar amount of discretionary budget authority or an obligation limitation is provided in an appropriation law.

(5) RESCIND OR RESCISSION.—The term ''rescind'' or ''rescission'' means to reduce or repeal a provision of law to prevent that budget authority or obligation limitation from having legal force or effect.

(e) EFFECTIVE DATE AND EXPIRATION.—

(1) EFFECTIVE DATE.—This section shall—

(A) take effect on the date of adoption of this resolution; and

(B) apply to any dollar amount of discretionary budget authority provided in an Act enacted on or after the date of adoption of this resolution.

(2) EXPIRATION.—This section shall expire on December 31, 2011.

SA 4356. 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.____. 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 1 of the 3 following periods:

(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 in the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term ''direct-spending legislation'' means any bill, joint resolution, amendment, motion, or conference report 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.

(4) EXCLUSION.—For purposes of this subsection, the terms ''direct-spending legislation'' and ''revenue legislation'' do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment 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 revenues or direct 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 on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause 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 enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(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.

(c) 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 controlled by, the appellant 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 section.

(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 the Budget of the Senate.

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

(f) REPEAL.—In the Senate, subsection (a) through (d) of section 201 of S. Con. Res. 21 (110th Congress) 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:

On page 30 after line 23 insert the following:

SEC. . POINT OF ORDER—20% LIMIT ON NEW DIRECT SPENDING IN RECONCILIATION LEGISLATION.

(a) (1) 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 outlays, if—

(A) the effect of all the provisions in the jurisdiction of any committee is to create gross new direct spending that exceeds 20% of the total savings instruction to the committee; or

(B) the effect of the adoption of an amendment would result in gross new direct spending that exceeds 20% of the total savings instruction to the committee.

(2)(A) A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(B) Paragraph (1) 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 paragraph (1).

(C) If a point of order is sustained under paragraph (1) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

SA 4358. 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. . SENATE POINT OF ORDER AGAINST SPENDING RECONCILIATION DIRECTIVES THAT DO NOT PROVIDE FOR DE MINIMIS AMOUNT IN SAVINGS.

(a) IN GENERAL.—It shall not be in order in the Senate to consider 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 0.5% of on-budget mandatory outlays, excluding net interest, over the budget resolution budget window.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE—

(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. ___. POINT OF ORDER AGAINST TAX INCREASE MEASURES.

(a) In the Senate, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report 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 11(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 to any bill, joint 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, to be equally divided 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. ___. 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 areas where at least two Medicare Advantage plan has a provider network in place, address issues related to Private Fee-For-Service plans sponsored by employers, require Private Fee-for-Service and Special Needs Plans to report appropriate quality measures, or make other such reforms that improve the quality and integrity of the Medicare Advantage program, while promoting accurate information for Medicare beneficiaries about Medicare Advantage, 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 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, 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 21, line 16, increase the amount by $1,000,000.

On page 21, 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 4362. Mr. WHITEHOUSE 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 ESTABLISHING A COMMISSION TO CALCULATE THE PORTION OF THE NATIONAL DEBT THAT HAS RESULTED FROM PRESIDENT BUSH'S FISCAL AND ECONOMIC POLICIES AND TO RECOMMEND EQUITABLE METHODS FOR PAYING DOWN THAT PORTION OF THE NATIONAL DEBT.

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 establish a commission to calculate and study the portion of the national debt that resulted from President George W. Bush's fiscal and economic 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 $13,000,000.

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. ___. 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 such program under section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(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. 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 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;

(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 (Public Law 109–58; 119 Stat. 594) for any taxable 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 Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) for a fiscal year is sufficient to provide to all States the maximum amount of grants the States are eligible to receive under section 611(a)(2) of such Act (20 U.S.C. 1411(a)(2)) for such fiscal year.

(b) LIMITATION.—The point of order described in subsection (a) shall not apply with respect to legislation containing an authorization for a Federal elementary or secondary education program that was in existence on the date of adoption of this resolution.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—Subsection (a) may be waived or suspended only by the affirmative vote of three fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three fifths of the Members, 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 4367. Mr. GRAHAM 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. _____. POINT OF ORDER AGAINST ANY LEGISLATION UNTIL OUR TROOPS ARE SUPPORTED.

(a) IN GENERAL.—

(1) POINT OF ORDER.—For fiscal years 2008 and 2009, it shall not be in order in the Senate to consider any bill, resolution, amendment, amendment between Houses, motion, or conference report after the last day of May of the current fiscal year, unless a supplemental appropriations bill that fully funds the Armed Forces of the United States deployed for Operation Iraqi Freedom or operation Enduring Freedom is passed by the Senate.

(2) DEFINITION.—In this subsection, the term ''supplemental appropriations'' shall mean any bill, amendment, amendment between house, or provision that provides emergency supplemental funding for the Departments of Defense, State, and Homeland Security.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(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.

SA 4368. 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 through 2013; as follows:

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.

SA 4369. Mr. COBURN 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. ___. POINT OF ORDER AGAINST LEGISLATION CONTAINING NON-TRANSPARENT EARMARKS.

(a) IN GENERAL.—

(1) POINT OF ORDER.— Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, conference report, or message between Houses if such legislation or its accompanying report language or joint explanatory statement provides or recommends funding for a congressionally directed spending item, limited tax benefit, or a limited tariff benefit.

(2) DEFINITION.—In this section, the terms ''congressionally directed spending item'', ''limited tax benefit'', and ''limited tariff benefit'' shall have the same meanings as in rule XLIV of the Standing Rules of the Senate.

(b) EXCEPTIONS.—Congressionally directed spending items, limited tax benefits, or limited tariff benefits, may be provided or recommended if the following items are disclosed on the Internet in a searchable format next to each congressionally directed spending item, limited tax benefit, or limited tariff benefit at least 48 hours prior to the consideration of legislation containing such congressionally directed spending items, limited tax benefits, or limited tariff benefits—

(1) the names and addresses of the intended recipients of requested congressionally directed spending items, limited tax benefits, or limited tariff benefits;

(2) all Federal campaign contributions in each of the previous 2 years received by the official campaign or political action committees of the Senator who requested the congressionally directed spending item, limited tax benefit, or limited tariff benefit from the employees, executives, board members, and trustees of the following—

(A) the intended recipient of each requested congressionally directed spending item, limited tax benefit, or limited tariff benefit; and

(B) any organization hired to lobby for Federal funding for the intended recipient of each requested congressionally directed spending item, limited tax benefit, or limited tariff benefit;

(3) whether the Senator or the immediate family (son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister), staff, or immediate family (son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister) of the staff of the Senator who requested the congressionally directed spending items, limited tax benefits, or limited tariff benefits can be reasonably expected to benefit financially from the enactment of each requested congressionally directed spending item, limited tax benefit, or limited tariff benefit.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—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.

(2) APPEAL.—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 subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

SA 4370. Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. CARDIN, Mr. OBAMA, Mr. PRYOR, Ms. COLLINS, Mr. DODD, Mr. LEVIN, Mr. KERRY, Mr. CASEY, Mr. KENNEDY, Mr. SANDERS, Mrs. LINCOLN, Mr. HARKIN, Mr. NELSON of Nebraska, Ms. STABENOW, 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; which was ordered to lie on the table; as follows:

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 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 retirement savings, can obtain the assistance 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, 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. ____. 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-third 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:

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 $62,930,000,000.

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 $40,563,000,000.

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:

On page 69, after line 25, add the following:

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR STUDYING THE EFFECT OF COOPERATION WITH LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—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 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;

(2) changes in the number of reported incidents or complaints of racial profiling; or

(3) wrongful detention of United States Citizens and Lawful Permanent Residents.

(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.

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:

SEC.___. DEFICIT NEUTRAL RESERVE FUND FOR TOUGHER INSPECTION OF IMPORTED SEAFOOD AND TO ENFORCE OF OUR TRADE LAWS SHRIMP, CRAWFISH, AND OTHER SEAFOOD.

(a) IN GENERAL.—Subject to subsection (b), 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—

(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 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 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 communities 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 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 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 Kendrick 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; as follows:

On page 68, line 4, insert '', and through reducing barriers to cafeteria plans'' after ''consumer protections''.

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 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 Senate Committee on the Budget may revise allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would apply the provisions of the Freedom of Access to Clinic Entrances (FACE) Act to military recruitment centers.

(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 fiscal years 2008 through 2018.

SA 4378. Ms. LANDRIEU 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:

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 $4,297,000,000.

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 3, line 24, decrease the amount by $1,030,000,000.

On page 4, line 6, decrease the amount by $91,000,000.

On page 4, line 7, decrease the amount by $180,000,000.

On page 4, line 8, decrease the amount by $114,000,000.

On page 4, line 9, decrease the amount by $35,000,000.

On page 4, line 15, decrease the amount by $91,000,000.

On page 4, line 16, decrease the amount by $180,000,000.

On page 4, line 17, decrease the amount by $114,000,000.

On page 4, line 18, decrease the amount by $35,000,000.

On page 4, line 24, decrease the amount by $4,388,000,000.

On page 4, line 25, increase the amount by $475,000,000.

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 $387,000,000.

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 $387,000,000.

On page 26, line 20, decrease the amount by $91,000,000.

On page 26, line 21, decrease the amount by $91,000,000.

On page 26, line 24, decrease the amount by $180,000,000.

On page 26, line 25, decrease the amount by $180,000,000.

On page 27, line 3, decrease the amount by $114,000,000.

On page 27, line 4, decrease the amount by $114,000,000.

On page 27, line 7, decrease the amount by $35,000,000.

On page 27, line 8, decrease the amount by $35,000,000.

SA 4379. Mrs. BOXER submitted an amendment intended to be proposed by herm 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 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 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 end of title III, insert the following:

SEC. ____. RESERVE FUND FOR BERKELEY RESCISSIONS 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 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.

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, Tennessee, 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. 2262, to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes; S. 2329 and H.R. 2627, 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 resources 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 10 a.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 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 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 a.m. in 215 Dirksen Senate Office Building, to hear testimony on ''Customs Reauthorization: Strengthening U.S. Economic Interests and Security''.

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 10:15 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:

S. 1810, Prenatally and Postnatally Diagnosed Conditions Awareness Act; S. 999, Stroke Treatment and Ongoing Prevention Act of 2007; S. 1760, Healthy Start Reauthorization Act of 2007; H.R. 20, Melanie Blocker-Stokes Postpartum Depression Research and Care Act; and S. 1042, Consistency, Accuracy, Responsibility, and Excellence in Medical Imaging and Radiation Therapy Act of 2007:

Nominations:

National Board for Education Sciences: Jonathan Baron; Frank Handy; Sally Shaywitz.

National Foundation on the Arts and Humanities: Jamsheed Choksy; Gary Glenn; David Hertz; Marvin Scott; Carol Swain.

National Museum and Library Science Board: Julia Bland; Jan

Cellucci; William Hagenah; Mark Herring.

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 [Durbin, Schumer, Whitehouse, Biden, Feinstein]; S. 2133, Home Owners ''Mortgage and Equity Savings Act'' [Specter, Coleman]; S. 2041, False Claims Act Correction Act of 2007 [Grassley, Durbin, Leahy, Specter, Whitehouse]; S. 2533, State Secrets Protection Act [Kennedy, Specter, Leahy, Feingold, Whitehouse]; and S. 702, State Court Interpreter Grant Program Act [Kohl, Kennedy, Durbin, Biden, Cardin, Leahy].

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 SECRECY—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:

Protocol Amending 1980 Tax Convention with Canada (Treaty Document No. 110–15).

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 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 certain entities that are considered fiscally transparent, and former U.S. citizens 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.

THE WHITE HOUSE, *March 13, 2008*.

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 the Senate proceed to H. Con. Res. 316, the adjournment resolution.

The PRESIDING OFFICER. 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.

SEC. 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 Ellis 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 concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 71

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE 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.

CONGRATULATING X PRIZE FOUNDATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 486.

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

The legislative clerk read as follows:

A resolution (S. Res. 486) congratulating 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.

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

Mr. BINGAMAN. Mr. President, I am pleased to submit today, on behalf of Senator LUGAR, Senator STABENOW, Senator DOMENICI and others, a resolution recognizing an exciting private-sector effort to encourage breakthrough technology in fuel economy. This effort, patterned on the Ansari X-prize competition that led to the development of spacecraft that is likely to make commercial space travel a reality, seeks to apply the same competitive spirit among the best minds in the United States to the pernicious problem of our outsized dependence on foreign oil.

The competition will launch at the upcoming New York Auto Show and sets an ambitious goal for claiming the prize; the winning entrant must produce a commercially viable vehicle that gets at least 100 miles per gallon fuel efficiency over a series of road trials meant to simulate real world driving conditions. It should be an exciting competition, and it is certainly a worthy goal. I wish them the best of luck and look forward to seeing the innovations they inspire.

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, and any statements be printed in the RECORD.

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

The resolution (S. Res. 486) 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: 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 innovation and 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.

NATIONAL REHABILITATION COUNSELORS APPRECIATION DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 487.

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

The legislative clerk read as follows:

A resolution (S. Res. 487) designating March 22, 2008, as National Rehabilitation Counselors Appreciation Day.

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:

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 and Educators Association (RCEA), 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 (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;

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 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 S. Res. 488.

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

The legislative clerk read as follows:

A resolution (S. Res. 488) designating the week beginning March 16, 2008 as ''National Safe Place Week.''

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, the motions to reconsider be laid on the table, and

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 neighborhood 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 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.

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.

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

Mr. REID. I ask unanimous consent that the resolution be and preamble be agreed to bloc, the motions to reconsider be laid on the table en bloc, and that any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 489) was agreed to.

The preamble was agreed to.

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 cultures;

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 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, 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 commitment to community and fact-based journalism with several initiatives including the Local News Initiative, a national 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 observations, 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 exists 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.

RELATING TO THE DEATH OF FORMER SENATOR HOWARD METZENBAUM

Mr. REID. I now ask unanimous consent that the Senate proceed to S. Res. 485 relating to the death of former Senator Howard Metzenbaum.

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

The legislative clerk read as follows:

A resolution (S. Res. 485) relative to the death of Howard Metzenbaum, former United States Senator from the State of Ohio.

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 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.

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 assistant 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.

APPOINTMENTS AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent 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.

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 teed 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 to confirm 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.

John S. Bresland, 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. 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.

NUCLEAR REGULATORY COMMISSION

Kristine L. Svinicki, of Virginia, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 2012.

Gregory B. Jaczko, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission for a term of five years expiring June 30, 2013.

REFORM BOARD (AMTRAK)

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 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, 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.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

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.

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. Grieco, 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 Scobey, 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 Hawe, of Washington, to be United States Marshal for the Western District of Washington for the term of four year.

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

Maj. Gen. Allen G. Peck

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. John T. Sheridan

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

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 lieutenant general

Maj. Gen. Kathleen M. Gainey

IN THE MARINE CORPS

The following named officer for appointment as the Assistant Commandant of the Marine Corps and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5044:

To be general

Lt. Gen. James F. Amos

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

Rear Adm. Derwood C. Curtis

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) William R. Burke
Rear Adm. (lh) Mark H. Buzby
Rear Adm. (lh) Philip H. Cullom
Rear Adm. (lh) Mark I. Fox
Rear Adm. (lh) Timothy M. Giardina
Rear Adm. (lh) Robert S. Harward, Jr.
Rear Adm. (lh) William H. Hilarides
Rear Adm. (lh) Daniel Holloway
Rear Adm. (lh) Douglas J. McAneny
Rear Adm. (lh) John W. Miller
Rear Adm. (lh) Michael S. O'Bryan
Rear Adm. (lh) Frank C. Pandolfe
Rear Adm. (lh) David L. Philman
Rear Adm. (lh) Brian C. Prindle
Rear Adm. (lh) Donald P. Quinn
Rear Adm. (lh) Walter M. Skinner
Rear Adm. (lh) 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 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.

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 he an assistant Secretary of Health and Human Services.

INSTITUTE OF MUSEUM AND LIBRARY 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.

NATIONAL BOARD FOR EDUCATION SCIENCES

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.

DEPARTMENT 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 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

Vice Adm. Robert J. Papp

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, 2013.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1389 AIR FORCE nomination of Andre G. Sarmiento, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1390 AIR FORCE nomination of Rickey J. Reynolds, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1391 AIR FORCE nomination of Daniel E. Bates, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1392 AIR FORCE nominations (2) beginning JEFFREY D. LEWIS, and ending ROBERT J. LOVE, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1393 AIR FORCE nominations (3) beginning Austin B. Dosh, and ending JOSHUA M. SILL, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1394 AIR FORCE nominations (3) beginning GERALD B. WHISLER III, and ending SAMUEL R. WETHERILL which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1435 AIR FORCE nominations (34) beginning FRANK W. ALLARA JR., and ending JOHN M. YACCINO, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2008.

PN1436 AIR FORCE nominations (60) beginning JOHN R. ANDRUS, and ending RANDALL C. ZERNZACH, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2008.

PN1437 AIR FORCE nominations (22) beginning KATHRYN L. AASEN, and ending RICHARD D. TOWNSEND, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2008.

PN1438 AIR FORCE nominations (132) beginning ZENEN T. ALPUERTO, and ending DUSTIN ZIEROLD, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2008.

PN1439 AIR FORCE nominations (56) beginning LENNY W. ARIAS, and ending MICHAEL K. TOWNSEND, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2008.

PN1440 AIR FORCE nominations (296) beginning WESLEY M. ABADIE, and ending SCOTT A. ZAKALUZNY, which nominations were received by the Senate and appeared in the Congressional Record of March 3, 2008.

IN THE ARMY

PN1289 ARMY nomination of Samuel H. Williams, which was received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1290 ARMY nomination of Michael R. Brooks, which was received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1291 ARMY nomination of James E. Davis, which was received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1292 ARMY nomination of Michael G. Ryder, which was received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1295 ARMY nominations (51) beginning NICOLAS AGUILAR, and ending D060541, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1296 ARMY nominations (144) beginning DOREENE R. AGUAYO, and ending GEORGE J. ZECKLER, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1297 ARMY nominations (84) beginning ROY W. ALABRAN, and ending JOHN T. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1298 ARMY nominations (21) beginning KRISTIN E. AGRESTA, and ending MICHELLE THOMPSON, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1368 ARMY nomination of Richard E. Michael, which was received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1369 ARMY nomination of Michael E. McCowan, which was received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1370 ARMY nomination of Michael F. Szymaniak, which was received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1371 ARMY nomination of Barbara T. Embry, which was received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1372 ARMY nominations (2) beginning JOSE A. ACOSTAHERNANDEZ, and ending MARY E. CAPOCCIONI, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1395 ARMY nomination of Llena C. Caldwell, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1396 ARMY nomination of Deanna L. Reiber, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1397 ARMY nomination of Christopher D. Yao, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1398 ARMY nomination of Michael L. Mansi, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1399 ARMY nomination of Marc Ferraro, 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. PERLIK, and ending KEITH MOORE, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1402 ARMY nominations (4) beginning MARC C. HENDLER, and ending JAMES D. TOWNSEND, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1403 ARMY nominations (4) beginning JAMES H. KELLY, and ending KRISTINE R. SAUNDERS, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1404 ARMY nominations (3) beginning ALLYSON A. PETERSON, and ending BRIAN E. PREHN, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1405 ARMY nominations (2) beginning LARRY W. AKE, and ending PATRICK S. CARSON, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1406 ARMY nominations (3) beginning GARY L. GROSS, and ending PETER M. TAN, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1407 ARMY nominations (11) beginning HAROLD L. CAMPBELL JR., and ending KENNETH P. STORZ, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1408 ARMY nominations (73) beginning MAGDALENA A. ACEVEDO, and ending CORY J. YOUNG, 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 (18) beginning Allan P. Mustard, and ending Kevin N. Smith, 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 JULIAN D. ALFORD, and ending PHILIP J. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1299 MARINE CORPS nominations (344) beginning BAMIDELE J. ABOGUNRIN, and ending JAY K. ZOLLMANN, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1300 MARINE CORPS nominations (856) beginning BERCH H. ABBOTT, and ending MARK D. ZIMMER, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1373 MARINE CORPS nomination of Phillip J. Woodward, which was received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1374 MARINE CORPS nominations (3) beginning JEFFREY S. CLEMONS, and ending ANTHONY J. GIOVENCO JR., which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1375 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.

PN1376 MARINE CORPS nominations (4) beginning DONALD F. CARTER JR., and ending JAMES R. TOWNEY, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1377 MARINE CORPS nominations (2) beginning CHRISTOPHER J. COX, and ending DOUGLAS M. TAYLOR, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1378 MARINE CORPS nominations (5) beginning ROBERT A. DILL, and ending EDWARD T. SEIFERT, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1379 MARINE CORPS nominations (5) beginning BILLY A. DUBOSE, and ending MARK A. MITCHELL, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1380 MARINE CORPS nominations (10) beginning STEPHEN M. BREEN, and ending RAYMOND J. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1381 MARINE CORPS nominations (108) beginning ROBERT S. ADAMS, and ending JOHN G. ZUPPAN, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1409 MARINE CORPS nomination of Patrick T. Grosso, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1410 MARINE CORPS nomination of James D. McCoy, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1411 MARINE CORPS nomination of Walter C. Murphy Jr., which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1412 MARINE CORPS nomination of Donald L. Bohannon, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1413 MARINE CORPS nomination of Charles B. Spencer, which was received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1414 MARINE CORPS nominations (2) beginning JOHN G. OLIVER, and ending ROGER W. SCAMBLER, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1415 MARINE CORPS nominations (2) beginning MARK F. BIRK, and ending KENNETH L. KELSAY, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1416 MARINE CORPS nominations (2) beginning CHRISTOPHER J. AMBS, and ending TODD E. KUNST, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1417 MARINE CORPS nominations (2) beginning TIM J. SCHROEDER, and ending JOSEPH G. SINESE, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1418 MARINE CORPS nominations (2) beginning RICHARD D. HARDIN, and ending GEORGE M. SEXTON, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1419 MARINE CORPS nominations (2) beginning ROY E. LAWRENCE, and ending DANIEL R. WESTPHAL, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1420 MARINE CORPS nominations (2) beginning PETER D. CHARBONEAU, and ending STEVEN R. FREDEEN, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1421 MARINE CORPS nominations (3) beginning SAL L. LEBLANC, and ending KEVIN R. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1422 MARINE CORPS nominations (3) beginning ROBERT F. EMMINGER, and ending MICHAEL G. MARCHAND, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1423 MARINE CORPS nominations (8) beginning CHRISTOPHER F. BERGERON, and ending MARK B. WINDHAM, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN1453 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (16) beginning Bennie N. Johnson, and ending Faith C. Opatrny, which nominations were received by the Senate and appeared in the Congressional Record of March 5, 2008.

IN THE NAVY

PN1301 NAVY nomination of Roderick A. Bache, which was received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1424 NAVY nominations (5) beginning JEFFREY H. NARD, and ending DANIEL J. TRUEBA JR., which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1425 NAVY nominations (4) beginning ANDREW S. LOMAX, and ending RUPERT L. HUSSEY, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1426 NAVY nominations (7) beginning DAVID R. COUGHLIN, and ending TIMOTHY S. STYLES, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1427 NAVY nominations (45) beginning MICHAEL D. T. EDWARDS, and ending CHAD D. WEST, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2008.

PN1441 NAVY nomination of Keith L. Ferguson, which was received by the Senate and appeared in the Congressional Record of March 3, 2008.

Mr. LEAHY. Mr. President, in the time before the 2-week Easter recess, we continue to make progress in filling high level vacancies at the Department of Justice. Today, the Senate will confirm three nominations to important positions at the Department, including nominations of David Hagy to be Director of the National Institute of Justice; Ondray Harris to be Director of the Community Relations Service; and William Joseph Hawe to be U.S. Marshal for the Western District of Washington.

I thank Senator CARDIN for chairing the hearing on these nominations. We continued our work in connection with high-ranking Department of Justice nominees earlier this week when Senator KENNEDY chaired our hearing on the nomination of Grace Chung Becker to be Assistant Attorney General in charge of the Civil Rights Division. 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 on executive nominations, 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 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 among those from 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 resignations of the Attorney General 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 others. Of course those 5 months 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 a new Attorney General, a new Deputy Attorney General, 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 confirmed.

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.

It is vital that we 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 begin to repair the damage this administration 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 on detainees 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 to 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 instead of Senate-confirmed, presidentially appointed U.S. attorneys. For more than a year I have been talking publicly about the need to name U.S. Attorneys to fill these vacancies to no avail.

I was 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. I wish the President would put aside his partisan playbook and work with us to address the priorities of ordinary Americans.

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 action, without regard to political considerations—not one that develops legalistic loopholes to serve the ends of a particular administration.

I congratulate the nominees and their families on their confirmations today.

NOMINATION OF KRISTINE SVINICKI

Mr. WARNER. Mr. President, I rise today to express my great pleasure with the Senate confirmation of Kristine Svinicki to serve as a Commissioner of the Nuclear Regulatory Commission.

As you may know, Ms. Svinicki is both a longtime resident of my State, and a staff member on the Senate Armed Services Committee, which I have had the privilege to serve on for over 28 years.

During her time with the Senate Armed Services Committee, Ms. Svinicki served with distinction, immersing herself in nuclear energy matters. Her tireless efforts proved invaluable in our committee's work, and her service has been appreciated by not only me but by the other members of the Armed Services Committee—on both sides of the aisle.

It is not well known in some quarters, but the Armed Services Committee has jurisdiction over approximately two-thirds of the Department of Energy—including the very sizable nuclear weapons production sites and laboratory complex, as well as the extensive environmental program to clean up the legacy of nuclear contamination created during the Cold War. These are the programs which I hired Kristine to staff.

With her extensive background and experience in nuclear matters both at the Department of Energy, where she worked prior to joining the Armed Services Committee, and subsequently in her work here in the Senate, Ms. Svinicki is uniquely poised to take on this next challenge.

It is my sincere belief that Kristine Svinicki will be a favorable addition to the Nuclear Regulatory Commission, and I am pleased the full Senate agrees. I appreciate the overwhelming support given to her by this body, and I know she will do all in her power to honor the trust placed in her by the President, the Senate, and the American people.

Mr. REID. Mr. President, these have been approved; is that right?

Mr. BROWN. They have been.

Mr. REID. 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. REID. Mr. President, just to show that we are trying to work with the President's Chief of Staff, as I indicated earlier, we put this in. Even though it wasn't part of the original agreement I had with Mr. Bolten, we added Doug Shuma, Commissioner of the Internal Revenue Service—I am looking for Mr. Sullivan—and John J. Sullivan, Deputy Secretary of Commerce. So we have worked hard to live up to our end of the bargain. I hope when we come back after the break, we can do more. I have indicated to the distinguished Republican leader and to Mr. Bolton, if things work out right and we are able to work together, there should be some judges we can approve when we come back.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. REID. Mr. President, everyone has worked long and hard tonight. I appreciate everyone's patience and cooperation.

I ask unanimous consent that notwithstanding the Senate's recess, committees be authorized to report legislative and executive matters on March 27 from 10 a.m. to 12 noon.

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

THANKS TO STAFF

Mr. REID. Mr. President, everyone has expressed appreciation to a lot of people, but the people in front of the Presiding Officer have been here all day, all night, and now it is morning time. They get very little recognition or attention, but on behalf of the whole Senate, we really appreciate all of your work. We have pages who have been here since early this morning. I would like to express my appreciation to the wonderful floor staff we have, especially someone whom I couldn't do the work without, Lula Davis, who does such great work for the majority, and Dave Schiappa, who is really—even though he looks out, sometimes, a little too much for the minority, he is a pleasant person to work with and is always very fair and understanding of our issues. So I appreciate the work he and Lula do, the work they do together.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 p.m. on Tuesday, March 18, for a pro forma session only, with no business conducted; that the Senate recess until 11 a.m. Friday, March 21, for a pro forma session only, with no business conducted; that the Senate recess until 10 a.m. Monday, March 24, for a pro forma session only, with no business conducted; that the Senate recess until 9 a.m, Thursday, March 27, for a pro forma session only, with no business conducted; that the Senate recess until 2 p.m. Monday, March 31; that following the prayer and the pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

RECESS UNTIL TUESDAY, MARCH 18, 2008

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order as a mark of further respect to the memory of Howard Metzenbaum, late a former Senator from the State of Ohio.

There being no objection, the Senate, at 2:36 a.m., recessed until Tuesday, March 18, 2008, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate:

ENVIRONMENTAL PROTECTION AGENCY

DAVID R. HILL, OF MISSOURI, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE ROGER ROMULUS MARTELLA, JR.

DEPARTMENT OF STATE

BARBARA MCCONNELL BARRETT, OF ARIZONA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FINLAND.

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.

THE JUDICIARY

G. STEVEN AGEE, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE J. MICHAEL LUTTIG, RESIGNED.

IN THE AIR FORCE

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 major general

COL. KIMBERLY A. SINISCALCHI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL C. D. ALSTON
BRIGADIER GENERAL BROOKS L. BASH
BRIGADIER GENERAL MICHAEL J. BASLA
BRIGADIER GENERAL PAUL F. CAPASSO
BRIGADIER GENERAL FLOYD L. CARPENTER
BRIGADIER GENERAL DAVID J. EICHHORN
BRIGADIER GENERAL GREGORY A. FEEST
BRIGADIER GENERAL BURTON M. FIELD
BRIGADIER GENERAL RANDAL D. FULLHART
BRIGADIER GENERAL BRADLEY A. HEITHOLD
BRIGADIER GENERAL RALPH J. JODICE II
BRIGADIER GENERAL DUANE A. JONES
BRIGADIER GENERAL FRANK J. KISNER
BRIGADIER GENERAL JAY H. LINDELL
BRIGADIER GENERAL DARREN W. MCDEW
BRIGADIER GENERAL CHRISTOPHER D. MILLER
BRIGADIER GENERAL HAROLD W. MOULTON II
BRIGADIER GENERAL STEPHEN P. MUELLER
BRIGADIER GENERAL ELLEN M. PAWLIKOWSKI
BRIGADIER GENERAL PAUL G. SCHAFER
BRIGADIER GENERAL STEPHEN D. SCHMIDT
BRIGADIER GENERAL MICHAEL A. SNODGRASS
BRIGADIER GENERAL MARK S. SOLO

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN M. PAXTON, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE 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

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RICHARD F. NATONSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE 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. 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 CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

TENNESSEE VALLEY AUTHORITY

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.

NUCLEAR REGULATORY COMMISSION

KRISTINE L. SVINICKI, OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2012.

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.

REFORM BOARD (AMTRAK)

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.

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.

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.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

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.

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. GRIECO, 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 SCOBEY, 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.

DEPARTMENT OF THE TREASURY

DOUGLAS H. SHULMAN, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER OF INTERNAL REVENUE FOR THE 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 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 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.

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 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.

NATIONAL BOARD FOR EDUCATION SCIENCES

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.

DEPARTMENT 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 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

VICE ADM. ROBERT J. PAPP

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. DAVID P. PEKOSKE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO SERVE AS THE DIRECCTOR 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, 2013.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

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.

DEPARTMENT OF JUSTICE

WILLIAM JOSEPH HAWE, OF WASHINGTON, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE 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 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

MAJ. GEN. ALLEN G. PECK

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. JOHN T. SHERIDAN

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

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 lieutenant general

MAJ. GEN. KATHLEEN M. GAINEY

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE ASSISTANT COMMANDANT OF THE MARINE CORPS AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5044:

To be general

LT. GEN. JAMES F. AMOS

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

REAR ADM. DERWOOD C. CURTIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) WILLIAM R. BURKE
REAR ADM. (LH) MARK H. BUZBY
REAR ADM. (LH) PHILIP H. CULLOM
REAR ADM. (LH) MARK I. FOX
REAR ADM. (LH) TIMOTHY M. GIARDINA
REAR ADM. (LH) ROBERT S. HARWARD, JR.
REAR ADM. (LH) WILLIAM H. HILARIDES
REAR ADM. (LH) DANIEL HOLLOWAY
REAR ADM. (LH) DOUGLAS J. MCANENY
REAR ADM. (LH) JOHN W. MILLER
REAR ADM. (LH) MICHAEL S. O'BRYAN
REAR ADM. (LH) FRANK C. PANDOLFE
REAR ADM. (LH) DAVID L. PHILMAN
REAR ADM. (LH) BRIAN C. PRINDLE
REAR ADM. (LH) DONALD P. QUINN
REAR ADM. (LH) WALTER M. SKINNER
REAR ADM. (LH) JAMES P. WISECUP

IN THE AIR FORCE

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 JEFFREY 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. SILL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH GERALD B. WHISLER 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. YACCINO, 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. ZERNZACH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 3, 2008.

AIR FORCE 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. ALPUERTO 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.

AIR FORCE 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.

IN THE ARMY

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. AGUAYO 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. SZYMANIAK, TO BE MAJOR.

ARMY NOMINATION OF BARBARA T. EMBRY, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH JOSE A. ACOSTAHERNANDEZ 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 LLENA 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 JAMES H. KELLY AND ENDING WITH KRISTINE R. SAUNDERS, 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.

ARMY NOMINATIONS BEGINNING WITH HAROLD L. CAMPBELL, JR. AND ENDING WITH KENNETH P. STORZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

ARMY NOMINATIONS BEGINNING WITH MAGDALENA A. ACEVEDO AND ENDING WITH CORY J. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

IN THE COAST GUARD

COAST GUARD NOMINATION OF KIMBERLY J. AVSEC, TO BE LIEUTENANT COMMANDER.

COAST GUARD NOMINATIONS BEGINNING WITH ANTHONY K. PALMER AND ENDING WITH PATRICK J. ST. JOHN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

FOREIGN SERVICE

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.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH JULIAN D. ALFORD AND ENDING WITH PHILIP J. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH BAMIDELE J. ABOGUNRIN AND ENDING WITH JAY K. ZOLLMANN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH BERCH H. ABBOTT AND ENDING WITH MARK D. ZIMMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2008.

MARINE CORPS NOMINATION OF PHILLIP J. WOODWARD, TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH JEFFREY S. CLEMONS AND ENDING WITH ANTHONY J. GIOVENCO, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH BRIAN J. CORRIS AND ENDING WITH LARRY MIYAMOTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH DONALD F. CARTER, JR. AND ENDING WITH JAMES R. TOWNEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH CHRISTOPHER J. COX AND ENDING WITH DOUGLAS M. TAYLOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH ROBERT 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.

MARINE CORPS NOMINATIONS BEGINNING WITH BILLY A. DUBOSE AND ENDING WITH MARK A. MITCHELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH STEPHEN M. BREEN AND ENDING WITH RAYMOND J. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH ROBERT S. ADAMS AND ENDING WITH JOHN G. ZUPPAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2008.

MARINE CORPS NOMINATION OF PATRICK T. GROSSO, TO BE MAJOR.

MARINE CORPS NOMINATION OF JAMES D. MCCOY, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF WALTER C. MURPHY, JR., TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF DONALD L. BOHANNON, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF CHARLES B. SPENCER, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATIONS BEGINNING WITH JOHN G. OLIVER AND ENDING WITH ROGER W. SCAMBLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH MARK F. BIRK AND ENDING WITH KENNETH L. KELSAY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH CHRISTOPHER J. AMBS AND ENDING WITH TODD E. KUNST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH TIM J. SCHROEDER AND ENDING WITH JOSEPH G. SINESE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH RICHARD D. HARDIN AND ENDING WITH GEORGE M. SEXTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH ROY E. LAWRENCE AND ENDING WITH DANIEL R. WESTPHAL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH PETER D. CHARBONEAU AND ENDING WITH STEVEN R. FREDEEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH SAL L. LEBLANC AND ENDING WITH KEVIN R. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH ROBERT F. EMMINGER AND ENDING WITH MICHAEL G. MARCHAND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH CHRISTOPHER F. BERGERON AND ENDING WITH MARK B. WINDHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2008.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND 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.

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 NOMINATIONS BEGINNING WITH MICHAEL D. T. EDWARDS AND ENDING WITH CHAD D. WEST, 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.

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. HOLMSTEAD, RESIGNED, WHICH WAS SENT TO THE SENATE ON DECEMBER 3, 2007.