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Senate

(Legislative day of Thursday, March 13, 2008)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, Sovereign Lord of all, help our Senators to remember today that they serve here by divine appointment and are accountable to You for their work. Give them wisdom as they wrestle with complex issues. Empower them with clarity in debate and courage to vote their convictions. Deliver them from any compromises that sacrifice principles, as You help them make just and compassionate decisions. Let Your grace guide their deliberations and Your blessings crown their labors for the glory of Your Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 31, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, if he chooses to make some, there will be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each. As previously announced, there will be no rollcall votes today. Senators should be prepared to vote tomorrow at about 2:15 p.m. or thereabouts on the motion to invoke cloture on the motion to proceed to H.R. 3221, the legislative vehicle for the housing bill.

HOUSING AND THE ECONOMY

Mr. REID. Mr. President, 76 years ago, Franklin Roosevelt, who was then the Governor of New York, was engaged in a fierce Presidential campaign. The country was reeling from the stock market crash of 1929. Consumer confidence in banks had plummeted. The Great Depression was in full force at that time, and the American people had lost confidence that President Herbert Hoover had what it took to lead the country out of economic darkness.

In April 1932, Governor Roosevelt, seeking the Democratic nomination for President, took to the radio waves and said this:

I do not want to limit myself to politics. I do not want to feel that I am addressing an audience of Democrats or that I speak merely as a Democrat myself. The present condition of our national affairs is too serious to be viewed through partisan eyes for partisan purposes.

He went on to say that troubled times call for us to:

put [our] faith once more in the forgotten man at the bottom of the economic pyramid. . . . The two billion dollar fund which President Hoover and Congress have put at the disposal of big banks, the railroads and the corporations is not for [the average person].

Here should be an objective of government itself—to provide at least as much assistance to the little fellow as it is now giving to the large banks and corporations. This is [an] example of building from the bottom up.

Mr. President, the more things change, the more they seem to stay the same. Recently, the Federal Reserve provided taxpayers' money to prevent the collapse of Bear Stearns. The Fed took the additional unprecedented step of opening its discount lending window to securities firms, even though—unlike banks—those firms aren't regulated by the Fed.

I understand the need to take some bold steps. I believe the Federal Reserve is doing what they think is best in the face of a deep and growing economic crisis. While on principle the spirit of capitalism would call for Wall Street firms to shoulder the burden of loss along with the spoils of profit, it is incumbent upon our Government to look for the greater good. But we must not neglect the lessons of history. If we agree that it is a responsibility of Government to provide liquidity and security to the titans of Wall Street—and we do—then how can we think it is any less our responsibility to do the same for Main Street?

The American people are suffering. We are paying more than ever for gasoline, groceries, and heat for our homes. Home values are falling—in January

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

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alone, almost 13 percent. Millions face foreclosure, and communities are suffering because of the housing meltdown. This crisis is real, it is immediate, and it calls for Congress to take action. Every day that Congress and the President do nothing is another day closer to another American family losing their home. This is not the time for politics or partisanship. It is, as President Roosevelt said, time to give some ''assistance to the little fellow''—those were his words—it is time to do the right thing, the responsible thing, for the American people—the little fellow.

Last work period, Democrats introduced a housing bill. The President and his Republican Senators filibustered and blocked this much needed legislation. This legislation is not a catch-all or a silver bullet, but financial experts agree it is a good start. If passed, it would have an immediate positive impact on struggling homeowners and hard-hit neighborhoods.

Mr. President, I have talked in length about this legislation to Chairman Bernanke. I have spoken to Secretary Paulson. I think they have done good work. But I think if they were asked point blank—and I am not going to, certainly, state here publicly any of the things they said to me, but someone can ask them themselves—I think they would say our legislation is a step in the right direction. If this law passed today, it would have an immediate positive impact on struggling homeowners and hard-hit neighborhoods.

These are the five points of our plan:

First, we help families keep their homes by increasing funds for preforeclosure counseling. It is imperative we do that.

Second, we expand refinancing opportunities for homeowners stuck in bad loans. Mortgage revenue bonds—the President said he liked that in his State of the Union Message.

Third, we provide funds to help the highest need communities purchase and rehabilitate foreclosed properties, as well as tax relief to struggling businesses affected by the housing downturn.

Fourth, we help families avoid foreclosure in the future by improving loan disclosures and transparency during the original loan and refinancing process.

Fifth, we amend the Bankruptcy Code to allow home loans on primary residences to be modified in certain circumstances, with very strict guidelines. We have a tax provision which is extremely important to the homebuilding industry: loss carryback. We have a program that allows the bankruptcy courts to step in on primary residences and, if necessary, help adjust those loans.

It is time we pass this bill.

Last work period, Republicans blocked a vote on this, as I have said before. One Republican Senator said that all Republicans wanted was the opportunity to propose amendments. Mr. President, I have said on this floor, I have said privately, I have said at press conferences—the record will clearly show—Democrats are happy to allow amendments. Democrats want to offer amendments. Republicans want to offer amendments. We would like nothing more than an open debate on this bill and how we might be able to make it better. I have told my distinguished counterpart, Senator MCCONNELL, if Republicans object to parts of our bill, they are welcome to seek enough votes to amend it, to change it. That is how the legislative process is supposed to work.

It would be a fool's errand to put our proposal up and the Republican proposal up and move to invoke cloture on each one of those. It would take 60 votes. That is not what we need to do. It would be failure for sure.

Why don't we move forward on our bill? There will be a vote at 2:15 tomorrow. If my colleagues want to have a limited number of amendments, fine, let's have a limited number of amendments dealing with this problem. Experts say we are in a crisis and have to do something now.

I respect Secretary Paulson very much. I like Secretary Paulson. The proposals he made at 10 o'clock today are certainly worth considering, but they are not going to do one simple thing to help the people who are now in foreclosure—nothing. It is for the future. That deals with the future. We need to deal with the present. But so far my Republican friends have not allowed this bill to proceed to the point at which amendments can be offered. In short, they have stalled this necessary help to working Americans.

Tomorrow, we will have another opportunity to work on this piece of legislation. We cannot sit on our hands. We cannot take a wait-and-see approach. And we cannot embrace the status quo as the economy continues to deteriorate. Let's legislate. Let's work to help beleaguered Americans. Democrats have no agenda but to get this bill passed quickly and fairly so the American people can reap the benefits. If we are able to pass this legislation, it will be one where credit can go to everybody. This is something we need to do. We cannot do it alone. We have 51 Senators. They have 49. We have to do this together or it will not be done at all. In America's darkest economic hour, that was the leadership Franklin Roosevelt showed—and that is what we must do as we face our own crisis today.

IRAQ

Mr. REID. Mr. President, in this work period, we will, once again, because of the supplemental, turn to the raging civil war in Iraq.

To say that the Bush-Cheney spin machine lacks credibility is an understatement as it relates to the war in Iraq.

Last week, the President marked the beginning of the sixth year of this war by delivering more of the same disconnected rhetoric. But at the same time he was giving this talk of progress, the facts on the ground betrayed this happy-talk. As Republican Senator CHUCK HAGEL said, the President's words—compared with the real facts on the ground—are like ''Alice in Wonderland.'' That is what Senator HAGEL said. The situation on the ground in Iraq is fluid and rapidly changing.

Mr. President, I was stunned this morning when I got up and listened to the radio. Sadr has said: OK, lay down your arms on a couple conditions—release all the prisoners, don't do any more arrests, and leave us alone.

Mr. President, within a couple of months after this war started, the commanders on the ground in Iraq came and told us that this man was a criminal and he would be in jail within a matter of a couple weeks. Now, whether that is true or not, that is up for others to decide, but that is what we were told. And here is this man now, 5 years later, who in effect is telling the elected leader of Iraq what to do and what not to do.

It is clear that the Iraqi civil war persists. Within the past few days, nearly 1,000 Iraqis have been killed in Basra alone. This war is a war of Shiite versus Shiite, al-Maliki versus al-Sadr, Iraqi versus Iraqi, Sunni versus Shia, Shia versus Sunni. Who is in the middle of all of this? The American troops.

The President's spokesperson said: This is it. We are now in a situation where the Iraqis are going to take care of their own. But, of course, the police, when confronted, turned over their arms to al-Sadr and walked away. They gave them their guns—I assume their badges—and walked away. The American troops were called in; air power and ground troops were called in. The Iraqis could not handle the situation.

As one Iraq teacher said in the New York Times this weekend, in the closing paragraphs of a very long article:

> ''Unfortunately we were expecting one thing but we saw something else,'' said Ali Hussam, 48, a teacher, who said that after Saddam Hussein the people of Basra hoped for peace. ''But unfortunately with the presence of this new government and this democracy that was brought to us by the invader it made us kill each other.''
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> ''And the war is now between us,'' he said. But, unfortunately, with the presence of this new government and this democracy that was brought to us by the invader, it made us kill each other.
>
> And the war is now between us.

That is what he said:

> And the war is now between us.

When the Vice President of the United States goes to Iraq, it is secret. No one knows he is going there. It is not on his schedule. He is under very high security. When the President of Iran goes to Iraq, he announces 2 weeks in advance he is coming—not in the dead of the night, 2 weeks in advance.

I support our troops. Whenever I say something like that, I think of the Presiding Officer and others in this Chamber who know what it means to support our troops, as someone who has carried weapons in support of his country and as someone who has been injured as a result of wearing the uniform of this country. So I say this with a lot of humility, but I, along with everyone in this Senate, support our troops. Every one of us is honored by their sacrifice and grateful beyond expression for their outstanding work.

When it comes to judging the Iraq war, only one question matters: Are we safer? The answer is undeniably no, and no amount of spin from the White House can change that.

Because of Iraq, our military is stretched thin and its ability to address new threats is compromised. Many of our troops are now on their third, fourth, and some are on their fifth tours of duty in Iraq.

Are we safer with bin Laden free and al-Qaida strengthening? Of course not.

Because of Iraq, our National Guard—the brave men and women charged with protecting us from disastrous threats here at home—don't have the manpower or the equipment to do their job effectively at home. Are we safer with a weakened National Guard to protect us at home? Of course not.

Because of Iraq and the Bush administration's shoot first, talk later style of cowboy diplomacy, our moral authority in the world is shattered, and to talk about this being cowboy diplomacy is an insult to cowboys. Our former allies are unwilling to stand by our side. Our ability to solve conflicts through diplomacy are diminished.

Are we safer as a weakened moral force in the world? Of course not. The American people know this by overwhelming numbers. They continue to oppose this war, and with good reason: We are objectively less safe because of Iraq.

The cost of the war to our country has been enormous, not only in the loss of lives—now more than 4,000—but also tens of thousands wounded, a third of them gravely. We are now spending $5,000 every second in Iraq—every second—$12 billion a month. No weekends off. No holidays off. We are spending $5,000 a second of borrowed taxpayers' money. The President told us the war would cost no more than $60 billion. Nobel Prize-winning economist Joseph Stiglitz said it is going to cost us $3 trillion.

In Iraq, we—the American taxpayers—are building hospitals, roads, bridges, dams, water systems, sewer systems, barracks for the Iraqis, when we should be helping millions of Americans avoid losing their homes to foreclosure. We are policing the streets in Baghdad when we should be investing in health care and a better education system. We are protecting oilfields in Basra when we should be funding renewable energy production to help stem the tide of global warming.

When all is finally said and done, experts say the war is going to cost as much as $3 trillion or more, as I have said. Where does this come from? It is all borrowed for future generations to pay back. The legacy of our generation could be to leave our children and grandchildren with a safer, cleaner, and more prosperous country. Instead, the war in Iraq will ensure that we leave future generations with trillions of dollars in debt.

Instead of making our country safer, we are greasing the pocketbooks of corrupt Iraqi politicians and buying their temporary cooperation. Let's not forget this: Iraq is a rich country. It is not a poor country—far from it. Its oil resources make it one of the world's wealthiest countries. With the price of oil skyrocketing as it has, think of the money that is going into their coffers. Record-high oil prices have supplied Iraq with literally more money than they know what to do with, but we keep spending $5,000 a second in Iraq. As we borrow and spend billions of dollars to provide the security that the Iraqi Government has failed to create for themselves, Iraq is bringing in billions of oil money faster than they can open bank accounts to store it all.

If a parent gives a teenager the choice of either getting a job or receiving an allowance for doing nothing, the teenager will often choose to do nothing. As long as we guarantee to the Iraqi Government that our troops and our money will support them, they will never have an incentive to do the job themselves. The security welfare state we have created will go on and on forever.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SOLVING PROBLEMS OR POLITICAL POSITIONING

Mr. MCCONNELL. Mr. President, the Senate certainly has a lot of work to do, and we have a good stretch of time in front of us in which to do it. First and foremost, Americans are waiting on Congress to address the housing crisis and the broader economy as well. They are waiting for us to give intelligence officials the tools they need in the hunt for terrorists. They are waiting on us to confirm qualified judges. Farmers are waiting for a farm bill that has been in limbo for literally months. All of us are eager to hear next week's report from General Petraeus and Ambassador Crocker on political and military progress over in Iraq.

In all of these areas, the Democratic leadership has an option: It can work with Republicans to deliver help to the American people or it can follow the partisan path that views every piece of legislation as an opportunity not to solve problems but to position itself for the next election.

Some on the other side are talking openly about a grand strategy for picking up more seats in November, but their vision seems to end right there. They seem to forget that once these seats are filled, people expect us to accomplish something. The political route, as we have seen time and time again, doesn't accomplish much.

America faces urgent problems, and most people care more about addressing them than about anybody's elective prospects. We came together earlier this year on an economic growth package and had an accomplishment. It was a good start, but it didn't last. As the Senate began to address the housing slump, our friends on the other side shut Republicans out of the debate and offered a proposal of their own that was guaranteed to fail. They proposed an ill-conceived plan that will substantially increase monthly mortgage payments on everyone who buys a new home or refinances. But why would Congress want to raise mortgages at a time like this? There is simply no way that proposal is going to fly. If our friends on the other side want to help homeowners, they need to work with Republicans on proposals that will draw substantial bipartisan support.

Republicans have put a number of sensible ideas on the table, including $10 billion to refinance distressed subprime mortgages and $15,000 tax credits for people who buy foreclosed homes as their primary residence—a proposal that will raise the value of homes and increase the stability and security of neighborhoods that have been hit hard by foreclosures. We have proposed new tax benefits for struggling businesses, new truth-in-lending requirements, expanded protections against foreclosure for returning veterans, and FHA reform to assist struggling homeowners who are trying to stay in their homes.

Our proposals to address the current housing crisis have broad bipartisan support. Unlike the Democratic bill which skipped the committee process, the FHA reform piece we proposed passed in committee by a vote of 20 to 1.

For the good of the economy, we asked our friends on the other side to allow a vote on these sensibly, targeted provisions. The partisan housing bill Democrats put forward failed. Why not give our bipartisan alternative, which will help homeowners without raising their mortgages, a chance to succeed?

Another thing Congress can do to help the economy is to expand markets for U.S. goods abroad, and that is what the Colombian Free Trade Agreement would do. The Colombian Free Trade Agreement is more than an act of friendship between allies; it would also strengthen our economy, and it would send a strong signal to Colombia and our other Latin American allies that the United States stands with those who support strong markets and free societies in the face of intimidation and threats.

Our friends on the other side can help American farmers by finishing the

farm bill. More than 3 months has passed since the Senate completed action on this legislation. Yet House Democrats still have yet to appoint conferees to put together a final product. With the short-term extension of current law expiring in just a few weeks, American farmers are about to enter the planting season without any certainty about legislation that significantly affects their lives.

Turning to national security, it has been nearly a year since the Director of National Intelligence asked Congress to modernize our Nation's electronic surveillance laws. The House had a chance to make the necessary changes before the recess, but it chose an irresponsible path instead, passing an amendment to the bipartisan Senate bill that included none of the things the National Director of Intelligence had called for. Ignoring the carefully crafted Senate bill, the House decided it was more important to let people sue phone companies that stepped up when the country needed them. The clock is ticking on the legal authorities contained in the current temporary fix, and a burden has been placed on House leadership to show that it can be trusted in matters of national security.

General Petraeus and Ambassador Crocker will be here next week, and Americans are eager to hear what they have to say.

Under the leadership of these two men, our prospects for protecting America's national security interests in the Persian Gulf have vastly improved. Last year's bold decision to launch a counterinsurgency plan under the direction of General Petraeus has renewed our hopes for a unified Iraq that can govern, defend, and sustain itself as an ally in the war on terror. Our men and women in uniform have protected the Iraqi people, scattered al-Qaida, deterred militias, and helped create an environment that has led to progress not only at the tactical level but in governing and reconciliation as well.

Six months ago, General Petraeus proposed a plan for bringing counterinsurgency forces back home and transitioning their mission from combat to partnership and oversight. A reduction in forces is underway, and the Iraqi people are now preparing for provincial elections, hopefully this October. Thanks to the efforts of the counterinsurgency forces, Sunni allies now serving as sons of Iraq will have a real stake in these elections.

Last week's decision by the Maliki government to go on offense against Shiite militias in Basra and Baghdad showed us that we have come a long way from the days when the Iraqi security forces wouldn't even show up for a fight. Now they are taking the lead in major combat operations, with recent offensives against the Iranian-trained Special Groups, al-Qaida in Iraq, and the militias.

Next week, we will learn more about the pace of transitioning the mission. But with U.S. forces still in harm's way, the Senate needs to quickly approve the supplemental spending bill without any unrelated nondefense spending. It would be pointless to repeat the partisan battles over the supplemental that consumed so much of our time and our energy last year. We should set aside policy prescriptions and withdrawal timelines based on political calculations in Washington and deliver the funds our troops in Iraq and Afghanistan need.

As we seek to help the Iraqi people stand up a stable government, we should not neglect our own by allowing vacancies on Federal courts to go unfilled. Three months into the new year, the Senate has not confirmed a single judicial nominee of any kind. Let me say that again. Three months into the new year, the Senate has not confirmed a single judicial nominee of any kind, and it has held only one hearing on a circuit nominee since September of last year. The process, it appears, has ground to a complete halt. This is unacceptable, it is unfair, and the excuses we have heard are not convincing.

Some nominees have waited hundreds of days for a simple hearing, including those who satisfy the specific criteria of the chairman of the Judiciary Committee for quick action, such as strong support of home State senators. These vacancies need to be filled, especially in places that have been declared judicial emergencies such as the Fourth Circuit, where one of every three seats is currently vacant. Nominees for seats on the Fourth Circuit—which covers North Carolina, Virginia, Maryland, West Virginia, and South Carolina—are ready, well qualified, and they have been waiting and waiting.

Since the committee has nearly stopped holding even simple hearings for circuit court nominees for the last several months, it should make up for lost time by holding hearings on more than one circuit court nominee at a time, as both Democratic and Republican chairmen have done in the past. That way, we can get these nominees confirmed.

It is time our friends on the other side stop blaming others for their failures to act on judicial nominations. If they don't, regretfully, Republicans will be forced to consider other options.

The Senate faces difficult challenges domestically and internationally. Conventional wisdom says we want to address them because it is an election year. Experience suggests some of our friends on the other side will prefer political efforts to bipartisan accomplishments. We saw signs of hope for a more responsible and productive path in a rush of bipartisan accomplishments at the end of last year and in a bipartisan economic growth bill this year, and we have an immediate opportunity in the work period that starts today to choose the better path on an issue that is vexing millions of homeowners.

Knowing that public patience with partisan political games is wearing thin, I am confident we will seize the opportunity and deliver something soon for the American people. Then, hopefully, we can follow it up with other accomplishments. We have the potential for a very productive work period. Why don't we get to work and see what we can accomplish over the next 8 weeks.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, the first indication we have to move forward and have a productive work period is to see if we can do something to help the beleaguered people who are losing their homes as we speak. We have the opportunity to do that tomorrow.

For those within the sound of my voice, before we can move to a piece of legislation, the Republicans have to sign off on that. They can do it by approving what we call a motion to proceed. That motion to proceed failed before because the Republicans voted no on our ability to proceed. We need 60 votes to do that. I hope they will join with us to move to this housing package and work to help us come up with a good piece of legislation to show there must be some merit to our legislation.

I have seen Senator BOND's legislation. It has most of our stuff in it. It is a pretty good piece of legislation. It also has some other things in it. It seems to me we are at a good starting point if we have one of the main Republican proponents of housing legislation who includes in his legislation much of what we want to go forward on. So I think that is a good start. So I hope we can do that tomorrow. If we move forward on the piece of legislation we have, we will finish this. We can do it this week and send it to the House and I think they can work much more quickly than we do. That would be a good indication we are going to work together.

Let me say this about a couple of other things. As to the confirmation of judges, Josh Bolten, the President's Chief of Staff, and I spent a lot of time the week before we went on the Easter recess. We were able to accomplish a lot of good things. I don't know the exact number, but we were able to work through scores of Republican nominations the President sent forward. I think the Democrats got 5 or 6 and the Republicans got 50 or 60. We don't have the opportunity to send as many names to the President as he sends to us. The President's Chief of Staff wrote a nice letter, which I received last week, saying we have established a working facility. He is assigning one of his people at the White House, and I have assigned my Chief of Staff. If there are things we cannot work out, Mr. Bolten and I will work on it face to face. Part of that is judges. We are going to do our best to work out something on judges. That is part of the entire package.

Now, even Mr. Bolten would recognize the number of judges being sent to us has been pretty slow. But that is no excuse. We will be happy to move forward on nominations, generally. The White House needs a lot of these people, and we understand that. There has to be a give and take on this, as the White House showed the week before the recess, which Mr. Bolten and I worked on.

So I am convinced there are a lot of things we can do. The farm bill is something where we also need the cooperation of the White House. The managers of this bill have worked very hard—the Senator from Georgia and the Senator from Iowa—along with the two managers of the bill, as it relates to finance, who have worked with their counterparts in the House. We need to get a little better work from the White House. We have basically worked out the numbers. We cut back the President's numbers. We are working on the offsets now. That should be something we can do. We need to have the White House engaged in this, but more so than they have been.

The farm bill is important. I tell my distinguished counterpart that I heard about this farm bill during the break. I had calls from many of my Senators asking what can be done about this. We are trying. As Senator MCCONNELL notes, Senator CHAMBLISS, the ranking member on the Agriculture Committee, has worked with Senator HARKIN. We are doing our best to work through this. I hope we can get something done so we don't have to extend it again. The bill expires again on April 18. We cannot go on without renewing this bill and/or passing a new bill. If we do not renew this legislation, the price of milk will basically go back to 1949 levels. Based on that, a half gallon of milk would be about $5. So we have a lot of work to do.

I appreciate the constructive attitude of the Senator from Kentucky. I don't agree with a lot of his illustrations, but I think it was a positive statement. I hope we can work something out on these and other issues.

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

Mr. MCCONNELL. Mr. President, I appreciate the spirit in which the majority leader addressed my remarks on the housing issue. I think it is safe to say there is interest on both sides in moving forward. Whatever reservations we have on this side relate to how the minority will be treated once we have made the decision to move forward. This is something the majority leader and I will continue to discuss, as we have in the last few weeks.

With regard to judges, with the best of intentions, the majority leader and I both came up with what we thought was a reasonable goal for the number of circuit judges that ought to be approved in this Congress based on the pattern of each of the last three Presidents, which had, from their point of view, the misfortune of ending their terms with the opposition in control of the Senate. The lowest number achieved in circuit judges was under President Clinton. It was 15. We currently have six. If we are going to have any chance of getting to what the majority leader and I agreed was at least a modest, achievable goal in this Congress, we have a ways to go. I am not blaming him for that. It strikes me that the Judiciary Committee simply isn't functioning. But it remains the goal of mine—and I hope it is still his goal—to meet a sort of minimal threshold of an acceptable level of circuit judge confirmations.

I appreciate the attitude in which the majority leader has pursued that issue from the beginning of this Congress. I hope we can continue to work to try to get to some level that would be widely considered by any objective standard as a fair number in this situation.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Georgia is recognized.

Mr. DORGAN. Will the Senator yield?

Mr. ISAKSON. Yes.

ORDER OF PROCEDURE

Mr. DORGAN. Mr. President, I ask unanimous consent that I be recognized to speak for 30 minutes in morning business following the presentation of the Senator from Georgia.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Georgia is recognized.

SOCIAL SECURITY AND MEDICARE

Mr. ISAKSON. Mr. President, today, I will pay tribute and make some celebratory remarks about two exciting lives in my community. First is the upcoming celebration of the 80th birthday of Mack Henderson, a man in my community who, besides being a leader, has been a warm and trusted friend. He and his wife Jean have been pillars of our community. The women's health care facility in Kennesaw was named after them as a tribute. Mack's daughter lives in this area, in Alexandria, VA. She has been a great friend to me. The entire Henderson family is going to gather to celebrate the 80th birthday of Mack Henderson, a great American and a great citizen of Cobb County. I wish him a most happy birthday.

On March 10, another birthday occurred—the very first of my grandson, William Edwin Isakson, born to my son Kevin and his wife Katherine Isakson. William is our eighth grandchild. He weighed 7 pound 9 ounces. He has a great future ahead, and I wish him the very best.

It occurred to me, when I was coming to the floor to pay tribute to Mack Henderson on his 80th birthday and to recognize the birth of my eighth grandchild, that as I look into the future, I wonder about what has been said in recent months about Social Security and Medicare and about what Mack Henderson has enjoyed in his life and what I hope we can save and procure for the life of young William Edwin Isakson.

In Mack's early years, Social Security was created. It was a promise to Mack and to every citizen in America that when you reach the age of 65, and when you sign up and are declared eligible, you will receive a supplement to help you in your retirement years. Mack has been retired for 15 years and is enjoying the benefit of that.

Last week, the Social Security Administration sent out a mailer notifying us that the time the Social Security goes bust is now moved forward to 2041. So in Mack's lifetime, Social Security was created, and by the 33rd birthday of my new grandson, Social Security will be gone. Even worse, Medicare, created after Social Security, has benefitted Mack. He has had a heart transplant and other medical problems, and he came through them with the help and assistance of Medicare. As for my grandson William, before he is a teenager, Medicare will be broke, inverted, and gone. As a Member of the Senate who takes a privilege to come to this floor and celebrate the birthday of a great friend and the birth of a new grandson, I know I have some work to do. So do the other 99 Senators and the 435 Representatives on the other side of this building.

The President who serves now, and who will go out of office in January, has made an effort on Social Security, and it was rejected by organizations and others. It was an effort of privatization.

The next President will not be so lucky to be able to neglect this. Time is running out. The next President will probably serve for 8 years. When they are out, it will be 2018, 1 year before Medicare goes broke. I don't think we can afford to allow that to happen.

As I come to the floor and pay tribute to these great lives which are so meaningful and significant to me, it is also an early warning for all of us to get to work on Medicare and Social Security. I commend JUDD GREGG, the Senator from New Hampshire, for his efforts time and again to get us to deal forthrightly with these issues. They are not going to be easy.

I don't want to ever face seeing Medicare go out of business and Social Security go broke. I am willing to stand up and take the heat and make the recommendations and work hand in glove with my fellow Republicans and with Democrats to see to it that the events on those two dates—the date of the death of Medicare in 2019 and end of Social Security in 2041—never take place. Between the two sides of the political spectrum, we can find common ground if we have a willingness to establish a goal and achieve it. I will never forget when President John F. Kennedy came forth to the people in America and declared that one day—8 years later—the United States would launch a man to the Moon, land him on the Moon, and bring him home safely. We didn't know how to do that; we didn't have the foggiest idea. We were getting beaten badly by the Soviet Union in mathematics, science, exploration and technology, and he was daring us to do something nobody knew how to do. We did it by July of 1969.

I don't think saving Medicare and Social Security is as difficult or as technical as getting a man to the Moon and bringing him home. But it is equally as important—maybe more so—for the health, welfare, and livelihoods of our oldest friends who are in the twilight of their years and our children born to us this year; and it is very important to the United States.

So this Senator pledges to his newest grandson that I will stand up anytime, anyplace, or anywhere and work with my colleagues in the Senate to begin the job of seeing that we fix Medicare and Social Security and that we preserve the promise for our grandchildren that our grandfathers have enjoyed and prospered with.

I yield the floor.

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

Mr. DORGAN. Mr. President, I congratulate my friend, the Senator from Georgia, on his new grandson. We all hope this country continues to hold the promise it has held for so many decades now for all American children.

Mr. ISAKSON. I thank the Senator.

THE ECONOMY

Mr. DORGAN. Mr. President, I have come today to talk a bit about the economy and where we find ourselves. This week we are going to talk about housing.

The effort we have made in the Senate in the majority party to pass emergency housing legislation is very important. I want to put up some charts that show what was happening in this country with respect to housing and what was happening at least to begin to cause the partial collapse we have seen.

This is an advertisement by a company called Millennia Mortgage. Here is what it said to the American people. I don't know this company, but they said:

> Twelve months, no mortgage payment. That's right. We will give you the money to make your first 12 payments if you call in the next 7 days. We pay it for you. . . . Our loan program may reduce your current monthly payment by as much as 50 percent and allow you no payments for the first 12 months. Call us today.

Millennia Mortgage. Come over here and get a mortgage from us. You don't have to make a payment for 12 months, they said.

Here is a company appropriately named. I don't know this company either—Zoom Credit. They told the American people:

> Credit approval is just seconds away. Get on the fast track at Zoom Credit. At the speed of light, Zoom Credit will preapprove you for a car loan, a home loan, or a credit card. Even if your credit's in the tank. Zoom Credit is like money in the bank. Zoom Credit specializes in credit repair, debt consolidation, too, bankruptcy, slow credit, no credit—who cares?

That is what Zoom Credit had to say to the American people.

Then Countrywide, the country's largest mortgage lender, said:

> Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us . . .

Just call us; that is not a problem. If you are a bad risk, you don't pay your bills, call us. This from the largest mortgage lender in this country.

And then we wonder what happened? What could have caused all of this economic trouble? Everyone understands this does not work. Mortgage revenue companies advertising: Come to us if you have bad credit; let us give you a loan of some type. And by the way, the same companies, in many cases, applied what is called predatory lending—high-pressure, cold-call telephone sales to people who say: I know you have a mortgage, but we will give you a different mortgage. We will give you one with a 2-percent interest rate, not telling them it will reset to 7 percent or 9 percent or, in some cases, more with prepayment penalties. And the broker who was able to convince someone to do that got a big fat bonus. The mortgage company, well, they got mortgages with big interest rates once they reset, and prepayment penalties so the people could not get out of them. Then what they were able to do was slice them up and put them into—like they did in the old days, like they would pack sawdust into sausages for filler—they would take good mortgages, bad mortgages, subprime, potentially bad, put them all together, slice them up, dice them, and ship them off to a hedge fund that buys them—in some cases the mortgage banks had their own mortgage sides to purchase these securitized investments—and no one knew what was in them. Very much like sausage, I might say. Nobody knew what was there.

Now all of a sudden, they have all of this paper out there and we have about 7.2 million families with what are called subprime mortgages, an outstanding value of $1.3 trillion. It is estimated that 2 million families will lose their homes in the next 2 years. By the way, 2 million families, that is 5.4 million people who will be affected by the loss of their home in the next couple of years.

We put together legislation to try to address this issue in the Senate, and we have had great difficulty moving it. We hope in the next day or so we will at least be able to get a motion to proceed.

It is interesting, when we are talking about trying to help some people avoid losing their homes, they say: Well, we don't want to help folks such as that. I agree that those who were buying houses for the sake of flipping them, making a bunch of money in the bubble of housing prices, I am not interested very much in them, but I am very interested in someone who was a victim of predatory lending by a bunch of folks who were getting rich, making a lot of money and those folks are now threatened with losing their house. I am very interested in seeing if we can help them a bit.

It is interesting, the big folks always get help. The Federal Reserve Board and the administration, with Treasury Secretary Paulson, have rushed in. They arranged for JP Morgan to buy Bear Stearns, a big old investment bank. Bear Stearns was worth about $20 billion a couple of months ago. It was acquired by JP Morgan for $1.3 billion in the last couple of weeks and the Federal Government, through the Federal Reserve Board, will put up $29 billion to pick up the risks on the assets. Think of that. One investment bank gets a $1.3 billion acquisition of another investment bank that was worth $20 billion a couple of weeks ago, and the Federal taxpayers come in to provide $29 billion as a safety net for the risk JP Morgan assumes.

On top of that, the Fed comes in and says for the first time since the Great Depression that they will make direct loans to investment banks. They have previously made loans to depository banks over which they have regulatory control, but now they will make direct loans to investment banks.

In addition, they will make a $200 billion loan available to Wall Street bond dealers. It is kind of a form of no-fault capitalism.

I don't know whether the Fed and the Bush administration are doing the right thing. I don't know. I know we cannot, none of us—the administration or the Fed or the Congress—decide to do nothing. We are trying to decide on behalf of families who are about to lose homes to see if we can't do something to give them some help. Obviously, a lot of help has been extended to the Wall Street interests—a lot of help, $30 billion, $200 billion, direct lending to investment banks. That is a lot of help. But when it comes to the homeowners, well, not so fast; let's worry about that, they say.

The Secretary of the Treasury has made the point that the problem has

not been the lack of regulation. That has exactly been the problem, lack of regulation. We must have some kind of regulatory authority to look over the shoulder and watch and see what is happening. But the fact is there has been no regulation.

The fact is the Federal Reserve Board in the Greenspan era, more recently Bernanke, and the Bush administration have watched while all of these financial engineers have created the most sophisticated of securities and devices. The financial engineers created things such as derivatives, collateralized debt obligations, called CDOs, credit default swaps—$23 trillion of notional values out there in credit default swaps—loan syndications, securitization, off-the-balance-sheet debt vehicles. It is unbelievable what has been going on, all in the name of financial engineering, and while the economy was going up, everybody thought they were all geniuses. And now as it is collapsing like a house of cards, the Federal Reserve and the head of the Treasury Department rush to try to help the big interests. The question is, what about the rest of the folks who are getting hurt? There are a lot of them. What about the rest?

I mentioned Bear Stearns was about to go belly up and the Fed and the Treasury Department assessed that could not happen because it would affect the entire financial system. I don't know whether they are right. I know it has become a kind of no-fault capitalism when the investment banks can take very big risks, and then when it comes time that it does not work out, the taxpayers come in and say: Don't worry, we will put up a safety net.

About 16 months ago, Bear Stearns gave the chairman of Bear Stearns, James Cayne, a stock bonus of $14.8 million. The year before, he had gotten $30.3 million in compensation. This company that went belly up over the last 5 years, the chairman, Mr. Cayne, made $156 million in income. Let me say that again. This is a company that went belly up because it took risks that were way outside the norm, in my judgment. The chairman received $156 million between 2002 and 2006. The CEO, Alan Schwartz, received $141 million in income during that same period, and the former company president, Warren Spector, $168 million.

Let me say that again. Three top officials at Bear Stearns, 15, 16 months ago received very large bonuses, and in the last 5 years received the following compensations: $156 million, $141 million, and $168 million. This is like hogs in a trough, all except for the grunting and shoving, which we cannot yet hear, but we will, I assume. It is unbelievable. There is unbelievable greed in this system.

We are told again by the Secretary of the Treasury that this was not the fault of a lack of regulation. Of course, it was the fault of no regulation.

This is from the Wall Street Journal, March 2008:

> A year ago at a Honolulu hotel, the heads of three Federal regulatory agencies charged with guarding the soundness of America's banks delivered this message: We're the ones you want regulating you.

Essentially telling them, we are going to compete for lax regulations. It doesn't matter what you do, we are not going to watch very much because we believe in deregulation.

So we have an unbelievable amount of hedge fund activity that did not use to exist in this country. It is now completely deregulated—hedge funds involved in derivatives way behind the curtain, and nobody knows what is going on; mortgage companies advertising that you ought to get a mortgage from them if you have bad credit because they wish to give you a mortgage, and then they slice it up in securities and send it around the world and no one knows what is in these securities. All of a sudden that piece of sausage explodes and we wonder why? It exploded because it never made good business sense, and now the American taxpayers are going to bail them all out.

We cannot begin to address this problem unless we understand that when the big interests are going to make hundreds of millions, even billions of dollars as a result of almost unprecedented greed, there needs to be some regulation. That is a fact. Regulation is not a four-letter word. It is an essential part of good government.

Long ago, I and others have been on the floor of the Senate talking about need for some regulation with respect to hedge funds, but we have not been able to get legislation through the Congress. But this is not just about regulating hedge funds; it is about the agencies that are already empowered to regulate refusing to do their jobs.

The Secretary of the Treasury today announced a series of steps that he portrays as a substantial addressing of the issues that are now involved in subprime lending and the other financial difficulties. But in many ways, it is moving the boxes around and, it appears to me to be deregulation rather than the need for additional regulation and additional oversight.

It is not just in this area of housing, it is not just in the area of investment banking or hedge funds. I have mentioned on the floor previously that there is unbelievable speculation in a range of areas. Oil—the fact is I believe, and there are some experts who believe, that the price of oil at the moment is about $30 above where it ought to be. Why? Because for the first time hedge funds and investment banks are hip deep in the oil futures market, driving up the price of oil, having nothing at all to do with the supply and demand of oil. Once again, unbelievable speculation. For what purpose? For the purpose of unbelievable profitability.

We have not had investment banks previously buying oil storage capability so they can buy oil on the futures market and take it off the market and put it in storage and wait until the price goes up. We have not had that before. That is the kind of speculation that I think is counter to the interests of this country's economy. It is not counter to the interests of those who want very large profits, even if the rest of the American people have to pay for that unbelievable speculation.

There are some who say, if we can address this issue now, the issue of housing, the issue of predatory lending, if we can address the issue of investment banks, the issues of some hedge funds, that will all be fine. That is not the case either. There are some other underlying problems that almost everyone in this world knows but no one is interested in doing anything about it. The dollar is losing value substantially for a number of reasons, but at least two of those reasons are obvious: No. 1, an $800 billion trade deficit; No. 2, the $700 billion required additional borrowing this year because of budget policy.

I know the President says the deficit is a projected $410 billion. That is not true. Take a look at what our country is going to be required to borrow in the coming years—$700 billion. You add an $800 billion trade deficit to a $700 billion borrowing requirement because of a reckless budget policy and you have $1.5 trillion borrowing in 1 year against a $14 trillion economy. People know that doesn't work.

I mean, the fact is, we have to fix this system, and we start, it seems to me, this week, with the proposition that if we can deal with the housing piece, at least you start trying to help some of the American people who really deserve some help at this point in order to keep their homes. That is the first piece of legislation on the floor of the Senate this week. That is a reasonable thing to do. If this Government, at its highest levels, can take billions and tens of billions of dollars around Wall Street and say to the Wall Street firms, here is $29 billion if you will pay $1.3 billion for a firm that used to be worth $20 billion a couple weeks ago—if we can do that and assume all that risk on behalf of the American taxpayers for the kind of activities on Wall Street that represent, in my judgment, unsound business practices and unbelievable speculation, this Congress can certainly reach out to home owners across this country to say that we want to give them some help. We will see tomorrow or the next day what might or might not happen with respect to the willingness of this Senate to address this housing issue.

WASTE, FRAUD, AND ABUSE

Mr. DORGAN. Mr. President, 2 weeks ago, I had a chance to meet Herman Wouk, who is one of America's greatest authors. He wrote ''Caine Mutiny'' and he wrote ''War and Remembrance.'' He is 91 years old and a remarkable man, just a remarkable man. He was telling me something kind of in jest. He said:

You know, I don't know much about what happened after 1945, but I know everything that happened before 1945. He was talking about his body of work, his research on the Second World War and prior to that period of time. And he wrote wonderful books, as all of us know. He is one of America's greatest authors.

Herman Wouk and I were talking about the Iraq war and talking about the stories about the Iraq war, and he said to me: Do you know anything about the Truman Committee? Do you know anything about what happened in the Second World War with President Harry Truman, then-Senator Harry Truman, who created a committee, a special committee in the United States Senate, bipartisan, to go after this issue of contract fraud that was going on with respect to defense contracting? I told him I certainly did know about the Truman committee, and we have had, I believe, four votes in the Senate that I offered as amendments to establish a Truman committee.

At this point I want to show my colleagues a photograph of a man. I don't know this man personally. This comes from a Thursday, March 27, edition of the New York Times.

I read an article about this man on an airplane, and I was struck by it because it is such an unbelievable story, and it is another chapter of, in my judgment, a shameful series of chapters of abuse of the American people by contractors with respect to the Iraq war.

The New York Times published this article, and this is a picture of a 22-year-old man from Miami Beach. He had gotten contracts worth over $300 million in U.S. taxpayers' dollars, and he had signed a contract with the U.S. Army to provide arms to Afghan soldiers.

Apparently, we, as taxpayers, and the U.S. Army, were trying to provide additional arms for the Afghan Army with which to fight and defend itself. So this 22-year-old man got a $300 million contract from the Army Sustainment Command, through a company that had been a shell for a number of years established by this man's father. Mr. Diveroli is his name. This is a mug shot from the Miami Dade Police Department. He had allegedly assaulted a parking lot attendant and had a forged driver's license when he was arrested, which made him out to be 4 years older than he really was. He told police he had gotten the forged driver's license to buy alcohol, but now that he was over 21 he didn't need it any longer.

So this is a 22-year-old man who was the CEO of a company called AEY based in Miami Beach. And this is a picture of the building that was headquarters for his company, but there was nothing on any door in the building. Apparently, in one part of this building an office was supposed to be his office, but there was nothing that identified his office.

And here is a picture of his vice president, the vice president of this company, this company to which the U.S. Army gave a $300 million contract. The vice president is a 25-year-old masseur named David Packouz. He is the former vice president of the firm that got $300 million. So you have a 22-year-old and a 25-year-old masseur who get $300 million from the U.S. Army.

Now, what did they do with the $300 million? Well, the next photograph, again from the New York Times, shows outdated ammunition sold to Afghan forces, including 40-year-old Chinese-made cartridges. So these folks got $300 million and they were providing mid-1960s cartridges to the Afghan Army, which the Afghan Army was receiving in cardboard boxes that had not been properly taped and were falling apart. The Afghan Army described these armaments as junk. Here is an Afghan policeman surveying 42-year-old Chinese ammunition that arrived in crumbling boxes.

Again, American taxpayers, through the Army Sustainment Command, paid hundreds of millions of dollars to a company that previously had been a shell company, a shell corporation, now run by a 22-year-old who says that he is the only employee of the corporation.

Now, Mr. President, I have spent a lot of time on the floor of the Senate on these kinds of issues. It is pretty unbelievable when you think about it. I don't know Mr. Diveroli personally. Never met him. I do know that three reporters from the New York Times did some extraordinary work—C.J. Chivers, Eric Schmitt, and Nicholas Wood, to expose his activities. I don't know how long it took them to do this investigative piece, but it is two full pages inside the New York Times. They obviously traveled to Afghanistan and other countries to finish this investigative piece. We wouldn't know about this issue were it not for investigative reports by the New York Times.

In January of 2007, that is just 14 months ago, the most recent award, which I believe was $150 million, was given by the Army Sustainment Command, and the Army Sustainment Command said:

> AEY's proposal represented the best value to the government.

I am telling you, this part of the U.S. Army has a lot of explaining to do to this Congress and to the American people. This is the same Army Sustainment Command and, incidentally, the same general in charge of the Army Sustainment Command who went to a hearing here in the Senate, and following my testimony before a hearing about the water problems in Iraq and about Halliburton Corporation providing water to the troops, nonpotable water that was twice as contaminated as raw water from the Euphrates River, we had the evidence, internal Halliburton memorandums, saying it was a near miss. It could have caused mass sickness or death. This is the same general who went to that Senate committee and said: Never happened.

Well, now the inspector general has finished an investigation and said in fact it did happen. It did happen. This general has some explaining to do.

I have asked Secretary Gates, the Defense Secretary, to ask this general to explain himself, and so should this Congress.

But I don't understand, I just don't understand how even following information sent to this country, to the Army Sustainment Command by U.S. military officers in Afghanistan, saying what they are sending over here in the form of armaments under this contract is junk and it needs to stop, even following that it continued. It is an unbelievable amount of government waste.

This is but one issue. And we wouldn't know about it if it were not for the New York Times. This has been going on for years. We have been fighting in Iraq longer than we were fighting in the Second World War.

Now, let me go back to something they did in the Second World War. Harry Truman, in this Chamber, stood up and offered a proposal to create the Truman Committee, bipartisan. For $15,000, they created a committee, and it worked for 7 years and saved $15 billion investigating waste, fraud, and abuse in defense spending during the Second World War. Now, Mr. President, I have been trying for 4 years to get this Congress to empower a committee and to impanel a bipartisan committee to go after this kind of waste, fraud, and abuse.

Let me go over just a few of the things. I have held, I believe, about 12 hearings in the Policy Committee, but the Democratic Policy Committee does not have subpoena power, and I have only held these hearings because other committees have not. Oversight is a responsibility of this Congress.

Mr. President, I want to show a photograph of Bunnatine Greenhouse. I have done it on many occasions. But the reason I wanted to show the photograph is because Bunnatine Greenhouse is a very courageous woman. This woman rose to become the highest civilian official at the U.S. Army Corps of Engineers. This is a remarkable woman. By all accounts, according to people outside of government, she was the finest purchasing agent and an unbelievable public servant. But she blew the whistle on abusive Halliburton contracts. She said it was the most significant abuse of contracting authority she had seen in her career.

Guess what happened to her. It is what happens to too many whistleblowers. She got demoted and lost her job. She got demoted because she had the guts to speak out.

This whole issue has now been subsumed behind the wall in the Defense Department. We can't talk about it now because it is under investigation. This woman lost her job nearly 4 years

ago and was replaced, by the way, by someone who had no experience, not a day's worth of experience in contracting authority. That is the way it works over there. You blow the whistle, you pay for it with your career.

I called the person that hired Bunnatine Greenhouse one night at his home—LTG Joe Ballard. He had since retired from the military. And I said: General Ballard, Bunnatine Greenhouse spoke out about the billions of dollars given the Halliburton Corporation and the abuse and the way those contracts were let and she was demoted. Tell me about Bunnatine Greenhouse. You hired her.

He said: She is the best. She got a raw deal.

This is from General Ballard, since retired. Well, the Pentagon decided to award a big no-bid, sole-source contract to the Halliburton Corporation. It is called Restore Iraqi Oil, the RIO–C, and then they had other contracts—the LOGCAP contract. The waivers that were required were not given. This was short-circuited, and we have seen the result of this now for a long period of time.

Mr. President, I have been to the floor a good many times to talk about the hearings I have held, and I don't mean to single out Halliburton, it is just the company that has gotten the biggest contracts. But when a company gets hundreds of millions of dollars, or billions of dollars and then, in my judgment, is not performing and is taking all the money, we have a right to ask questions. We had $85,000 brand new trucks left beside the road in a zone that was not considered hostile at all, to be torched and set on fire because they didn't have enough equipment, or didn't have a wrench to fix a tire; $85,000 brand new trucks left to be torched beside the road in safe areas because they had a plugged fuel tank. The attitude is that it doesn't matter, the taxpayers will pay for that. It doesn't matter, it is a cost-plus contract. A cost-plus contract, taxpayers will pay for that.

Let me show a towel. It is sometimes the smallest issues that make the biggest points. Henry Bunting came and testified for the Halliburton Corporation. He worked in Kuwait. He was the purchasing agent for our troops in Iraq.

One of his jobs was to purchase towels, so he wrote out a purchase order for towels for the troops and his supervisor looked at that and said no, you can't buy those towels. Bunting wanted to buy plain white towels. He was told that he needed to buy a towel that has KBR's logo, Kellogg Brown & Root, a subsidiary of Halliburton, embroidered on it. He said the problem is that will triple the cost of the towels they are buying for the troops. His supervisor said you don't understand, it doesn't matter. These are cost-plus contracts. It doesn't matter.

Henry Bunting told us about tripling or quadrupling the cost of towels, about paying $45 for a case of Coca-Cola, about $7,600 for a 1-month lease of an SUV, about 25 tons of nails sitting on the ground, on the sand of Iraq, because somebody ordered 50,000 pounds of nails and ordered them too short. It doesn't matter, the taxpayer pays for all that. Throw them on the sand and reorder.

How about charging for 42,000 meals for the soldiers, a day, and serving only 14,000 meals a day? Missing, 28,000 meals. It doesn't look like an innocent mistake to me. Rory Mayberry came to testify at a hearing I held. He was a supervisor of food service for the Halliburton subsidiary. He said we were told that when an auditor came by, don't you dare talk to an auditor. We forbid you to speak to a government auditor. He said they were routinely charging for more food for soldiers than solders existed—routinely. He said they were routinely serving expired, date-stamped food. The supervisor said it doesn't matter, serve it to the troops.

I mentioned the issue of water quality; again, the issue of requirement in the contract to provide water to our troops at the military bases in Iraq. That was a Halliburton contract. A couple of whistleblowers came to me and gave me the internal memorandum in the company. They were providing water that was twice as contaminated as raw water from the Euphrates River. I had it in writing. Yet Halliburton denied it and so did the U.S. Army. Only when the inspector general did the investigation I requested did we find out Halliburton was not telling the truth, nor was the U.S. Army. That is a sad comment.

I want to show a picture of some money. The fellow who was holding this cash came to testify. I believe I have a chart that shows the money. These are one-hundred dollar bills, in bricks, wrapped with Saran Wrap. This guy, named Frank—this was in a building in Baghdad. Down below in the vault of that building were several billion dollars.

By the way, $18 billion of cash was loaded on C–130s, from this country, to go to Iraq—$18 billion in cash. It was not accounted for.

There was a man who was contracted to be able to do the accounting. His name was Howell. His address was a residential home in San Diego, CA, and his company allegedly was NorthStar Consulting. No one has ever been able to find anything NorthStar Consulting did, except we know they got $1.4 million and there is no evidence they had any accounting on staff, any accountant at all. There is no evidence that any of the $18 billion in cash that was moved by C–130 airplanes to Iraq was accounted for.

This is $2 million. This $2 million.

By the way, Frank said from time to time they would throw these around as footballs in the office because there was a lot of cash around there. He said the refrain in their office was: You bring a bag because we pay in cash. He said it was like the Wild West.

This belonged to Custer Battles, by the way, this cash. They showed up in Iraq with no experience, a new company. They got $100 million in new contracts very quickly and then a whistleblower—at least the whistleblower says they threatened to kill him. He said you can't do this. They took forklift trucks that belonged to the Baghdad Airport, allegedly painted them blue, and then sold them back to the Coalition Provisional Authority. That was us, by the way. We were paying for all of that. Custer Battles, this was one of their payments. I expect they have been under criminal investigation now for some while—and if they have not, they should be. That was only $2 million, but they got $100 million.

There is so much to say about these issues. The Parsons Corporation is a company that was to build health clinics in Iraq. The Parsons Corporation was provided $243 million in a contract by us to build or repair 142 health clinics in the country of Iraq. Three years later the $200 million was gone, but there were only 20 health clinics and those that existed were of shoddy construction. A man who was an Iraqi physician, a doctor, came and talked to me about it. He said he went to the Iraqi health minister because he knew this money was supposed to go to address health issues in Iraq. He said to the Iraqi health minister, I understand an American company got $200-plus million. I want to tour all these healthcare facilities that were supposed to be built. The Iraqi health minister said you don't understand. Many of these were imaginary clinics.

The money is gone. The American taxpayer got fleeced again. The money is all gone, but the clinics don't exist.

We have shoveled money out the door here in this Congress. This President has said I want to send soldiers to war but I do not intend to pay for it. Not a cent of it has been paid for. Since the war started, every single dollar has been requested as an emergency by the President, emergency spending. It is unbelievable; nearly two-thirds of a trillion dollars emergency spending. A substantial amount of money has been shoveled out the door here for contracting, very big contracts in Iraq—some reconstruction, some replenishment of military accounts, but very large contracts with almost no oversight. The American taxpayer has been stolen blind. This is easy to say, in my judgment, the largest amount of waste, fraud, and abuse in the history of this country.

It has gone on for over 5 years. There is no excuse, none, for this Congress not creating a Truman committee with subpoena power, bipartisan, to investigate and bring justice and provide the oversight necessary on this kind of contract abuse. There is no excuse.

I know some over the years have made excuses. I have offered the amendment three times, perhaps four, but we voted on it three times. I have people stand up in the Senate and say

we are doing the oversight hearings, we are doing hearings. We are not. That is not true. The Appropriations Committee did one a month ago after I pushed and pushed. I appreciate the Appropriations Committee doing it. We will do another one in about a month, a little less than a month. That is fine. That is not a substitute for doing 60 hearings a year for 7 years, as the Truman committee did.

American taxpayers deserve better than they have gotten from this President and from the Congress for the last 5 years.

Senator REID and I have talked about this a great deal. Senator REID has aggressively supported the creation of a special committee, a bipartisan committee to investigate this kind of waste, fraud, and abuse. It is long past the time we do it.

I come back to the point I made originally. When I pick up a New York Times and see that $300 million of contracts is given to a shell corporation in Miami, FL, with no name on the door of the building, a corporation headed by a 22-year-old as president, a 26-year-old masseur as vice president, I ask the question: Who makes those judgments? Who is responsible? Who is accountable?

From that several hundred million dollars, 50-year-old weaponry is sent to Afghanistan in the name of American taxpayers, in boxes that are not taped up properly, weaponry that comes, in some cases, from the 1960s, in China.

That is unbelievable to me. Some might be able to read the New York Times piece and say that is all right, I have read this before. I have read we were double charged for gasoline for our American troops in Iraq. I have read we were overcharged for meals. I read we paid for health clinics that did not get built. I read all these things. You know what, it is not such a big deal.

It is a big deal with me. It ought to be a big deal with this Congress. The American people, I think, are sick and tired of this and they deserve a Congress that is going to do something about it.

I obviously wish I didn't have to come to the floor to talk about this. I wish instead my energy was devoted to a committee that had subpoena power. The very first thing we should do—and, by the way, I am writing a letter to the appropriate subcommittee saying I want you to subpoena the principals in this contract and I want you to subpoena the general in charge of the Army Sustainment Command and I want them to come to testify and explain to the American people and explain to us how is it during wartime that we seem to blink and turn our head to what is, I believe, war profiteering. Who has allowed us be that immune to the interests of the American troops? This undermines and disserves the American soldiers. It certainly disserves the American taxpayers and does not represent the best interests of this country.

In the coming days I intend to come to the floor a good many times to speak about this and be a general burr under the saddle—which is a term that people are perhaps more acquainted with in my home State because we raise a lot of horses. But it seems to me the only way to get this sort of thing done is to be a problem and to embarrass those who do not want to do it, and I am prepared to do that. I think it is long past the time to say to the American people: You don't have to read it anymore in the newspaper. The newspaper is not going to be required to do oversight for this Congress. The Congress finally, at long last, will do its own oversight and will do a good job and tell the American people you can count on us. That has not been the case earlier when this war started because no one wanted to do the necessary kind of oversight because it was the kind of oversight that would probably raise some hackles and embarrass some folks.

I might also say, there was a piece of legislation passed—in fact, the Presiding Officer, Senator WEBB, and Senator MCCASKILL and others put it together last year, which I supported—which deals with a Truman commission. It is not the equivalent of a Truman committee. A Truman committee is a standing committee with subpoena power, but the Truman Commission is a step forward and I supported it. It will be a commission that operates on a one-time basis to develop recommendations and take a look at what is happening.

The Wartime Contracting Commission has a 2-year sunset, and I commend my colleagues for trying to put together and for successfully putting together a commission, but I do say that we need in this Congress a committee, a bipartisan select committee, with subpoena power and we need it now.

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

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that I may speak for such time as I might consume.

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

The Senator from Arizona is recognized.

AMERICAN HISTORY

Mr. KYL. Mr. President, in the Senate, we are surrounded by history. The same can be said of the Capitol itself and, of course, of Washington, DC. It is very humbling to think that when we travel around the Nation's Capital, we are following the paths that many great statesmen walked before us.

Reflecting on our past can be a source of great pleasure, and it can lead to great insight. Learning about the lives of great Americans—the grand accomplishments and humanizing habits—is both entertaining and educational. Indeed, it is emblazoned in the rotunda in the Library of Congress that ''History is the biography of great men.'' The accomplishments of great Americans give us heights to which to aspire, and their failures give us guidance for our own pursuits.

Unfortunately, the pleasure of knowing history escapes many younger Americans. Study after study has shown that our students lack even a rudimentary knowledge of American history.

The most recent National Assessment of Education Progress found that elementary, middle, and high school students fall short in terms of what they know about U.S. history. According to the NAEP, the Nation's report card, roughly a third of fourth graders and eighth graders fall below what is deemed a ''basic'' level of proficiency in U.S. history. Our high schoolers fare much worse. More than half of 12th graders fall below the ''basic level.''

The news does not improve as students move on to college. Older students fare poorly as well, even those who attend what are considered our top universities and colleges. A recent survey of college freshmen and seniors revealed that many students are ignorant of what many of us consider basic facts of American history. For instance, only 47 percent of freshmen knew that Yorktown brought the Revolutionary War to an end. Seniors did even worse—only 45 percent knew. Another example: 42 percent of college freshmen could not identify on a multiple-choice test the 25-year period during which Abraham Lincoln was elected President. And another: 15 percent of seniors did not know that the Declaration of Independence denotes the inalienable rights of life, liberty, and the pursuit of happiness.

The results are disappointing, to say the least. They reveal that younger Americans have a poor concept of what is necessary for good citizenship. What is the basis for the social compact of Americans? Many younger Americans do not know that our Government was founded on principles and values of innate equality and liberty. We have known about these deficiencies for a long time. Yet very little progress has occurred. This must change if American voters are to be able to evaluate candidates and issues on the basis of American principles and values.

It was 13 years ago that the Senate debated the national illiteracy of U.S. history. At that time, the Senate was considering controversial national U.S. history standards. These standards were flawed, neglecting important individuals, ideas, and events for the sake

of politically correct subjects. As poor as the standards were, they did respond to what many recognized as a serious and legitimate problem: the Nation's children were not learning U.S. history.

As Senator Slade Gorton noted during that debate:

> The founding truths of this country may have been self-evident to the Founders, but as studies have demonstrated again and again, they are not genetically transmitted.

Studies have continued to demonstrate just that.

So what to do about it? Most of what we learn about our country we learn in school, but today's curricula does little to interest our students. So says former Secretary of Education William Bennett. In an article in National Review last year, he wrote:

> It's not our children's fault. . . .Many of our history books are either too tendentious—disseminating a one-sided, politically correct view of history of the greatest nation that ever existed; or, worse, they are boring—providing a watered down, anemic version of a people who have fought wars at home and abroad for the purposes of liberty and equality, conquered deadly diseases, and placed men on the moon.

Today's textbooks, say scholars like Bennett, do not relate the drama of our Nation, they are lifeless and boring, and they shy away from conveying the uniqueness and the extraordinary nature of America. Ours is a very special Nation based on what our Founders called ''truths.'' Is it conceivable that our unprecedented freedom, success, and leadership is influenced by these truths and the governmental structures designed to reflect them? You would not know it from some histories.

I believe our students would be well served by reading texts such as ''A Patriot's History of the United States.'' I like the way the authors of this book describe their approach to writing a volume of American history. They say:

> We remain convinced that if the story of America's past is told fairly, the result cannot be anything but a deepened patriotism, a sense of awe at the obstacles overcome, the passion invested, the blood and tears spilled, and the nation that was built.

That is the spirit we should convey to our children. And it does not have to be politically correct—just fair. Of course, American history cannot ignore the bad, but it also should not neglect individuals, ideas, and events that inspire.

My colleague, Senator LIEBERMAN, had it right in 1995. He said:

> We do not need sanitized history that only celebrates our triumphs. . . .But we also do not need to give our children a warped and negative view of Western civilization, of American civilization, of the accomplishments, the extraordinary accomplishments and contributions of both.

Why is this important today? First, to quote my colleague from Connecticut again:

> History is important. We learn from it. It tells us who we are, and from our sense of who we are, we help determine who we will be by our actions.

It is especially important in an election year, where knowledge of the past can help us evaluate events and candidates of today.

It is imperative that in these times Americans understand who we are as Americans. Americans must comprehend the principles and values on which this country was built because we are engaged in a great ideological confrontation with people who are dedicated to destroying us—a confrontation that will be arduous and difficult. The terrorist conflict in which we are engaged is one of values and principles, and future generations cannot act on these values if they are ignorant of American history.

When citizens begin to grow ignorant of who they are, one of the first symptoms is a loss of willpower. Learning about our past tells us who we are, and with that knowledge we are equipped to face the challenges and fight the wars we face today and in the future. Indeed, if future generations do not appreciate what we have—why it is so precious, why it needs defending—they will not do the hard things necessary to defend it.

In a speech to Harvard University's graduating class of 1978, Alexander Solzhenitsyn confronted the West's weak confrontation of communism.

It is probably worth noting here another item in the survey of college students I mentioned earlier. That survey found that about a quarter of freshmen were unable to complete this sentence correctly: ''The major powers at odds with each other in the 'Cold War' were the United States and [blank].'' A quarter of the students could not come up with the name—Soviet Union—and it was a multiple-choice quiz.

Solzhenitsyn's speech is particularly instructive even as we face a different ideological threat today. He warned:

> No weapons, no matter how powerful, can help the West until it overcomes its loss of willpower.

Some of the debates we have been having in the Senate raise the question of whether we are there again.

Thirty years after Solzhenitsyn, we need to summon willpower for this new conflict. We are engaged in a struggle against a radical ideology whose adherents want to eradicate us. The enemy we are fighting hates us because of our values and our principles, the origins of which are unknown to many young Americans. But a lack of willpower has inhibited our struggle against these global terrorists.

Last year, the Senate spent many hours debating whether to withdraw from Iraq before we had completed our mission. We have spent too much time arguing over terrorists' civil rights. Solzhenitsyn, in fact, presaged our current debate in 1978 when he observed:

> When a government starts an earnest fight against terrorism, public opinion immediately accuses it of violating the terrorist's civil rights.

Such accusations are a sign of a lack of will to defeat an implacable enemy.

This brings me to a final figure, another Soviet dissident and another witness to the destructive power of dangerous ideologies, like Solzhenitsyn. These are both men who understand the necessity of willpower in the face of evil.

A couple of years ago, writing in the journal ''The New Criterion,'' Roger Kimball, in his essay ''After the suicide of the West,'' discussed the insights of the Polish philosopher Leszek Kolakowski, who lived both through the fascism of the Nazis and the communism of the Soviet Empire. He was also active in the Polish Solidarity movement. Kimball paraphrases Kolakowski and illuminates why knowledge of our history is so key for the maintenance of our willpower. Kimball writes:

> Kolakowski is surely right that our liberal, pluralistic democracy depends for its survival not only on the continued existence of its institutions, but also ''on belief in their value and a widespread will to defend them.''

One can surely question whether the next generation of Americans really believes in the value of our institutions. After all, what is it they have to base their judgment on when they know very little about the institutions themselves?

A few years ago, in 2003, the Library of Congress recognized Kolakowski for his intellectual achievements. After receiving his award, he made a speech in which he passionately explained why history is so important and why it is an important matter for discussion.

He said:

> Historical knowledge is crucial to each of us: to schoolchildren and students, to young and to old. We must absorb history as our own, with all its horrors and monstrosities, as well as its beauty and splendor, its cruelties and persecutions, as well as all the magnificent works of the human mind and hand; we must do this if we are to know our proper place in the universe, to know who we are and how we should act.

And he goes on:

> One might ask what is the point of repeating these banalities? The answer is that it is important to keep on repeating them again and again, because these are banalities we often find it convenient to forget; and if we forget them and they fall into oblivion, we will be condemning our culture, that is to say ourselves, to ultimate and irrevocable ruin.

Studies of our young people's knowledge of history confirm the wisdom of this observation and raise questions about the risk to our history of falling into oblivion.

''Thankfully, historical amnesia still has a cure,'' Secretary Bill Bennett reminds us. ''Let us begin the regimen now.''

We need a cure, because as long as we suffer from this amnesia, we will be fighting two wars: a war against our enemies who wish to do us harm and a war against our will, the loss of which will let them.

The fate of future generations depends on how we answer the enemy's challenge today. To do that, we must

clearly understand the values and principles that make us who we are. The truth is no one will fight long, either literally or figuratively, for values and principles he doesn't understand.

Americans must know what is worth fighting for, must maintain the willpower to do it, and must apply the lessons of our past to our current threats. So we must find a way to help students understand the values and the principles upon which our Nation is founded. The solution begins at a fundamental level of learning and education. Our students need textbooks that capture the life of history—Bill Bennett suggests a national contest for better history textbooks—and draw young people to the study of our Nation's story.

The solution, however, must go beyond changes to curriculum. As a nation, we must learn to embrace our history again and discard the politically correct, relativistic version of our history that has persisted for far too long. We must act now to preserve for future generations what we know to be so important. Let us get about the job.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

HOUSING CRISIS

Mrs. MURRAY. Mr. President, over the last year, Americans across the country have watched as our economy has faltered, and for far too many families the economic downturn has hit home in the form of a foreclosure. This is a time when we badly need a strong and effective response from the administration led, in part, by the Department of Housing and Urban Development.

But instead of helping the millions of families who are struggling to stay above water, HUD has been almost constantly distracted by the ethical questions that have been facing its Secretary, Alphonso Jackson. Ten days ago, I felt the problem had reached a breaking point, so I called for Secretary Jackson's resignation. Today, Mr. Jackson announced he has decided to move on, and President Bush must now nominate a new Housing Secretary with the experience and the credibility to attack this crisis rather than hide from it.

Mr. President, I hope this development is a sign that the administration wants to finally make the needs of American families a priority. I hope it is a sign that the administration wants to work with Congress on a meaningful response to the crisis that has swept across this Nation. I hope President Bush will change his position and support our effort to pass legislation that will help millions of families who are facing foreclosure today.

This week, we will give President Bush and the Republican Senators that chance again as we take up the Foreclosure Prevention Act for the second time this year. Until now, it seems that some on the other side of the aisle have been more responsive to Wall Street than Main Street.

So I hope my colleagues who were home over the break have listened, as I have, to the concerns of their constituents and have now returned ready to work and address our Nation's housing crisis. This truly is a crisis. I wish to spend a couple minutes talking about why we have to take action now.

As many as 2 million American families are going to lose their homes to foreclosure this year. Each foreclosure represents a family whose dream of a comfortable home and secure future has been dashed. Each foreclosure weakens the foundation of our entire economy and our communities. Foreclosures have left our neighborhoods full of vacant homes. Foreclosures have left our families distressed and troubled, and communities are now reporting a higher crime rate as a result of this crisis. State and local governments are seeing their tax revenues drop even as their needs are piling up. We in Congress can help prevent this by investing in our communities and providing support for families who risk losing everything.

The Foreclosure Prevention Act would make changes in bankruptcy laws so that more financially troubled families could keep their homes. It would change lending laws to prevent more borrowers from accepting terms they don't understand and cannot afford. It would provide an additional $200 million to help housing counselors continue to reach out to families who are at risk of foreclosure.

I wish to focus on the last point because it is extremely important. Too many homeowners today don't know they can get help when they get behind on their mortgage. Too many of them don't contact their lender when they miss their first payment. Too many are just intimidated or don't feel they can trust anyone. The Foreclosure Prevention Act would give counseling agencies the resources they need to reach out and let borrowers know they have options. Counseling can help families negotiate with their lenders, readjust their payments, or learn how to budget their expenses better.

Last month, I had the opportunity to meet a single mother from Ohio. She had fallen on hard times which, in turn, led her to fall behind in her mortgage. Luckily, with housing counseling made possible by NeighborWorks America, she and her children were able to stay in their home. She explained to me that when she got behind, she was simply overwhelmed; she didn't know what to do. She said this is not something about which they teach you in school.

Our economic health in this country depends on Americans having a safe and stable place to live and raise their families. We want every family to know there is help out there. The Foreclosure Prevention Act would help make sure families that risk losing everything get the help they need before it is too late.

Across this country, people are worried about whether they are going to be able to keep their homes, whether their jobs will be eliminated, and how they are going to pay for health care when they or their children get sick. These are real families, and these are real communities in need of help.

We need to pass this reform immediately. Americans want action. We wanted to pass it last month, and we were stopped by Republican efforts to block this bill. So I hope now, as we have returned from the recess, President Bush and our Republican colleagues will support our efforts. I hope they will come with us tomorrow, stand with us, and pass meaningful reform that will give homeowners the help they need, allow them to keep their homes, give their families hope, and ultimately make our communities strong again.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to speak in morning business for as long as I may need.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

UNITED STATES COAST GUARD

Ms. MURKOWSKI. Mr. President, many of my fellow Americans are very aware of the exhilaration but also the dangers and risks of commercial fishing in Alaska's Bering Sea. The pictures and the stories—and even the sounds—are brought into our living rooms every week on the Discovery Channel program ''The Deadliest Catch.'' Many have seen it.

When the Bering Sea fishing fleet finds itself in trouble, they rely on the men and women of the U.S. Coast Guard to truly make order from the chaos. These stories have not escaped Hollywood's attention. It is not only seen on ''The Deadliest Catch,'' but there was a 2006 feature film, ''The Guardian,'' starring Kevin Costner and Ashton Kutcher, which paid tribute to the Coast Guard search and rescue teams based at Air Station Kodiak in Alaska. Coast Guard Air Station Kodiak is home to aircrews and rescue swimmers who endure some of the

harshest winds and seas in the world. They put their own lives on the line every day so that others may live.

The events that were depicted in ''The Guardian'' were fictional, but the events that transpired this past Easter morning in the Bering Sea were very real. I rise today to honor the men and women of the U.S. Coast Guard who participated in efforts to rescue the 47-member crew of the fishing vessel *Alaska Ranger*. As a direct result of these heroic efforts, 42 members of the *Ranger's* crew survived. There were no Coast Guard lives lost. In the words of RADM Arthur Brooks, commander of the Seventeenth Coast Guard District, it was ''one of the greatest search and rescue efforts in modern history.''

Let me kind of paint the scene for you. It was 2:52 a.m. local time on Easter Sunday, March 23, that the *Alaska Ranger*, a Seattle-based factory trawler, radioed the Coast Guard Communications Station Kodiak with a distress call. The vessel at that time was located 120 miles west of Dutch Harbor at the end of the Aleutian Chain. The vessel was taking on water. There were 25-knot winds and seas 6 to 8 feet high.

The Coast Guard immediately launched a rescue effort. There was a cutter, two helicopters, and a C–130. The crew of the *Ranger* had to abandon ship before the first Coast Guard asset arrived.

First to arrive on the scene is a Coast Guard Jayhawk Rescue Helicopter, deployed from St. Paul Island, located about 230 miles to the north of where the *Alaska Ranger* was at the time.

The Jayhawk carried a crew of four men. There was no backup. The Jayhawk arrives on the scene about 5:30 a.m. This is about 2½ hours after the first distress call. This helps put in perspective the distances with which we are dealing. By this point in time, the *Alaska Ranger* has already sunk in the water. The vessel is completely gone. It has already sunk in water that is more than 6,300 feet deep.

The air crew flies in and looks upon this sea of flashing strobe lights. Keep in mind, this is 5:30 in the morning. It is still dark. They have wind and sleet and waves coming up, and they see this sea of flashing strobe lights, probably a mile end to end. They are looking down at this scene through the helicopter thinking there is a light there: Is that a liferaft? Yet another light and another light. Each light is a member of the *Ranger's* crew wearing a survival suit. Some are in liferafts, but others were literally in this human chain stretching almost a mile in length. Others are floating alone. The water temperature in the sea is about 32 degrees.

Rescue swimmer O'Brien Hollow is lowered into the water to triage the survivors. One by one, he positions the survivors to be hoisted into the helicopter above. The helicopter is tossing above in these very heavy winds. Hollow is tethered to the helicopter from above.

We also have then the Coast Guard cutter *Munro*. It has been diverted from its position 130 nautical miles south of the incident. It is racing to the scene at the speed of about 30 knots.

The *Munro* carries a Dolphin rescue helicopter which lifts off the *Munro* some 80 miles before the cutter arrives at the scene.

Rescue swimmer Abram Heller is lowered into the water and begins to gather victims to be hoisted into the basket to be lifted up into the helicopter. Heller stays in the water to make room on the Dolphin for survivors.

One has to remember, they have some 47 men in the water. They are trying to lift them into the basket and then into the helicopter, but the helicopter can only accommodate so many people. The rescue swimmer is saying: I am going to stay down here; move this group to safety.

The Jayhawk then departs the scene for the *Munro*, but the Jayhawk cannot land on the cutter's deck because it is too big. So the Jayhawk crew hoists the survivors down to the *Munro's* deck one by one. Just as they have been lifting survivors out of the sea into this helicopter that is pitching around in the air, they now have to be dropped down to the deck one at a time in the basket.

In the meantime, a fuel line is sent up from the *Munro's* deck to refuel the Jayhawk, and it then departs to the scene.

The Jayhawk recovers Heller, the rescue swimmer who has been down there with the survivors, and rescues more survivors. In total, the Jayhawk is responsible for saving 15 lives. The Dolphin saves five lives.

The third player in this supremely heroic effort is a Coast Guard C–130, which circled over the scene serving as an airborne coordination and communications platform.

The Coast Guard also received substantial assistance from the *Ranger's* sister fishing vessel, the *Alaska Warrior*. The *Alaska Warrior* also had been out on the Alaska fishing grounds. They left their fishing grounds to pick up 22 survivors from the *Ranger* who were in liferafts and then returned them to Dutch Harbor.

Unfortunately, four of the *Ranger's* crew members could not be saved. One still remains unaccounted for. The Coast Guard sent the Jayhawk and a C–130 back to the scene with fresh crews to search for the missing mariner but without success. The search for the missing crew member was suspended on Tuesday, March 25.

The Coast Guard uses the maritime phrase ''Bravo Zulu'' to recognize a job well done, and this was truly a job well done. While the Coast Guard rigorously trains its people to perform this mission, it is very rare to undertake a mission of this intensity and this complexity.

Rescue swimmers Hollow and Heller had participated in rescues before but nothing approaching this kind of a rescue. In fact, rescues of this nature are extremely rare. After very carefully examining the records dating back over 30 years, the Coast Guard could only find a couple mass rescue cases that were even remotely similar to what we experienced on Easter.

While dramatic search-and-rescue cases are no stranger to Alaska, most involve 10 victims or less. Others involve a much more orderly abandonment of a vessel. This was the case in 1980, when the cruise ship *Prinsendam* went down near Yakutat, AK. But large numbers of people abandoning ship directly into the water hardly ever happens. That is one more reason why this rescue effort was remarkable. But it is not the only reason.

The risks that were involved in this case were extreme. They had, again, darkness, extremely high winds, high seas, ice, freezing temperatures, extremely long distances from any supporting infrastructure, and all these conditions present unique hazards to the rescuers.

Success such as this could not occur without the commitment of a great many people. The crews of the Jayhawk, the Dolphin, and the *Munro* will long be remembered for their heroism.

Backing them were the watch standers at Coast Guard Communications Station Kodiak. These were the folks who answered the *Alaska Ranger's* mayday call. The C–130 crews, the Kodiak Air Station duty officers, and the District 17 command center controllers in Juneau also contributed. In total, something on the order of 170 Alaska-based Coast Guard men and women were involved in this effort.

ADM Thad Allen has already expressed ''Bravo Zulu'' to all the men and women involved with this effort. I am honored to take a few minutes from the Senate's day to praise these men and women of the U.S. Coast Guard on a job well done. Our Nation is always well served by these highly trained individuals who stand ''always ready.''

AMERICAN ENERGY INDEPENDENCE AND SECURITY ACT OF 2008

Ms. MURKOWSKI. Mr. President, I wish to take a few minutes today to speak about legislation I introduced before we went on our 2-week recess. This is legislation that is cosponsored by my colleague, the senior Senator from Alaska, Mr. STEVENS.

It made great sense when the price of oil hit $111.72 a barrel, which is an all-time record high, and it still makes sense today, even with the price of oil having declined to $101, as it is today. It is a bill that will call for the United States to actually take steps to produce more oil, to actually help increase global supplies of petroleum to lower prices, and to use all the Federal revenues from the oil production to fund many forms of alternative energy and the programs that help Americans deal with high energy and food prices.

The legislation is entitled the ''American Energy Independence and Security Act of 2008.'' This legislation would automatically open the Coastal Plain of the Arctic National Wildlife Refuge in northern Alaska if the world price of oil tops $125 a barrel for 5 days. In return, it allocates all the Federal revenues that would come from that oil to both alternative energy development and to provide programs to help improve energy efficiencies to those in need.

The revenue includes the estimated $3.5 billion of Federal lease, bonus, and royalty revenues within the first 5 years, plus all the oil production tax revenues over the life of the field.

This is an estimated $191 billion to $297 billion to fund wind, solar, biomass, geothermal, ocean, landfill gas—everything covered by the two Energy bills we passed in 2005 and 2007, plus programs such as LIHEAP, the Low-Income Home Energy Assistance Program, that provides aid to help low-income residents pay for home heating and cooling, the weatherization program that helps people improve their insulation to cut energy costs, and also to the Women, Infants, and Children's nutrition program that provides a safety net for nutrition costs, when energy prices rise so high women cannot afford to buy food for their babies and young infants. By the way, the estimates of those total revenues are not my estimates that I have worked up; they were developed by the Congressional Research Service.

We know there is a lot of hand-wringing in Washington about what to do about record-high oil prices that are strangling our economy from the east coast all the way west and certainly up to Alaska. Rather than begging Arab oil sheiks to produce more oil, America should produce our own oil to send a signal that we are willing to increase our own supplies and drive down prices.

Alaska's Arctic Coastal Plain is likely to hold the largest reserve of traditional oil left on land in Northern America. If the price rises any higher, we should explore the area and find out if there is oil there. And if there is, we ought to produce it and use the revenues to wean ourselves from the fossil fuels and to promote energy conservation.

We know so many Americans are hurting every time they fill up their cars at the pump. And while prices may moderate fractionally, the AAA early this month reported gasoline prices have risen 26.9 cents nationwide since February 10. In Alaska, my home State, the average price of gasoline is $3.36 a gallon for regular. This is trailing California and Hawaii by a little bit.

Americans are having an equally hard time affording their winter heating bills and will have similar problems with their summer air-conditioning bills. So it only makes sense the revenues from finding and producing U.S. oil go to help the people who are having trouble making ends meet, given the high fuel prices we are facing.

By this legislation, only 2,000 acres of the 1.5 million acres of the Arctic Coastal Plain can be physically disturbed. The bill includes a host of environmental protections. It requires directional drilling to be used to minimize disturbance to the wildlife. That means wells can be drilled from a single oil pad that can go underground up to 8 miles away to find the oil pockets. That means that there will be nearly 100 square miles of habitat for caribou and musk oxen and the birds between these well pads.

The bill mandates exploration only occurs in winter, when there are no animals on the Coastal Plain to be disturbed. It requires the use of ice roads that disappear in the summer to protect the wildlife. It allows special areas to be designated to protect key habitat to keep any activity out. It contains dozens of other stipulations to guard against noise, flight disturbances, spills or land-use problems.

The bill also sets up a special fund to help protect Alaska and Canadian Natives should they face any disruptions because of the limited development that would be allowed.

The bill earmarks not just the $3.5 billion of expected initial Federal lease royalties and the potential $192 billion to $297 billion of total Federal income taxes from the first 30 years of energy production, to be split evenly, half would be going then to alternative energy projects contained in the Energy Policy Act of 2005 and the Energy Independence and Security Act of 2007 that we approved in December. The other half would be allocated evenly to LIHEAP, weatherization, and to the WIC programs.

In a hearing we held earlier this month, there was a discussion about LIHEAP and LIHEAP funding. We recognized that LIHEAP needs $2 billion a year in additional funding to be fully funded. This legislation could do this for 30 years if we were to pass it.

We need a balanced program to increase alternative energy development and improve energy efficiency, but we also need to fund these programs without increasing our Federal debt. Look at the fights we are having to find the offsets to pay for extending tax breaks to further alternative energy. The best way to fund alternatives is by raising new revenue. Look at the pain we are having in crafting and approving the ongoing budget resolution.

We know this pain is going to continue for years if we don't do something, and the best way is by using the funds from the fossil fuels to build alternatives. By doing that, we are using domestic oil as a bridge, as a bridge to pay for the alternative fuels that will allow us to reduce our use of fossil fuels and cut our carbon emissions.

Opening ANWR does so many things. It makes us less dependent on foreign oil, it cuts our balance of payments deficit, it improves our economy, it keeps our jobs at home instead of exporting them to foreign oil producers such as Venezuela and the Middle East. More importantly, signaling we are finally serious about helping ourselves, that we will produce oil from ANWR, will help to drive down the psychology and the speculation that is currently acting to drive up world oil prices.

Admittedly, if we were to open ANWR tomorrow, it is not going to produce more oil tomorrow, but it will or it can dampen the speculation that is helping to fuel higher prices. It is absolutely the right thing to do today, and it is vital if prices rise higher, as we believe they will.

The U.S. economy is at risk if prices rise, not counting the health of our low- and middle-income residents. Folks are drowning under the high cost of gasoline and the high cost of heating oil. This bill helps to reduce that pain. If the prices get any higher, we have to produce more oil as a means of driving down market forces.

This bill contains all of the environmental safeguards that will allow us to open a tiny fraction of the 40 million acres of the Arctic Coastal Plain in Alaska without harming the wildlife or the environment. It won't hurt the polar bears. It won't hurt the yellow loon. And doing onshore development certainly protects the marine environment and the whale and the walrus and the polar bear that spends 90 percent of its life offshore on the Arctic ice pack.

This bill is cautious. It doesn't open the refuge tomorrow, but it simply says if oil prices rise much further we have to take action to show markets that we are serious about helping ourselves and producing more domestic supplies of oil and natural gas. It responsibly takes all the proceeds and puts them toward alternatives and safety net program for those who can't afford these prices. Using these monies for these existing programs will free up funds in the Federal budget to help reduce the debt or fund other vital services.

I am realistic about the fate of this legislation. I doubt that the leadership in this body will allow this bill to come up for a vote right now. But everyone here, from Senators who represent farmers who won't be able to afford to till their fields this spring during the planting season due to the high prices, to those who represent cold States, where home heating oil is a problem, to those Senators who represent warm States, where air-conditioning costs will be a concern, to those of us who represent fishermen who are worried about how they will afford the fuel to go out and earn their living, we should come together to support this commonsense way to help reduce prices and to actually help provide a real long-term solution to our supply problems.

We owe to it our constituents to do what is right, and I believe this is what is right for our Nation's future.

IN HONOR OF CÉSAR CHÁVEZ DAY

Mr. REID. Mr. President, I rise today in appreciation of the life and lasting legacy of civil rights activist and labor leader, César Chávez.

César Chávez came from humble beginnings, born on March 31, 1927, in a small farm outside of Yuma, AZ. Through his experiences as a laborer and migrant worker in the fields of the southwest United States, he recognized a need for change; change that would bring social and economic equality to those who tilled America's soil and harvested America's crops. The exploitation and discrimination experienced and observed by Mr. Chávez energized his courageous fight for fair and equal treatment for his hardworking colleagues of all backgrounds.

As a member of the U.S. Navy he served in the western Pacific during the end of World War II to protect the freedoms that he often did not enjoy. He demonstrated his dedication to two great values—community and compassion—by building a powerful coalition of grass roots organizations and inspiring individuals of all backgrounds to join a campaign for social equality.

César Chávez is not only an icon for Mexican-American communities across this great country, but also an American icon for all those who have felt the pain of injustice and for those who recognize the continuing need to allow equal access to the resources of our great Nation. His tireless efforts to help bring our country closer to its ideals of freedom and equality of opportunity shall be recognized today as they were when he posthumously received the Presidential Medal of Freedom. His legacy inspires hope, action, and prosperity for those who are often burdened by marginalization and discrimination. Our society owes gratitude to the indelible mark that Mr. Chávez has left on our Nation.

I appreciate the Clark County Commission for commemorating the legacy of a giant in our Nation's labor movement by declaring March 31, 2008, as César Chávez Day. I join the Commission, and many throughout Nevada, in honoring Mr. Chávez's visionary leadership. We must continue to recognize the value in César Chávez's legacy, which has become a symbol of dignity and perseverance for all workers, whether in the fields, in the factories, or behind the counter.

VETERANS EMPLOYMENT OPPORTUNITIES REGULATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the attached from the Office of Compliance be printed in the RECORD today pursuant to section 304(b)(3) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(b)(3)).

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

TEXT OF ADOPTED VETERANS' EMPLOYMENT OPPORTUNITIES REGULATIONS

When approved by the House of Representatives for the House of Representatives, these regulations will have the prefix ''H.'' When approved by the Senate for the Senate, these regulations will have the prefix ''S.'' When approved by Congress for the other employing offices covered by the CAA, these regulations will have the prefix ''C.''

In this draft, ''H&S Regs'' denotes the provisions that would be included in the regulations applicable to be made applicable to the House and Senate, and ''C Reg'' denotes the provisions that would be included in the regulations to be made applicable to other employing offices.

PART 1—Extension of Rights and Protections Relating to Veterans' Preference Under Title 5, United States Code, to Covered Employees of the Legislative Branch (section 4(c) of the Veterans Employment Opportunities Act of 1998)

Subpart A—Matters of General Applicability to All Regulations Promulgated under Section 4 of the VEOA

Sec.
1.101 Purpose and scope.
1.102 Definitions.
1.103 Adoption of regulations.
1.104 Coordination with section 225 of the Congressional Accountability Act.

SEC. 1.101. PURPOSE AND SCOPE.

(a) Section 4(c) of the VEOA. The Veterans Employment Opportunities Act (VEOA) applies the rights and protections of sections 2108, 3309 through 3312, and subchapter I of chapter 35 of title 5 U.S.C., to certain covered employees within the Legislative branch.

(b) Purpose of regulations. The regulations set forth herein are the substantive regulations that the Board of Directors of the Office of Compliance has promulgated pursuant to section 4(c)(4) of the VEOA, in accordance with the rulemaking procedure set forth in section 304 of the CAA (2 U.S.C. §1384). The purpose of subparts B, C and D of these regulations is to define veterans' preference and the administration of veterans' preference as applicable to Federal employment in the Legislative branch. (5 U.S.C. §2108, as applied by the VEOA). The purpose of subpart E of these regulations is to ensure that the principles of the veterans' preference laws are integrated into the existing employment and retention policies and processes of those employing offices with employees covered by the VEOA, and to provide for transparency in the application of veterans' preference in covered appointment and retention decisions. Provided, nothing in these regulations shall be construed so as to require an employing office to reduce any existing veterans' preference rights and protections that it may afford to preference eligible individuals.

H Regs: (c) Scope of Regulations. The definition of ''covered employee'' in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term ''covered employee'' excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made by a Member of Congress within an employing office, as defined by Sec. 101 (9)(A–C) of the CAA, 2 U.S.C. §1301 (9)(A–C) or; (3) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (4) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

S Regs: (c) Scope of Regulations. The definition of ''covered employee'' in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term ''covered employee'' excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made or directed by a Member of Congress within an employing office, as defined by Sec. 101(9)(A–C) of the CAA, 2 U.S.C. §1301 (9)(A–C) or; (3) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (4) who is appointed pursuant to 2 U.S.C. §43d(a); or (5) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

C Reg: (c) Scope of Regulations. The definition of ''covered employee'' in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term ''covered employee'' excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (3) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

SEC. 1.102. DEFINITIONS.

Except as otherwise provided in these regulations, as used in these regulations:

(a) Accredited physician means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices. The phrase ''authorized to practice by the State'' as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions without supervision by a doctor or other health care provider.

(b) Act or CAA means the Congressional Accountability Act of 1995, as amended (Pub. L. 104–1, 109 Stat. 3, 2 U.S.C. §§1301–1438).

(c) Active duty or active military duty means full-time duty with military pay and allowances in the armed forces, except (1) for training or for determining physical fitness and (2) for service in the Reserves or National Guard.

(d) Appointment means an individual's appointment to employment in a covered position, but does not include any personnel action that an employing office takes with regard to an existing employee of the employing office.

(e) Armed forces means the United States Army, Navy, Air Force, Marine Corps, and Coast Guard.

(f) Board means the Board of Directors of the Office of Compliance.

H Regs: (g) Covered employee means any employee of (1) the House of Representatives; and (2) the Senate; (3) the Capitol Guide Board; (4) the Capitol Police Board; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; and (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of

the Senate; (bb) whose appointment is made by a Member of Congress; (cc) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (dd) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

S. Regs: (g) Covered employee means any employees of (1) the House of Representatives; and (2) the Senate; (3) the Capitol Guide Board; (4) the Capitol Police Board; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; and (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; (bb) whose appointment is made or directed by a Member of Congress; (cc) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (dd) who is appointed pursuant to 2 U.S.C. §43d(a); or (ee) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

C Reg: (g) Covered employee means any employee of (1) the Capitol Guide Service; (2) the Capitol Police; (3) the Congressional Budget Office; (4) the Office of the Architect of the Capitol; (5) the Office of the Attending Physician; or (6) the Office of Compliance, but does not include an employee: (aa) whose appointment is made by the President with the advice and consent of the Senate; or (bb) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (cc) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

(h) Covered position means any position that is or will be held by a covered employee.

(i) Disabled veteran means a person who was separated under honorable conditions from active duty in the armed forces performed at any time and who has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pensions because of a public statute administered by the Department of Veterans Affairs or a military department.

(j) Employee of the Office of the Architect of the Capitol includes any employee of the Office of the Architect of the Capitol, the Botanic Gardens, or the Senate Restaurants.

(k) Employee of the Capitol Police Board includes any member or officer of the Capitol Police.

(l) Employee of the House of Representatives includes an individual occupying a position the pay of which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (g) above nor any individual described in subparagraphs (aa) through (dd) of paragraph (g) above.

(m) Employee of the Senate includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (g) above nor any individual described in subparagraphs (aa) through (ee) of paragraph (g) above.

H Regs: (n) Employing office means: (1) the personal office of a Member of the House of Representatives; (2) a committee of the House of Representatives or a joint committee of the House of Representatives and the Senate; or (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate.

S Regs: (n) Employing office means: (1) the personal office of a Senator; (2) a committee of the Senate or a joint committee of the House of Representatives and the Senate; or (3) any other office headed by a person with the final authority to appoint, or be directed by a Member of Congress to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate.

C Reg: (n) Employing office means: the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance.

(o) Office means the Office of Compliance.

(p) Preference eligible means veterans, spouses, widows, widowers or mothers who meet the definition of ''preference eligible'' in 5 U.S.C. §2108(3)(A)–(G).

(q) Qualified applicant means an applicant for a covered position whom an employing office deems to satisfy the requisite minimum job-related requirements of the position. Where the employing office uses an entrance examination or evaluation for a covered position that is numerically scored, the term ''qualified applicant'' shall mean that the applicant has received a passing score on the examination or evaluation.

(r) Separated under honorable conditions means either an honorable or a general discharge from the armed forces. The Department of Defense is responsible for administering and defining military discharges.

(s) Uniformed services means the armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(t) VEOA means the Veterans Employment Opportunities Act of 1998 (Pub. L. 105–339, 112 Stat. 3182).

(u) Veterans means persons as defined in 5 U.S.C. §2108(1), or any superseding legislation.

SEC. 1.103. ADOPTION OF REGULATIONS.

(a) Adoption of regulations. Section 4(c)(4)(A) of the VEOA generally authorizes the Board to issue regulations to implement section 4(c). In addition, section 4(c)(4)(A) of the VEOA generally authorizes the Board to issue regulations to implement section 4(c). In addition, section 4(c)(4)(B) of the VEOA directs the Board to promulgate regulations that are ''the same as the most relevant substantive regulations (applicable with respect to the Executive branch) promulgated to implement the statutory provisions referred to in paragraph (2)'' of section 4(c) of the VEOA. Those statutory provisions are section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, United States Code. The regulations issued by the Board herein are on all matters for which section 4(c)(4)(B) of the VEOA requires a regulation to be issued. Specifically, it is the Board's considered judgment based on the information available to it at the time of promulgation of these regulations, that, with the exception of the regulations adopted and set forth herein, there are no other ''substantive regulations (applicable with respect to the Executive branch) promulgated to implement the statutory provisions referred to in paragraph (2)'' of section 4(c) of the VEOA that need be adopted.

(b) Modification of substantive regulations. As a qualification to the statutory obligation to issue regulations that are ''the same as the most substantive regulations (applicable with respect to the Executive branch)'', section 4(c)(4)(B) of the VEOA authorizes the Board to ''determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under'' section 4(c) of the VEOA.

(c) Rationale for Departure from the Most Relevant Executive Branch Regulations. The Board concludes that it must promulgate regulations accommodating the human resource systems existing in the Legislative branch; and that such regulations must take into account the fact that the Board does not possess the statutory and Executive Order based government-wide policy making authority underlying OPM's counterpart VEOA regulations governing the Executive branch. OPM's regulations are designed for the competitive service (defined in 5 U.S.C. §2102(a)(2)), which does not exist in the employing offices subject to this regulation. Therefore, to follow the OPM regulations would create detailed and complex rules and procedures for a workforce that does not exist in the Legislative branch, while providing no VEOA protections to the covered Legislative branch employees. We have chosen to propose specially tailored regulations, rather than simply to adopt those promulgated by OPM, so that we may effectuate Congress' intent in extending the principles of the veterans' preference laws to the Legislative branch through the VEOA.

SEC. 1.104. COORDINATION WITH SECTION 225 OF THE CONGRESSIONAL ACCOUNTABILITY ACT.

Statutory directive. Section 4(c)(4)(C) of the VEOA requires that promulgated regulations must be consistent with section 225 of the CAA. Among the relevant provisions of section 225 are subsection (f)(1), which prescribes as a rule of construction that definitions and exemptions in the laws made applicable by the CAA shall apply under the CAA, and subsection (f)(3), which states that the CAA shall not be considered to authorize enforcement of the CAA by the Executive branch.

Subpart B—Veterans' Preference—General Provisions

Sec.
1.105 Responsibility for administration of veterans' preference.
1.106 Procedures for bringing claims under the VEOA.

SEC. 1.105. RESPONSIBILITY FOR ADMINISTRATION OF VETERANS' PREFERENCE.

Subject to section 1.106, employing offices with covered employees or covered positions are responsible for making all veterans' preference determinations, consistent with the VEOA.

SEC. 1.106. PROCEDURES FOR BRINGING CLAIMS UNDER THE VEOA.

Applicants for appointment to a covered position and covered employees may contest adverse veterans' preference determinations,

including any determination that a preference eligible applicant is not a qualified applicant, pursuant to sections 401–416 of the CAA, 2 U.S.C. §§1401–1416, and provisions of law referred to therein; 206a(3) of the CAA, 2 U.S.C. §§1401, 1316a(3); and the Office's Procedural Rules.

Subpart C—Veterans' Preference in Appointments

Sec.
1.107 Veterans' preference in appointments to restricted covered positions.
1.108 Veterans' preference in appointments to non-restricted covered positions.
1.109 Crediting experience in appointments to covered positions.
1.110 Waiver of physical requirements in appointments to covered positions.

SEC. 1.107. VETERANS' PREFERENCE IN APPOINTMENTS TO RESTRICTED POSITIONS.

In each appointment action for the positions of custodian, elevator operator, guard, and messenger (as defined below and collectively referred to in these regulations as restricted covered positions) employing offices shall restrict competition to preference eligible applicants as long as qualified preference eligible applicants are available. The provisions of sections 1.109 and 1.110 below shall apply to the appointment of a preference eligible applicant to a restricted covered position. The provisions of section 1.108 shall apply to the appointment of a preference eligible applicant to a restricted covered position, in the event that there is more than one preference eligible applicant for the position.

Custodian—One whose primary duty is the performance of cleaning or other ordinary routine maintenance duties in or about a government building or a building under Federal control, park, monument, or other Federal reservation.

Elevator operator—One whose primary duty is the running of freight or passenger elevators. The work includes opening and closing elevator gates and doors, working elevator controls, loading and unloading the elevator, giving information and directions to passengers such as on the location of offices, and reporting problems in running the elevator.

Guard—One whose primary duty is the assignment to a station, beat, or patrol area in a Federal building or a building under Federal control to prevent illegal entry of persons or property; or required to stand watch at or to patrol a Federal reservation, industrial area, or other area designated by Federal authority, in order to protect life and property; make observations for detection of fire, trespass, unauthorized removal of public property or hazards to Federal personnel or property. The term guard does not include law enforcement officer positions of the Capitol Police Board.

Messenger—One whose primary duty is the supervision or performance of general messenger work (such as running errands, delivering messages, and answering call bells).

SEC. 1.108. VETERANS' PREFERENCE IN APPOINTMENTS TO NON-RESTRICTED COVERED POSITIONS.

(a) Where an employing office has duly adopted a policy requiring the numerical scoring or rating of applicants for covered positions, the employing office shall add points to the earned ratings of those preference eligible applicants who receive passing scores in an entrance examination, in a manner that is proportionately comparable to the points prescribed in 5 U.S.C. §3309. For example, five preference points shall be granted to preference eligible applicants in a 100-point system, one point shall be granted in a 20-point system, and so on.

(b) In all other situations involving appointment to a covered position, employing offices shall consider veterans' preference eligibility as an affirmative factor that is given weight in a manner that is proportionately comparable to the points prescribed in 5 U.S.C. §3309 in the employing office's determination of who will be appointed from among qualified applicants.

SEC. 1.109. CREDITING EXPERIENCE IN APPOINTMENTS TO COVERED POSITIONS.

When considering applicants for covered positions in which experience is an element of qualification, employing offices shall provide preference eligible applicants with credit:

(a) for time spent in the military service (1) as an extension of time spent in the position in which the applicant was employed immediately before his/her entrance into the military service, or (2) on the basis of actual duties performed in the military service, or (3) as a combination of both methods. Employing offices shall credit time spent in the military service according to the method that will be of most benefit to the preference eligible applicant.

(b) for all experience material to the position for which the applicant is being considered, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether he/she received pay therefor.

SEC. 1.110. WAIVER OF PHYSICAL REQUIREMENTS IN APPOINTMENTS TO COVERED POSITIONS.

(a) Subject to (c) below, in determining qualifications of a preference eligible for appointment, an employing office shall waive:

(1) with respect to a preference eligible applicant, requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) with respect to a preference eligible applicant to whom it has made a conditional offer of employment, physical requirements if, in the opinion of the employing office, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the preference eligible applicant, the preference eligible applicant is physically able to perform efficiently the duties of the position;

(b) Subject to (c) below, if an employing office determines, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the preference eligible applicant, that an applicant to whom it has made a conditional offer of employment is preference eligible as a disabled veteran as described in 5 U.S.C. §2108(3)(c) and who has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the covered position, the employing office shall notify the preference eligible applicant of the reasons for the determination and of the right to respond and to submit additional information to the employing office, within 15 days of the date of the notification. The director of the employing office may, by providing written notice to the preference eligible applicant, shorten the period for submitting a response with respect to an appointment to a particular covered position, if necessary because of a need to fill the covered position immediately. Should the preference eligible applicant make a timely response, the highest ranking individual or group of individuals with authority to make employment decisions on behalf of the employing office shall render a final determination of the physical ability of the preference eligible applicant to perform the duties of the position, taking into account the response and any additional information provided by the preference eligible applicant. When the employing office has completed its review of the proposed disqualification on the basis of physical disability, it shall send its findings to the preference eligible applicant.

(c) Nothing in this section shall relieve an employing office of any obligations it may have pursuant to the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the Act, 2 U.S.C. §1302(a)(3).

Subpart D—Veterans' preference in reductions in force

Sec.
1.111. Definitions applicable in reductions in force.
1.112. Application of preference in reductions in force.
1.113. Crediting experience in reductions in force.
1.114. Waiver of physical requirements in reductions in force.
1.115. Transfer of functions.

SEC. 1.111. DEFINITIONS APPLICABLE IN REDUCTIONS IN FORCE.

(a) Competing covered employees are the covered employees within a particular position or job classification, at or within a particular competitive area, as those terms are defined below.

(b) Competitive area is that portion of the employing office's organizational structure, as determined by the employing office, in which covered employees compete for retention. A competitive area must be defined solely in terms of the employing office's organizational unit(s) and geographical location, and it must include all employees within the competitive area so defined. A competitive area may consist of all or part of an employing office. The minimum competitive area is a department or subdivision of the employing office within the local commuting area.

(c) Position classifications or job classifications are determined by the employing office, and shall refer to all covered positions within a competitive area that are in the same grade, occupational level or classification, and which are similar enough in duties, qualification requirements, pay schedules, tenure (type of appointment) and working conditions so that an employing office may reassign the incumbent of one position to any of the other positions in the position classification without undue interruption.

(d) Preference Eligibles. For the purpose of applying veterans' preference in reductions in force, except with respect to the application of section 1.114 of these regulations regarding the waiver of physical requirements, the following shall apply:

(1) ''active service'' has the meaning given it by section 101 of title 37;

(2) ''a retired member of a uniformed service'' means a member or former member of a uniformed service who is entitled, under statute, to retired, retirement, or retainer pay on account of his/her service as such a member; and

(3) a preference eligible covered employee who is a retired member of a uniformed service is considered a preference eligible only if

(A) his/her retirement was based on disability—

(i) resulting from injury or disease received in line of duty as a direct result of armed conflict; or

(ii) caused by an instrumentality of war and incurred in the line of duty during a period of war as defined by sections 101 and 1101 of title 38;

(B) his/her service does not include twenty or more years of full-time active service, regardless of when performed but not including periods of active duty for training; or

(C) on November 30, 1964, he/she was employed in a position to which this subchapter

applies and thereafter he/she continued to be so employed without a break in service of more than 30 days.

The definition of ''preference eligible'' as set forth in 5 U.S.C §2108 and section 1.102(o) of these regulations shall apply to waivers of physical requirements in determining an employee's qualifications for retention under section 1.114 of these regulations.

H&S Regs: (e) Reduction in force is any termination of a covered employee's employment or the reduction in pay and/or position grade of a covered employee for more than 30 days and that may be required for budgetary or workload reasons, changes resulting from reorganization, or the need to make room for an employee with reemployment or restoration rights. The term ''reduction in force'' does not encompass a termination or other personnel action: (1) predicated upon performance, conduct or other grounds attributable to an employee, or (2) involving an employee who is employed by the employing office on a temporary basis, or (3) attributable to a change in party leadership or majority party status within the House of Congress where the employee is employed.

C Reg: (e) Reduction in force is any termination of a covered employee's employment or the reduction in pay and/or position grade of a covered employee for more than 30 days and that may be required for budgetary or workload reasons, changes resulting from reorganization, or the need to make room for an employee with reemployment or restoration rights. The term ''reduction in force'' does not encompass a termination or other personnel action: (1) predicated upon performance, conduct or other grounds attributable to an employee, or (2) involving an employee who is employed by the employing office on a temporary basis.

(f) Undue interruption is a degree of interruption that would prevent the completion of required work by a covered employee 90 days after the employee has been placed in a different position under this part. The 90-day standard should be considered within the allowable limits of time and quality, taking into account the pressures of priorities, deadlines, and other demands. However, work generally would not be considered to be unduly interrupted if a covered employee needs more than 90 days after the reduction in force to perform the optimum quality or quantity of work. The 90-day standard may be extended if placement is made under this part to a program accorded low priority by the employing office, or to a vacant position.

SEC. 1.112. APPLICATION OF PREFERENCE IN REDUCTIONS IN FORCE.

Prior to carrying out a reduction in force that will affect covered employees, employing offices shall determine which, if any, covered employees within a particular group of competing covered employees are entitled to veterans' preference eligibility status in accordance with these regulations. In determining which covered employees will be retained, employing offices will treat veterans' preference as the controlling factor in retention decisions among such competing covered employees, regardless of length of service or performance, provided that the preference eligible employee's performance has not been determined to be unacceptable. Provided, a preference eligible employee who is a ''disabled veteran'' under section 1.102(h) above who has a compensable service-connected disability of 30 percent or more and whose performance has not been determined to be unacceptable by an employing office is entitled to be retained in preference to other preference eligible employees. Provided, this section does not relieve an employing office of any greater obligation it may be subject to pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. §2101 et seq.) as applied by section 102(a)(9) of the CAA, 2 U.S.C. §1302(a)(9).

SEC. 1.113. CREDITING EXPERIENCE IN REDUCTIONS IN FORCE.

In computing length of service in connection with a reduction in force, the employing office shall provide credit to preference eligible covered employees as follows:

(a) a preference eligible covered employee who is not a retired member of a uniformed service is entitled to credit for the total length of time in active service in the armed forces;

(b) a preference eligible covered employee who is a retired member of a uniformed service is entitled to credit for:

(1) the length of time in active service in the armed forces during a war, or in a campaign or expedition for which a campaign badge has been authorized; or

(2) the total length of time in active service in the armed forces if he is included under 5 U.S.C. §3501(a)(3)(A), (B), or (C); and

(c) a preference eligible covered employee is entitled to credit for:

(1) service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Allotment Act or of a committee or association of producers described in section 10(b) of the Agricultural Adjustment Act; and

(2) service rendered as an employee described in 5 U.S.C. §2105(c) if such employee moves or has moved, on or after January 1, 1966, without a break in service of more than 3 days, from a position in a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard to a position in the Department of Defense or the Coast Guard, respectively, that is not described in 5 U.S.C. §2105(c).

SEC. 1.114. WAIVER OF PHYSICAL REQUIREMENTS IN REDUCTIONS IN FORCE.

(a) If an employing office determines, on the basis of evidence before it, that a covered employee is preference eligible, the employing office shall waive, in determining the covered employee's retention status in a reduction in force:

(1) requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) physical requirements if, in the opinion of the employing office, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the employee, the preference eligible covered employee is physically able to perform efficiently the duties of the position.

(b) If an employing office determines that a covered employee who is a preference eligible as a disabled veteran as described in 5 U.S.C. §2108(3)(c) and has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the covered position, the employing office shall notify the preference eligible covered employee of the reasons for the determination and of the right to respond and to submit additional information to the employing office within 15 days of the date of the notification. Should the preference eligible covered employee make a timely response, the highest ranking individual or group of individuals with authority to make employment decisions on behalf of the employing office, shall render a final determination of the physical ability of the preference eligible covered employee to perform the duties of the covered position, taking into account the evidence before it, including the response and any additional information provided by the preference eligible. When the employing office has completed its review of the proposed disqualification on the basis of physical disability, it shall send its findings to the preference eligible covered employee.

(c) Nothing in this section shall relieve an employing office of any obligation it may have pursuant to the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3).

SEC. 1.115. TRANSFER OF FUNCTIONS.

(a) When a function is transferred from one employing office to another employing office, each covered employee in the affected position classifications or job classifications in the function that is to be transferred shall be transferred to the receiving employing office for employment in a covered position for which he/she is qualified before the receiving employing office may make an appointment from another source to that position.

(b) When one employing office is replaced by another employing office, each covered employee in the affected position classifications or job classifications in the employing office to be replaced shall be transferred to the replacing employing office for employment in a covered position for which he/she is qualified before the replacing employing office may make an appointment from another source to that position.

Subpart E—Adoption of Veterans' preference policies, recordkeeping & informational requirements.

Sec.
1.116. Adoption of veterans' preference policy.
1.117. Preservation of records made or kept.
1.118. Dissemination of veterans' preference policies to applicants for covered positions.
1.119. Information regarding veterans' preference determinations in appointments.
1.120. Dissemination of veterans' preference policies to covered employees.
1.121. Written notice prior to a reduction in force.

SEC. 1.116. ADOPTION OF VETERANS' PREFERENCE POLICY.

No later than 120 calendar days following Congressional approval of this regulation, each employing office that employs one or more covered employees or that seeks applicants for a covered position shall adopt its written policy specifying how it has integrated the veterans' preference requirements of the Veterans Employment Opportunities Act of 1998 and these regulations into its employment and retention processes. Upon timely request and the demonstration of good cause, the Executive Director, in his/her discretion, may grant such an employing office additional time for preparing its policy. Each such employing office will make its policies available to applicants for appointment to a covered position and to covered employees in accordance with these regulations. The act of adopting a veterans' preference policy shall not relieve any employing office of any other responsibility or requirement of the Veterans Employment Opportunity Act of 1998 or these regulations. An employing office may amend or replace its veterans' preference policies as it deems necessary or appropriate, so long as the resulting policies are consistent with the VEOA and these regulations.

SEC. 1.117. PRESERVATION OF RECORDS MADE OR KEPT.

An employing office that employs one or more covered employees or that seeks applicants for a covered position shall maintain any records relating to the application of its veterans' preference policy to applicants for covered positions and to workforce adjustment decisions affecting covered employees for a period of at least one year from the date of the making of the record or the date

of the personnel action involved or, if later, one year from the date on which the applicant or covered employee is notified of the personnel action. Where a claim has been brought under section 401 of the CAA against an employing office under the VEOA, the respondent employing office shall preserve all personnel records relevant to the claim until final disposition of the claim. The term ''personnel records relevant to the claim'', for example, would include records relating to the veterans' preference determination regarding the person bringing the claim and records relating to any veterans' preference determinations regarding other applicants for the covered position the person sought, or records relating to the veterans' preference determinations regarding other covered employees in the person's position or job classification. The date of final disposition of the charge or the action means the latest of the date of expiration of the statutory period within which the aggrieved person may file a complaint with the Office or in a U.S. District Court or, where an action is brought against an employing office by the aggrieved person, the date on which such litigation is terminated.

SEC. 1.118. DISSEMINATION OF VETERANS' PREFERENCE POLICIES TO APPLICANTS FOR COVERED POSITIONS.

(a) An employing office shall state in any announcements and advertisements it makes concerning vacancies in covered positions that the staffing action is governed by the VEOA.

(b) An employing office shall invite applicants for a covered position to identify themselves as veterans' preference eligible applicants, provided that in doing so:

(1) the employing office shall state clearly on any written application or questionnaire used for this purpose or make clear orally, if a written application or questionnaire is not used, that the requested information is intended for use solely in connection with the employing office's obligations and efforts to provide veterans' preference to preference eligible applicants in accordance with the VEOA; and

(2) the employing office shall state clearly that disabled veteran status is requested on a voluntary basis, that it will be kept confidential in accordance with the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3), that refusal to provide it will not subject the individual to any adverse treatment except the possibility of an adverse determination regarding the individual's status as a preference eligible applicant as a disabled veteran under the VEOA, and that any information obtained in accordance with this section concerning the medical condition or history of an individual will be collected, maintained and used only in accordance with the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3).

(3) the employing office shall state clearly that applicants may request information about the employing office's veterans' preference policies as they relate to appointments to covered positions, and shall describe the employing office's procedures for making such requests.

(c) Upon written request by an applicant for a covered position, an employing office shall provide the following information in writing:

(1) the VEOA definition of veterans' ''preference eligible'' as set forth in 5 U.S.C. §2108 or any superseding legislation, providing the actual, current definition in a manner designed to be understood by applicants, along with the statutory citation;

(2) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to appointments to covered positions, including any procedures the employing office shall use to identify preference eligible employees;

(3) the employing office may provide other information to applicants regarding its veterans' preference policies and practices, but is not required to do so by these regulations.

(d) Employing offices are also expected to answer questions from applicants for covered positions that are relevant and non-confidential concerning the employing office's veterans' preference policies and practices.

SEC. 1.119. INFORMATION REGARDING VETERANS' PREFERENCE DETERMINATIONS IN APPOINTMENTS.

Upon written request by an applicant for a covered position, the employing office shall promptly provide a written explanation of the manner in which veterans' preference was applied in the employing office's appointment decision regarding that applicant. Such explanation shall include at a minimum:

(a) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to appointments to covered positions; and

(b) a statement as to whether the applicant is preference eligible and, if not, a brief statement of the reasons for the employing office's determination that the applicant is not preference eligible.

SEC. 1.120. DISSEMINATION OF VETERANS' PREFERENCE POLICIES TO COVERED EMPLOYEES.

(a) If an employing office that employs one or more covered employees provides any written guidance to such employees concerning employee rights generally or reductions in force more specifically, such as in a written employee policy, manual or handbook, such guidance must include information concerning veterans' preference under the VEOA, as set forth in subsection (b) of this regulation.

(b) Written guidances described in subsection (a) above shall include, at a minimum:

(1) the VEOA definition of veterans' ''preference eligible'' as set forth in 5 U.S.C. §2108 or any superseding legislation, providing the actual, current definition along with the statutory citation;

(2) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to reductions in force, including the procedures the employing office shall take to identify preference eligible employees.

(3) the employing office may provide other information in its guidances regarding its veterans' preference policies and practices, but is not required to do so by these regulations.

(c) Employing offices are also expected to answer questions from covered employees that are relevant and non-confidential concerning the employing office's veterans' preference policies and practices.

SEC. 1.121. WRITTEN NOTICE PRIOR TO A REDUCTION IN FORCE.

(a) Except as provided under subsection (c), a covered employee may not be released due to a reduction in force, unless the covered employee and the covered employee's exclusive representative for collective-bargaining purposes (if any) are given written notice, in conformance with the requirements of paragraph (b), at least 60 days before the covered employee is so released.

(b) Any notice under paragraph (a) shall include—

(1) the personnel action to be taken with respect to the covered employee involved;

(2) the effective date of the action;

(3) a description of the procedures applicable in identifying employees for release;

(4) the covered employee's competitive area;

(5) the covered employee's eligibility for veterans' preference in retention and how that preference eligibility was determined;

(6) the retention status and preference eligibility of the other employees in the affected position classifications or job classifications within the covered employee's competitive area, by providing:

(A) a list of all covered employee(s) in the covered employee's position classification or job classification and competitive area who will be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible, and

(B) a list of all covered employee(s) in the covered employee's position classification or job classification and competitive area who will not be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible.

(7) a description of any appeal or other rights which may be available.

(c) The director of the employing office may, in writing, shorten the period of advance notice required under subsection (a), with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable.

(d) No notice period may be shortened to less than 30 days under this subsection.

REMEMBERING SENATOR HOWARD METZENBAUM

Mr. VOINOVICH. Mr. President, I rise to pay tribute to one of the giants in Ohio history, Senator Howard Metzenbaum. On March 12, Ohio and our Nation lost a public servant who dedicated 19 years of his life to this institution and to defending and advocating the principles and ideals he held so passionately.

Though our political views differed, I admired and respected Howard's tenacious work for those things he felt would make a difference for Ohio and our country. One always knew where he stood.

Much has been said about how Howard was a self-made man. He epitomized the nose-to-the-grindstone, Midwestern work ethic. As a fellow Clevelander, he grew up poor. But that did not prevent Howard from seizing opportunities as they presented themselves. And he seized those opportunities even as a young boy. Howard graduated from the Ohio State University College of Law, working the entire time to put himself through school.

As public servants for Ohio, Howard and I were brought together on many issues and occasions. Many times we did not see eye to eye. However, there were also times when we worked together. While I was Governor of Ohio, then-Senator Metzenbaum, Representative MARCY KAPTUR and I worked together in a bipartisan fashion to plant the seed for the Veteran's Glass City Skyway bridge in Toledo, Ohio. Through his leadership, we were able to dedicate the bridge this past summer.

Some of my colleagues today were here for parts of Howard's 19 years in

the Senate. Those who were here and were on the opposite side of an issue quickly found out what a formidable challenge and powerhouse he could be. Howard did not go along to get along. Howard did what he thought was right and what he thought was in the best interests for the people he represented.

It was with respect for his service and convictions that Howard was honored in 2005 by renaming the renovated United States Courthouse in Cleveland the Howard M. Metzenbaum Courthouse—a fitting tribute to a man who, when he perceived an injustice, fought so hard to make a wrong right. Howard Metzenbaum made a difference.

Howard will be missed. His family, including his wife Shirley and his four daughters, Shelly, Amy, Susan and Barbara, are in our prayers.

• Mr. BROWN. Mr. President, a great son of Ohio, Senator Howard Metzenbaum passed away March 12, in Florida. He was personally inspirational to so many. He changed the lives of Ohioans. He changed the lives of so many Americans through his lifetime commitment to public service. I am honored to hold his seat in the Senate and I am honored to follow in his footsteps. Senate tradition dictates that many Members of the Senate carve their names in the desk drawers of the desks that have been lining the rows of the Senate. Whoever has Senator Metzenbaum's desk can, with all of us, share in the legacy of his greatness.

Senator Metzenbaum and Senator John Glenn, who served together for almost two decades, made an unparalleled team for Ohio. In the Senate, as Senator REID mentioned, Metzenbaum was a child of poverty. He was a child of prejudice growing up in the east side as a Jew and suffered both from his family's poverty and anti-Semitism, in all too many cases. He worked his way at a job, as a 10-year-old. He worked his way through Ohio State.

In the Senate, Senator Metzenbaum was a master of a constant presence in an often empty Chamber. Once, when a 2-week filibuster was cut off, Metzenbaum was still determined to block action on lifting natural gas price controls. He and a partner sent the Senate into round-the-clock sessions by demanding rollcall votes on 500 amendments. He didn't care if he angered his colleagues. He didn't care if he was liked every day by his colleagues. What he cared about is fighting for economic justice and social justice for the 10 million citizens whom he represented and for the 250 million Americans or so when he served in the Senate.

According to the Washington Post, in 1982, the Senator saved $10 million by blocking special interest tax breaks and porkbarrel programs. I remember watching him. I served in the House, the beginning of my House career and the end of his Senate career, and I watched him as a younger elected official in State politics. He stood in front of an audience; the energy just burst from him, and the fiery passion for economic justice and social justice poured forth from him. He would start on the podium, the first politician I saw do this, and as he worked his way into the speech, he would come from the podium and he would walk into the audience. People would always respond with the same kind of passion and be inspired by him. That is my clearest, favorite memory of him.

His legislative record, of course, was so important too. One of the most important things he did was the plant closing legislation, giving a 60-day notice to workers who, too often, have seen their jobs disappear with nothing to show—pensions and more. He fought for people who had less privilege than he did, and he always fought for opportunity for people of both genders. That is what he will be remembered for.

I particularly admire his family. Howard was a great family man, a man who cared very much about Shirley, his wife, and four daughters, Shelly, Amy, Susan, and Barbara. He will be greatly missed. He later became head of the Consumer Federation of America, never giving up his passion for fighting for ordinary people and being a warrior for social and economic justice.•

ADDITIONAL STATEMENTS

RECOGNIZING THE CREATION OF THE 310TH SPACE WING

• Mr. ALLARD. Mr. President, I rise today to honor the 310th Space Wing, which was officially activated on Friday, March 7, 2008. This newly created wing is comprised of 16 subordinate units located at Colorado's Schriever AFB, Peterson AFB, and Buckley AFB, as well as Vandenberg AFB, CA. This wing is an expansion of the 310th Space Group, currently based at Schriever AFB in Colorado Springs, CO.

Over the last 15 years the outstanding members of the 310th Space Group have played a critical role in space operations, providing unrivaled support in operating and defending our space systems. This expansion is a testament to both their performance and mission, while also reinforcing my belief that space is a vital component to fighting and winning our nation's wars.

The 310th's history dates back to World War II when it began as the 310th Bombardment Group on March 15, 1942. The unit flew B–25 ''Mitchell'' bombers in support of operations in Tunisia, Sicily, Italy, Sardinia, France, Austria, and Yugoslavia. During those campaigns, the 310th perfected ''skip bombing'' techniques against bridges, airborne, and rail yard targets. Developed to allow aviators to come into the target area low and fast to avoid deadly anti-aircraft fire, the bombs actually ''skipped'' over the surface of the water in a manner similar to skipping a stone and either bounced into the side of, or exploded over the target, proving extremely effective.

The 310th was reactivated 1997, as the 310th Space Group, and rapidly grew to meet the Air Force Reserve's expanding role in space operations. As the co-chairman of the Congressional Space Power Caucus and a Coloradoan, I am extremely proud of the 310th and all who serve in it and congratulate them on their success in becoming a wing.•

TRIBUTE TO THE NORTHERN KENTUCKY UNIVERSITY WOMEN'S BASKETBALL TEAM

• Mr. BUNNING. Mr. President, I pay tribute to the Northern Kentucky University women's basketball team. The Norse defeated the University of South Dakota 63 to 58 to capture the NCAA Division II Championship on March 29, 2008.

This is the second time the Northern Kentucky University women's basketball team has won the NCAA Division II Championship. The last time the Norse reached the pinnacle of their sport was in the 1999 to 2000 season.

The citizens of Kentucky are proud to have these national champs living and learning in the Northern Kentucky community. Their example of hard work and determination should be followed by all in the Commonwealth.

I congratulate the players for their success in bringing another championship trophy to the campus of Northern Kentucky University. I also want to congratulate their coaches, along with their peers, faculty, administrators, and parents for their support and sacrifices they have made to help them meet their achievements and dreams. They all represent Kentucky honorably.•

20TH ANNIVERSARY OF THE MEYERHOFF SCHOLARSHIP PROGRAM

• Mr. CARDIN. Mr. President, I wish to recognize the 20th anniversary of the Robert and Jane Meyerhoff Scholarship Program at the University of Maryland Baltimore County, UMBC.

The Meyerhoff Scholarship Program is among the most successful undergraduate diversity programs in our Nation, helping thousands of minority students reach their full potential in mathematics, the sciences, and engineering fields. Since its inception, Meyerhoff scholars number more than 800, with 557 graduates across the Nation and 267 undergraduates and graduate fellows enrolled at UMBC.

More than two decades ago, UMBC president Dr. Freeman A. Hrabowski, a mathematician, author, and education innovator, lamented that there were few minorities in the sciences and that the education pipeline did not suggest that that situation would change.

Through the generosity and vision of Robert and Jane Meyerhoff, Dr. Hrabowski was able to establish the Robert and Jane Meyerhoff Scholarship Program at UMBC. The program seeks and attracts top-notch minority high school students and is able to provide

university educational expenses as well as a demanding academic program concentrating in science, math, and engineering. The UMBC corporate community is able to use the talents of the students while providing internships, jobs, and research opportunities.

The Meyerhoff Scholarship Program has become a leading national model for diversifying America's scientific and engineering workforce, preparing large numbers of African Americans and others for careers in science, medicine, engineering, information technology, teaching, and public health.

On April 4 and 5, the Meyerhoff Scholarship students, their mentors, professors, and families will gather for a research symposium to celebrate their 20 years of progress and success. I ask my colleagues to join me in saluting the vision and perseverance of UMBC president Dr. Freeman A. Hrabowski and the generosity of Robert Meyerhoff and his late wife Jane. Together they have changed lives and expectations.●

TRIBUTE TO DR. WALTER PAVASARIS

● Mr. LIEBERMAN. Mr. President, today I wish to honor a visionary in the field of music education, Dr. Walter Pavasaris. Dr. Pavasaris, a native of New Britain, CT, has been selected to receive the Massachusetts Music Educators Distinguished Service Award.

Walter M. Pavasaris has been a music educator and curriculum coordinator in Massachusetts for the past 31 years. During that time he has taught all levels of K–12 music, including both general and instrumental, as well as teaching undergraduate and graduate level courses in various collegiate settings. In Walter's position as coordinator of fine and performing arts for the Lexington Public Schools, he is responsible for the implementation of the K–12 curriculum in the areas of music, visual arts, and drama. He leads a faculty of 41 highly motivated professional artists/educators. In addition to his responsibilities in Lexington, Walter also serves on the music education faculty at the Boston Conservatory of Music.

In 1971, Walter graduated from the University of Hartford, Hartt College of Music, with a bachelor of music education degree. While at Hartt he studied double bass with Bert Turetzky, Leland Tolo, and also traveled to Boston and Tanglewood to study with William Rhein, associate principal double bassist of the Boston Symphony. While completing his undergraduate degree at Hartt, Walter was active as a freelance musician playing in a variety of small combos and big bands in the greater Hartford, CT, area. Additionally, he played in the Smith College Orchestra, Springfield, MA, Symphony and New Britain, CT, Symphony. In his senior year Walter was recognized by Hartt College of Music as an Outstanding Music Educator based on his outstanding leadership, participation, and scholarship in the field of music.

Following his graduation from Hartt College of Music, Walter won an audition and was selected to become a member of the U.S. Military Academy Band at West Point, NY. During the next 3 years he played sousaphone in the marching band and double bass in the concert band and chamber orchestra. While at West Point, Walter was a member of the Hudson Valley Philharmonic Orchestra. During this time, he studied with New York Philharmonic double bassist Orin O'Brien.

Upon his discharge from the Army, Walter began his graduate studies at the University of Michigan majoring in stringed instruments. While at Michigan, he was a teaching fellow in the String Department. He studied double bass with Larry Hurst. During his years at Michigan, Walter played in a variety of orchestral ensembles and was the double bassist in the wind ensemble conducted by H. Robert Reynolds. He earned his master of music in string instruments in December 1976.

In September of 1977, Dr. Pavasaris joined the music faculty of the Belmont, MA, public schools. During his first few years in Belmont, his teaching responsibilities included being the director of orchestras and string teacher for grades 3 to 12, and conducting one of the middle school bands. As string enrollments flourished, his responsibilities shifted to overseeing the entire string and orchestral curriculum in grades 3 to 12. In addition to teaching large heterogeneous grouped weekly string lessons in each of the elementary schools, Walter encouraged his students to also be part of the very popular ''Saturday Morning'' music program, which he administered during many of the years he was in Belmont. It was in this program that all elementary students, studying an instrument, received a small homogenously grouped lesson as well as the opportunity to participate in either the All-Town String Orchestra or Band.

During his years in Belmont, the Belmont High School and Chenery Middle School Orchestras expanded their music making both within and outside the community. Under his baton, the middle and high school orchestra ensembles consistently earned superior ratings at numerous State, regional, and international music festivals. Additionally, the Belmont High School Orchestra was selected to perform at the All-Eastern MENC Conference in Boston in 1983.

In 1990, Walter was appointed coordinator of fine and performing arts for the Lexington Public Schools. His primary responsibilities include advocating for the arts and creating and implementing curricula in the areas of music, visual arts, and drama. Along with advocating for the arts among a wide array of constituencies, he also supervises and evaluates the K–12 fine and performing arts faculty. Throughout his tenure in Lexington, the arts have maintained an integral place within each student's basic education. Coordinating an outstanding professional faculty with a supportive administration and community, Walter has continuously modeled his passion and belief that music is a lifelong endeavor that transcends, gender, age and ethnicity.

Throughout his professional life, Dr. Pavasaris has positively impacted many young music educators while serving on the faculty of many institutions within the greater Boston area, including the Boston Conservatory of Music, New England Conservatory of Music, and Boston University. As a member of the music education faculty at the Boston Conservatory of Music since the late 1980s, Walter has taught a variety of methods classes as well as classes in string pedagogy and conducting. He also had an integral part in redefining, reshaping, and changing the direction of the music education curriculum at TBC to address the needs of the contemporary educator. For 11 years, Dr. Pavasaris enthusiastically conducted the Boston University All-University Orchestra. The orchestra, which was comprised of nonmusic majors, played for the shear enjoyment of making good music. Whether teaching conducting, string pedagogy, or instrumental methods, Walter's students have experienced his enthusiasm and passion for the artistry of being a musician and educator.

As a conductor, Walter has had the distinct privilege of conducting festival orchestras in all four Massachusetts districts as well as throughout New England. In 1992 and from 1999 to 2001 Walter was the guest conductor of the U.S. Youth Ensemble String Orchestra during their European Tours. During the 2004 and 2005 seasons he served as music director of the Nashoba Youth Orchestras. Currently, he is the music director and conductor of the Arlington, MA, Philharmonic Orchestra, a post he has held since 1980; associate music director and associate conductor of the Metrowest Orchestra; and conductor of the northshore Youth Symphony Senior Orchestra. In 1992, Dr. Pavasaris was the recipient of the Paul Smith Memorial Conductor of the Year Award presented by the Massachusetts Instrumental and Choral Conductors' Association. In 1996, the Massachusetts Music Educators' Association named Dr. Pavasaris as a recipient of the Lowell Mason Award acknowledging his numerous contributions to music and music education.

Throughout his career, Walter has had the good fortune to be associated with many wonderful colleagues and students. He is however, most thankful for the patience, understanding, and encouragement of his wife Beverly and son Christopher, who currently works in my office as a staff assistant.

Making music is an endeavor that can be enjoyed, cherished, and celebrated regardless of age, gender or ethnicity. It is inspiring to realize that the personal and professional contributions of Dr. Pavasaris will only continue to grow through the works of

very people that Walter has come into contact with. It is with great pride that I recognize such a dedicated visionary in the field of music education.●

TRIBUTE TO COLONEL MICHAEL P. BARBERO

● Mr. LEVIN. Mr. President, I wish to publicly commend and congratulate COL Michael P. Barbero, U.S. Army, upon his retirement after 26 years of military service. I have come to know and respect Colonel Barbero over the last 4 years, during which time he served as the Chief of the Army Senate Liaison Division in the Office of the Army Chief of Legislative Liaison. In that capacity, Colonel Barbero was instrumental in improving the understanding of senators and staff concerning a vast myriad of Army issues, in particular an understanding of the Army's role in the wars in Iraq and Afghanistan, and the effect of those wars on the Army and its soldiers and their families.

Colonel Barbero escorted over 50 congressional delegations, including 13 to Iraq and 3 to Afghanistan. I myself was privileged to have Colonel Barbero as an escort at my specific request on several of my own trips to both of those areas. He worked tirelessly to ensure my visits were coordinated with all of the relevant agencies and individuals so that I could visit the places, meet with the people, and deal with the issues that were critical for me as the chairman of the Senate Armed Services Committee. I am extremely grateful for the service he provided me and my staff during those trips.

Colonel Barbero's Senate assignment was the capstone to an outstanding career of service to our Nation. After graduating from the U.S. Military Academy at West Point in 1982, Colonel Barbero served as an armor officer in command and staff positions in a number of tank and cavalry units in the United States and Germany. These assignments culminated in a position as the operations officer for the 2nd Brigade of the famed 1st Cavalry Division.

Colonel Barbero also served in a number of high-level positions on both the Army and Joint Staffs at the Pentagon, as an exercise planner, analyst, and strategist. As an assistant professor at the U.S. Military Academy, Colonel Barbero played an important role in the development of the future officers and leaders of the Army.

Colonel Barbero holds a master of science degree in industrial engineering from the Georgia Institute of Technology. His military awards include the Legion of Merit, Defense Meritorious Medal, Meritorious Service Medal, Ranger Tab, Parachutist Badge, and is a holder of the Army Armor Association's Order of St. George.

Colonel Barbero is married to the former Vicki Jo Drake of Storm Lake, IA. They have two children, Mary—14—and Michael—10. I congratulate them too on their husband's and father's retirement from the Army. The demands of military life are such that military families also sacrifice and serve the Nation along with their soldier.

Mr. President, the Army, the Senate, and the Nation are lucky to have had the service of such a great soldier. He will be sorely missed.●

CONGRATULATING LANCE MACKEY

● Ms. MURKOWSKI. Mr. President, today I congratulate Lance Mackey, of Fairbanks, AK, on achieving the incredible feat of twice winning the Iditarod Trail Sled Dog Race and the Yukon Quest Sled Dog Race—two 1,000-mile races—in the same year. Last year, Lance became the first musher ever to win both races in the same calendar year. An achievement, which was previously labeled impossible, has for the second consecutive year been accomplished by Lance Mackey and his team.

For those who are unfamiliar with either the Iditarod or the Yukon Quest, these races are the world's two longest dogsled races. Both races, which span over 1,000 miles of rigid mountains, frozen tundra, and dense forests, are true tests of determination and dedication. Not only does the rugged terrain pose a huge challenge, but so does the weather, which frequently drops to 30 or 40 degrees below zero, and the wind, which can gust up to 100 miles per hour.

The annual Yukon Quest Sled Dog Race is a 1,000-mile international trek from Fairbanks, AK, to Whitehorse, Canada. Lance Mackey and his team of canine athletes crossed this great distance in 10 days, 12 hours, and 14 minutes, claiming victory for the fourth year in a row.

Only 11 days after his Yukon Quest victory, Lance and six of his dogs that competed in the Yukon Quest joined seven of his other dogs and began the 1,100-mile Iditarod Sled Dog Race. This race, which starts in Willow, AK, and ends in Nome, AK, commemorates the 1925 diphtheria serum relay run where dogsled teams had to pass along a vaccine from Anchorage to Nome in order to save countless lives. The Iditarod race is no longer run as a relay but is a race completed by individual dogsled teams.

The 1,100-mile journey travels primarily through the great Alaskan wilderness. Throughout this year's Iditarod, Lance Mackey was challenged by not only the weather and terrain but also by other extraordinary mushers such as the 2006 Iditarod winner, Jeff King, and other previous winners of this great race. On the morning of March 12, 2008, thousands gathered at the famous burled wood arch on Front Street in Nome, AK, to cheer on Lance Mackey, as he sledded to back-to-back wins at the Iditarod, beating the odds as well as the extremely competitive international field. Lance Mackey and his team of canines completed the race in 9 days, 11 hours, and 46 minutes, beating four-time Iditarod champion Jeff King by 1 hour and 19 minutes.

For the past few years, Lance has shown a mastery of working with and training canine athletes for the sport of dog mushing. As the Anchorage Daily News aptly stated:

> A musher doesn't win four straight, 1,000 mile Yukon Quests and two straight Iditarods by making dogs run. He wins by making dogs want to run.

Lance Mackey continues to impress all of us with his remarkable achievements and record-setting performances. It is my honor to stand before this body today to congratulate Lance Mackey and his team of amazing dogs. Lance is a world-class dog musher and a true Alaskan hero, and I wish him and his team all the success in the future.●

TRIBUTE TO WILL ETTA ''WILLIE'' OATES

● Mr. PRYOR. Mr. President, I wish to honor the life of a woman reverend across the State of Arkansas as a humble public servant. Will Etta ''Willie'' Oates, affectionately known as the ''Hat Lady,'' passed away on March 4, 2008. She was loved for her active volunteerism and Arkansas pride.

Although she was born in Kansas, she was an Arkansan through and through. Willie was born to Harry and Fern Long in Arkansas City, KS, on January 14, 1918. She graduated from the University of Arkansas at Fayetteville where she was a cheerleader and met her life-long husband, Dr. Gordon Oates. It was at the university that she earned the nickname Willie.

After World War II, Willie began her career of volunteerism in Little Rock. She was selected as Little Rock Woman of the Year in 1955. In 1959, she became the first woman elected to the Arkansas Legislature in more than 30 years.

Yet, it was her ''hat skits'' that captured people's attention. She traveled across Arkansas and more than 40 States speaking, performing her hat skits, judging various competitions, and serving as a grand marshall at many parades. In 1989, she was officially designated by proclamation of the State legislature as ''Arkansas's Hat Lady.''

During her lifetime, Willie belonged to over 50 national, State, and local organizations, served on over 25 boards, and was active in the First Presbyterian Church of Little Rock.

Willie Oates was my dear friend and an inspiration to all that knew her. I pay tribute to this public servant of Arkansas and express my greatest condolences to her family. She will be missed.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mrs. Neiman, 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 which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3361. An act to make technical corrections related to the Pension Protection Act of 2006.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 1593. An act to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3361. An act to make technical corrections related to the Pension Protection Act of 2006.

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–5442. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Community Facilities Grant Program'' (RIN0575–AC75) received on March 17, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5443. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Florida Citrus Fruit Crop Insurance Provisions'' (RIN0563–AC01) received on March 14, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5444. A communication from the Administrator, Dairy Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Dairy Product Mandatory Reporting'' (Docket No. DA–06–07) received on March 14, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5445. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Dates Grown or Packed in Riverside County, California; Decreased Assessment Rate'' (Docket No. AMS–FV–07–0104) received on March 14, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5446. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tomatoes Grown in Florida; Decreased Assessment Rate'' (Docket No. AMS–FV–07–0114) received on March 14, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5447. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Dairy Disaster Assistance Payment Program III'' (RIN0560–AH74) received on March 17, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5448. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prothioconazole; Pesticide Tolerance'' (FRL No. 8353–2) received on March 17, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5449. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act within the Joint Intelligence Operations Center of the Department of the Navy; to the Committee on Appropriations.

EC–5450. A communication from the Secretary of the Army, transmitting, pursuant to law, an annual report relative to the Recruiter Incentive Pay Pilot Program; to the Committee on Armed Services.

EC–5451. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to the scope of the Advanced Extremely High Frequency satellite program; to the Committee on Armed Services.

EC–5452. 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; Inseason Adjustment to the 2008 Gulf of Alaska Pollock Total Allowable Catch Amount'' (RIN0684–XE84) received on March 14, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5453. 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; Atka Mackerel Lottery in Areas 542 and 543'' (RIN0684–XF05) received on March 14, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5454. 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; Pacific Cod by Catcher Vessels 60 Feet Length Overall and Using Pot Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0684–XF06) received on March 14, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5455. 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; Atka Mackerel by Vessels in the Amendment 80 Limited Access Fishery in the Eastern Aleutian District and Bering Sea and Aleutian Islands Management Area'' (RIN0684–XF52) received on March 14, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5456. 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; Pacific Cod by Vessels in the Amendment 80 Limited Access Fishery in the Bering Sea and Aleutian Islands Management Area'' (RIN0684–XF25) received on March 14, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5457. 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 ''Extension of Emergency Fishery Closure Due to the Presence of the Toxin that Causes Paralytic Shellfish Poisoning'' (RIN0648–AT48) received on March 14, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5458. 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 to Implement the Northeast Region Standardized Bycatch Reporting Methodology'' (RIN0648–AV70) received on March 14, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5459. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule; Inseason Retention Limit Adjustment'' (RIN0648–XF39) received on March 14, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5460. A communication from the Under Secretary of Commerce (Intellectual Property), transmitting, pursuant to law, the report of a rule entitled ''Changes in the Requirement for a Description of the Mark in Trademark Applications'' (RIN0651–AC17) received on March 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC–5461. A communication from the Assistant Secretary of the Interior (Fish and Wildlife and Parks), transmitting, pursuant to law, the report of a rule entitled ''National Park System Units in Alaska—Part 13, Phase II'' (RIN1024–AD38) received on March 12, 2008; to the Committee on Energy and Natural Resources.

EC–5462. A communication from the Secretary of Energy, transmitting, a letter expressing the Administration's strong opposition to efforts to impose suspensions on the acquisition of petroleum for the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

EC–5463. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled, ''Emissions of Greenhouse Gases in the

United States 2006''; to the Committee on Energy and Natural Resources.

EC–5464. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Alternative Fuel Transportation Program; Private and Local Government Fleet Determination'' (RIN1904–AB69) received on March 17, 2008; to the Committee on Energy and Natural Resources.

EC–5465. 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; New Hampshire; Determination of Attainment of the Ozone Standard'' (FRL No. 8543–4) received on March 17, 2008; to the Committee on Environment and Public Works.

EC–5466. 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; Revisions to the Nevada State Implementation Plan; Stationary Source Permits'' (FRL No. 8543–6) received on March 17, 2008; to the Committee on Environment and Public Works.

EC–5467. 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 Ohio SO_2 Air Quality Implementation Plans and Designation of Areas'' (FRL No. 8534–4) received on March 17, 2008; to the Committee on Environment and Public Works.

EC–5468. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Nonattainment and Reclassification of the Baton Rouge 8-Hour Ozone Nonattainment Area; State of Louisiana'' (FRL No. 8544–6) received on March 17, 2008; to the Committee on Environment and Public Works.

EC–5469. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Nonattainment and Reclassification of the Beaumont/Port Arthur 8-Hour Ozone Nonattainment Area; State of Texas; Final Rule'' (FRL No. 8543–5) received on March 17, 2008; to the Committee on Environment and Public Works.

EC–5470. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Ambient Air Quality Standards for Ozone'' (FRL No. 8544–3) received on March 17, 2008; to the Committee on Environment and Public Works.

EC–5471. 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 ''Partial Exchange of an Annuity Contract'' (Rev. Proc. 2008–24) received on March 14, 2008; to the Committee on Finance.

EC–5472. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Revised Medical Criteria for Evaluating Immune System Disorders'' (RIN0960–AF33) received on March 17, 2008; to the Committee on Finance.

EC–5473. 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 ''Amplification of Notice 2006–52; Deduction for Energy Efficient Commercial Buildings'' (Notice 2008–40) received on March 12, 2008; to the Committee on Finance.

EC–5474. 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 ''Abandonment of Stock and Other Securities'' ((RIN1545–BE80)(TD 9386)) received on March 12, 2008; to the Committee on Finance.

EC–5475. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report relative to the Medicare Payment Policy; to the Committee on Finance.

EC–5476. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a report relative to a public-private competition that will be conducted at the Administration's headquarters in Maryland; to the Committee on Finance.

EC–5477. A communication from the Program Manager, Center for Medicaid and State Operation, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Multiple Source Drug Definition'' (RIN0938–AP26) received on March 14, 2008; to the Committee on Finance.

EC–5478. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license agreement for the export of defense articles to Japan to provide support for the manufacture of fuel control devices; to the Committee on Foreign Relations.

EC–5479. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a copy of the Implementing Agreement of the treaty that was entered into with the Government of Australia relative to Defense Trade Cooperation; to the Committee on Foreign Relations.

EC–5480. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Vietnamese cooperation on accounting for POW/MIAs; to the Committee on Foreign Relations.

EC–5481. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Taiwan's participation as an observer at the World Health Assembly; to the Committee on Foreign Relations.

EC–5482. A communication from the Acting 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 2008–27—2008–34); to the Committee on Foreign Relations.

EC–5483. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the re-certification of a proposed manufacturing license agreement for the export of defense services to Turkey for the manufacture of the Self Protection Electronic Warfare System; to the Committee on Foreign Relations.

EC–5484. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the International Arms Traffic in Arms Regulations; Sri Lanka'' (22 CFR Part 126) received on March 14, 2008; to the Committee on Foreign Relations.

EC–5485. 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 services to the Republic of Korea to provide support for maintenance services on the J79 and J85 engines; to the Committee on Foreign Relations.

EC–5486. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of an application for a license for the export of defense services to the United Kingdom and France to provide continued support for the installation of the CTS–800–4N gas turbine engine into the Westland Superlynx Helicopter; to the Committee on Foreign Relations.

EC–5487. 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 commercial communications satellites to international waters; to the Committee on Foreign Relations.

EC–5488. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the re-certification of a proposed manufacturing license agreement for the export of defense services to Canada for the manufacture and assembly of CF–18 Multi Function Display Indicators; to the Committee on Foreign Relations.

EC–5489. 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 firearms to Georgia; to the Committee on Foreign Relations.

EC–5490. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed transfer of eight Patriot missile systems from the Government of Germany to the Government of the Republic of Korea; to the Committee on Foreign Relations.

EC–5491. A communication from the Deputy Director, Office of Health Plan Standards and Compliance Assistance, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Mental Health Parity; Interim Final Amendment to Regulation'' (RIN1210–AA62) received on March 17, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5492. A communication from the General Counsel, National Labor Relations Board, transmitting, pursuant to law, a report relative to acquisitions made from foreign entities; to the Committee on Health, Education, Labor, and Pensions.

EC–5493. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Assistant Secretary for Employment and Training, received on March 17, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5494. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling: Health Claims; Soluble Fiber from Certain Foods and Risk of Coronary Heart Disease'' (Docket No. FDA–2008–P–0090) received on March 17, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5495. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report

relative to the Administration's Capital Investment and Leasing Program; to the Committee on Homeland Security and Governmental Affairs.

EC–5496. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, the report of a nomination for the position of Deputy Secretary, received on March 13, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–5497. A communication from the Director of Congressional Affairs, Central Intelligence Agency, transmitting, pursuant to law, the report of action on a nomination and discontinuation of service in an acting role for the position of General Counsel, received on March 17, 2008; to the Select Committee on Intelligence.

EC–5498. A communication from the Deputy Assistant Administrator, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Authorized Sources of Narcotic Raw Materials'' (RIN1117–AB03) received on March 14, 2008; to the Committee on the Judiciary.

EC–5499. A communication from the Acting General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Inflation Adjustment for Civil Monetary Penalties Under Sections 274A, 274B, and 274C of the Immigration and Nationality Act'' (RIN1125–AA61) received on March 12, 2008; to the Committee on the Judiciary.

EC–5500. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, its Strategic Plan for fiscal years 2008 through 2013; to the Committee on Rules and Administration.

EC–5501. A communication from the Deputy Secretary, Department of Veterans Affairs, transmitting, pursuant to law, a report relative to the activities and accomplishments of the Department of Veterans Affairs and Department of Defense Joint Executive Council; to the Committee on Veterans' Affairs.

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. LEVIN (for himself and Mr. MCCAIN) (by request):

S. 2787. A bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes; to the Committee on Finance.

By Mr. VITTER (for himself, Mr. THUNE, Mr. VOINOVICH, and Mr. BROWNBACK):

S. 2788. A bill to impose admitting privilege requirements with respect to physicians who perform abortions; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU:

S. 2789. A bill to amend the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 to authorize the Federal Emergency Management Agency to provide additional assistance to State and local governments for utility costs resulting from the provision of temporary housing units to evacuees from Hurricane Katrina and other hurricanes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU:

S. 2790. A bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice care demonstration program and grants programs for cancer palliative care and symptom management programs, provider education, and related research; 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 Mrs. CLINTON (for herself and Mr. SCHUMER):

S. Res. 490. A resolution recognizing the Alvin Ailey American Dance Theater for 50 years of service to the performing arts; to the Committee on the Judiciary.

By Mr. VITTER:

S. Res. 491. A resolution recognizing the need and importance of providing additional Federal funds for the Secretary of the Army to carry out hurricane, coastal, and flood protection and hurricane and flood damage reduction activities and related features in the State of Louisiana; to the Committee on Environment and Public Works.

By Mr. REID:

S. Res. 492. A resolution amending the majority party's membership on the Select Committee on Ethics for the remainder of the 110th Congress; considered and agreed to.

ADDITIONAL COSPONSORS

S. 380

At the request of Mr. WYDEN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 380, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 557

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 605

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 605, a bill to amend the Public Health Service Act to promote and improve the allied health professions.

S. 702

At the request of Mr. KOHL, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 702, a bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs.

S. 871

At the request of Mr. LIEBERMAN, the name of the Senator from South Dakota (Mr. JOHNSON) 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 Mrs. LINCOLN, the name of the Senator from Virginia (Mr. WARNER) 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. 911

At the request of Mr. REED, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 937

At the request of Mrs. CLINTON, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 991

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1120

At the request of Mr. HARKIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1120, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health.

S. 1125

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1125, a bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity.

S. 1301

At the request of Mr. DEMINT, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1301, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 1393

At the request of Mr. ALEXANDER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1393, a bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens

of the United States to become citizens, and for other purposes.

S. 1462

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1462, a bill to amend part E of title IV of the Social Security Act to promote the adoption of children with special needs.

S. 1464

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1464, a bill to establish a Global Service Fellowship Program, and for other purposes.

S. 1484

At the request of Mr. ROBERTS, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1484, a bill to amend part B of title XVIII of the Social Security Act to restore the Medicare treatment of ownership of oxygen equipment to that in effect before enactment of the Deficit Reduction Act of 2005.

S. 1627

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1655

At the request of Mr. KENNEDY, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 1655, a bill to establish improved mandatory standards to protect miners during emergencies, and for other purposes.

S. 1689

At the request of Mr. BINGAMAN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1689, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1699

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1699, a bill to amend the provisions of the Elementary and Secondary Education Act of 1965 regarding school library media specialists, and for other purposes.

S. 1750

At the request of Mr. SPECTER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1750, a bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries.

S. 1794

At the request of Mr. BAYH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1794, a bill to amend the Federal Direct Loan Program to provide that interest shall not accrue on Federal Direct Loans for active duty service members and their spouses.

S. 1810

At the request of Mr. BROWNBACK, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1810, a bill to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions.

S. 1846

At the request of Mr. BOND, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1846, a bill to improve defense cooperation between the Republic of Korea and the United States.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1963

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1963, a bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds.

S. 1995

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1995, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 2002

At the request of Mr. HATCH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2002, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts, and for other purposes.

S. 2059

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2123

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2219

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2219, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program.

S. 2347

At the request of Mr. OBAMA, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2372

At the request of Mr. SMITH, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2372, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear.

S. 2401

At the request of Ms. CANTWELL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2401, a bill to amend the Internal Revenue Code of 1986 to allow a refund of motor fuel excise taxes for the actual off-highway use of certain mobile machinery vehicles.

S. 2426

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 2426, a bill to provide for congressional oversight of United States agreements with the Government of Iraq.

S. 2460

At the request of Mrs. DOLE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor 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. 2479

At the request of Mr. BROWN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2479, a bill to catalyze change in the care and treatment of diabetes in the United States.

S. 2505

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2505, a bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes.

S. 2517

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2517, a bill to amend the Internal Revenue Code of 1986 to provide that the proceeds of qualified mortgage bonds may be used to provide refinancing for subprime loans, to provide a temporary increase in the volume cap for qualified mortgage bonds, and for other purposes.

S. 2575

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2575, a bill to amend title 38, United States Code, to remove certain limitations on the transfer of entitlement to basic educational assistance under Montgomery GI Bill, and for other purposes.

S. 2598

At the request of Mr. DORGAN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2598, a bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve.

S. 2607

At the request of Ms. SNOWE, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2607, a bill to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

S. 2618

At the request of Mr. ISAKSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. 2654

At the request of Mr. COLEMAN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2654, a bill to provide for enhanced reimbursement of servicemembers and veterans for certain travel expenses.

S. 2669

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2669, a bill to provide for the implementation of a Green Chemistry Research and Development Program, and for other purposes.

S. 2681

At the request of Mr. INHOFE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2705

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2705, a bill to authorize programs to increase the number of nurses within the Armed Forces through assistance for service as nurse faculty or education as nurses, and for other purposes.

S. 2715

At the request of Mr. INHOFE, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Louisiana (Mr. VITTER), the Senator from Pennsylvania (Mr. SPECTER), the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. COBURN), the Senator from Alabama (Mr. SESSIONS), the Senator from Georgia (Mr. CHAMBLISS), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. ISAKSON), the Senator from Alabama (Mr. SHELBY) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 2715, a bill to amend title 4, United States Code, to declare English as the national language of the Government of the United States, and for other purposes.

S. 2721

At the request of Mr. ALEXANDER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2721, a bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes.

S. 2755

At the request of Mrs. MURRAY, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 2755, a bill to provide funding for summer youth jobs.

S. 2766

At the request of Mr. NELSON of Florida, the names of the Senator from Rhode Island (Mr. REED), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of 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.

S. 2768

At the request of Mr. AKAKA, the names of the Senator from New York (Mr. SCHUMER), the Senator from Washington (Ms. CANTWELL) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of 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.

S. 2770

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of 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.

S. 2774

At the request of Mr. LEAHY, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Washington (Mrs. MURRAY), the Senator from Iowa (Mr. HARKIN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Nebraska (Mr. HAGEL) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 2774, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 2783

At the request of Mr. ENSIGN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2783, a bill to allow for additional flights beyond the perimeter restriction applicable to Ronald Reagan Washington National Airport.

S.J. RES. 28

At the request of Mr. DORGAN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S.J. Res. 28, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

S. RES. 300

At the request of Mr. MENENDEZ, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Res. 300, a resolution expressing the sense of the Senate that the Former Yugoslav Republic of Macedonia (FYROM) should stop the utilization of materials that violate provisions of the United Nations-brokered Interim Agreement between FYROM and Greece regarding ''hostile activities or propaganda'' and should work with the United Nations and Greece to achieve longstanding United States and United Nations policy goals of finding a mutually-acceptable official name for FYROM.

S. RES. 455

At the request of Mr. DURBIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. Res. 455, a resolution calling for peace in Darfur.

S. RES. 470

At the request of Mr. FEINGOLD, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Ohio

(Mr. BROWN), the Senator from Maryland (Mr. CARDIN) and the Senator from Vermont (Mr. LEAHY) 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself and Mr. MCCAIN) (by request):

S. 2787. A bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes; to the Committee on Finance.

Mr. LEVIN. Mr. President, Senator MCCAIN and I are today introducing, by request, the administration's proposed National Defense Authorization Act for fiscal year 2009. As is the case with any bill that is introduced by request, we introduce this bill for the purpose of placing the administration's proposals before Congress and the public without expressing our own views on the substance of these proposals. As chairman and ranking member of the Armed Services Committee, we look forward to giving the administration's requested legislation our most careful review and thoughtful consideration.

By Ms. LANDRIEU:

S. 2790. A bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice care demonstration program and grants programs for cancer palliative care and symptom management programs, provider education, and related research; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, I am pleased today to introduce legislation, the Comprehensive Cancer Care Improvement Act, that holds the promise of empowering cancer survivors and improving the quality of cancer care. Each year, more than one million Americans join the ranks of cancer survivors. Overall, nearly 12 million Americans live as cancer survivors. The legislation I am introducing will provide these cancer survivors with vital tools to help them manage their cancer care during active treatment and in the period of survivorship that follows treatment.

Cancer survivors from the state of Louisiana and their physicians have explained to me in compelling fashion the assistance that cancer survivors need to understand and participate in their treatment, address the side effects of therapy, and transition to cancer survivorship. I am sure that many of my Senate colleagues have heard incredible stories of survivorship from their own constituents. Management of treatment and its potentially serious side effects is a daunting task. The legislation I am introducing seeks to assist cancer survivors in receiving quality care from diagnosis through survivorship.

A dear friend and citizen of Louisiana, Tucker Melancon, has educated me about the necessity that all elements of cancer care be coordinated and that cancer patients be given assistance in managing cancer as a chronic disease. Judge Melancon and I have been friends for more than 20 years, and since 2001 he has demonstrated courage, strength, and good humor as he has undergone treatment for breast cancer. He has inspired me and many others, and it is with pleasure and humility that I introduce a bill that may help cancer survivors like Tucker receive cancer care of the highest quality.

The core provision of the Comprehensive Cancer Care Improvement Act is the establishment of Medicare payment for the development of cancer care plans and survivorship plans for beneficiaries who are diagnosed with cancer. The Institute of Medicine, IOM, in a series of reports issued between 1999 and 2006, has documented the benefits of written plans that explain to cancer survivors all of the elements of active cancer treatment, including the side effects of therapy, and that detail the steps required to monitor the side effects of treatment during survivorship.

What difference does a written plan of care make? Cancer survivors and their caregivers tell us that a written plan facilitates the coordination of care. That means that care plans provide cancer survivors the tools to receive therapy of the highest quality, accompanied by appropriate management of the side effects of treatment and the symptoms of cancer. Most people treated for cancer experience a range of side effects—including depression, pain, nausea, and vomiting—that can be debilitating and difficult to manage. Proper management of those side effects and symptoms can improve cancer survivors' quality of life and optimize their ability to complete treatment. The IOM has described patients who complete cancer treatment as ''lost in transition,'' uncertain how they will receive health care, including essential follow-up care, after active treatment. A written survivorship plan that details all elements of treatment received by a cancer survivor and that provides a roadmap to care after active treatment eases the transition from cancer patient to cancer survivor.

For patients and health care providers, Hurricane Katrina caused significant interruptions in care. Cancer patients in the middle of treatment were left to find their displaced physicians or to find new cancer care teams. In either case, they suffered from a lack of information about their ongoing treatment or about follow-up care plans. Enactment of the legislation I am introducing today would not address all of the health care delivery problems created by a natural disaster like Katrina, but it would at least put in the hands of patients critical information about their care. With that information, cancer survivors would be better able to continue their care without serious dislocation.

The U.S. Congress has provided its enthusiastic support to the National Institutes of Health for research to improve the treatment of cancer. By introducing the Comprehensive Cancer Care Improvement Act, I call on my colleagues to join me in a parallel effort to improve the quality of care for Medicare beneficiaries diagnosed with cancer. It is in our power to improve the quality of cancer care for Medicare beneficiaries. By improving Medicare, we set a standard of care for all Americans diagnosed with cancer.

I am pleased to lead the Senate effort to advance the Comprehensive Cancer Care Improvement Act. A companion measure has been introduced in the House by Representatives LOIS CAPPS and TOM DAVIS and already enjoys the support of more than 90 House cosponsors. I urge my colleagues to join me today in supporting legislation that will provide cancer patients a helping hand in obtaining quality cancer care.

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. 2790

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Comprehensive Cancer Care Improvement Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—COMPREHENSIVE CANCER CARE UNDER THE MEDICARE PROGRAM

Sec. 101. Coverage of cancer care planning services.
Sec. 102. Demonstration project to provide comprehensive cancer care symptom management services under Medicare.

TITLE II—COMPREHENSIVE PALLIATIVE CARE AND SYMPTOM MANAGEMENT PROGRAMS

Sec. 201. Grants for comprehensive palliative care and symptom management programs.

TITLE III—PROVIDER EDUCATION REGARDING PALLIATIVE CARE AND SYMPTOM MANAGEMENT.

Sec. 301. Grants to improve health professional education.
Sec. 302. Grants to improve continuing professional education.

TITLE IV—RESEARCH ON END-OF-LIFE TOPICS FOR CANCER PATIENTS

Sec. 401. Research program.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Individuals with cancer often do not have access to a cancer care system that provides comprehensive and coordinated care of high quality.

(2) The cancer care system has not traditionally offered individuals with cancer a prospective and comprehensive plan for treatment and symptom management, strategies for updating and evaluating such plan with the assistance of a health care professional, and a follow-up plan for monitoring and treating possible late effects of cancer and its treatment.

(3) Cancer survivors often experience the under-diagnosis and under-treatment of the symptoms of cancer, a problem that begins at the time of diagnosis and often becomes more severe at the end of life. The failure to treat the symptoms, side effects, and late effects of cancer and its treatment may have a serious adverse impact on the health, well-being, and quality of life of cancer survivors.

(4) Cancer survivors who are members of racial and ethnic minority groups may face special obstacles in receiving cancer care that is coordinated and includes appropriate management of cancer symptoms and treatment side effects.

(5) Individuals with cancer are sometimes put in the untenable position of choosing between potentially curative therapies and palliative care instead of being assured access to comprehensive care that includes appropriate treatment and symptom management.

(6) Comprehensive cancer care should incorporate access to psychosocial services and management of the symptoms of cancer (and the symptoms of its treatment), including pain, nausea and vomiting, fatigue, and depression.

(7) Comprehensive cancer care should include a means for providing cancer survivors with a comprehensive care summary and a plan for follow-up care after primary treatment to ensure that cancer survivors have access to follow-up monitoring and treatment of possible late effects of cancer and cancer treatment.

(8) The Institute of Medicine report, ''Ensuring Quality Cancer Care'', described the elements of quality care for an individual with cancer to include—

(A) the development of initial treatment recommendations by an experienced health care provider;

(B) the development of a plan for the course of treatment of the individual and communication of the plan to the individual;

(C) access to the resources necessary to implement the course of treatment;

(D) access to high-quality clinical trials;

(E) a mechanism to coordinate services for the treatment of the individual; and

(F) psychosocial support services and compassionate care for the individual.

(9) In its report, ''From Cancer Patient to Cancer Survivor: Lost in Transition'', the Institute of Medicine recommended that individuals with cancer completing primary treatment be provided a comprehensive summary of their care along with a follow-up survivorship plan of treatment.

(10) Since more than half of all cancer diagnoses occur among elderly Medicare beneficiaries, the problems of providing cancer care are problems of the Medicare program.

(11) Shortcomings in providing cancer care, resulting in inadequate management of cancer symptoms and insufficient monitoring and treatment of late effects of cancer and its treatment, are related to problems of Medicare payments for such care, inadequate professional training, and insufficient investment in research on symptom management.

(12) Changes in Medicare payment for comprehensive cancer care, enhanced public and professional education regarding symptom management, and more research related to symptom management and palliative care will enhance patient decision-making about treatment options and will contribute to improved care for individuals with cancer from the time of diagnosis of the individual through the end of the life of the individual.

TITLE I—COMPREHENSIVE CANCER CARE UNDER THE MEDICARE PROGRAM

SEC. 101. COVERAGE OF CANCER CARE PLANNING SERVICES.

(a) IN GENERAL.—Section 1861 of the Social Security Act, as amended by section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—

(1) in subsection (s)(2)—

(A) by striking ''and'' at the end of subparagraph (Z);

(B) by adding ''and'' at the end of subparagraph (AA); and

(C) by adding at the end the following new subparagraph:

''(BB) comprehensive cancer care planning services (as defined in subsection (ddd));''; and

(2) by adding at the end the following new subsection:

''Comprehensive Cancer Care Planning Services

''(ddd)(1) The term 'comprehensive cancer care planning services' means—

''(A) with respect to an individual who is diagnosed with cancer, the development of a plan of care that—

''(i) details, to the greatest extent practicable, all aspects of the care to be provided to the individual, with respect to the treatment of such cancer, including any curative treatment and comprehensive symptom management (such as palliative care) involved;

''(ii) is furnished in written form to the individual in person within a period specified by the Secretary that is as soon as practicable after the date on which the individual is so diagnosed;

''(iii) is furnished, to the greatest extent practicable, in a form that appropriately takes into account cultural and linguistic needs of the individual in order to make the plan accessible to the individual; and

''(iv) is in accordance with standards determined by the Secretary to be appropriate;

''(B) with respect to an individual for whom a plan of care has been developed under subparagraph (A), the revision of such plan of care as necessary to account for any substantial change in the condition of the individual, if such revision—

''(i) is in accordance with clauses (i) and (iii) of such subparagraph; and

''(ii) is furnished in written form to the individual within a period specified by the Secretary that is as soon as practicable after the date of such revision;

''(C) with respect to an individual who has completed the primary treatment for cancer, as defined by the Secretary (such as completion of chemotherapy or radiation treatment), the development of a follow-up cancer care plan that—

''(i) describes the elements of the primary treatment, including symptom management, furnished to such individual;

''(ii) provides recommendations for the subsequent care of the individual with respect to the cancer involved;

''(iii) is furnished in written form to the individual in person within a period specified by the Secretary that is as soon as practicable after the completion of such primary treatment;

''(iv) is furnished, to the greatest extent practicable, in a form that appropriately takes into account cultural and linguistic needs of the individual in order to make the plan accessible to the individual; and

''(v) is in accordance with standards determined by the Secretary to be appropriate; and

''(D) with respect to an individual for whom a follow-up cancer care plan has been developed under subparagraph (C), the revision of such plan as necessary to account for any substantial change in the condition of the individual, if such revision—

''(i) is in accordance with clauses (i), (ii), and (iv) of such subparagraph; and

''(ii) is furnished in written form to the individual within a period specified by the Secretary that is as soon as practicable after the date of such revision.

''(2) The Secretary shall establish standards to carry out paragraph (1) in consultation with appropriate organizations representing providers of services related to cancer treatment and organizations representing survivors of cancer. Such standards shall include standards for determining the need and frequency for revisions of the plans of care and follow-up plans based on changes in the condition of the individual and standards for the communication of the plan to the patient.''.

(b) PAYMENT.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended by striking ''and'' before ''(V)'' and inserting before the semicolon at the end the following: '', and (W) with respect to comprehensive cancer care planning services described in any of subparagraphs (A) through (D) of section 1861(ddd)(1), the amount paid shall be an amount equal to the sum of (i) the national average amount under the physician fee schedule established under section 1848 for a new patient office consultation of the highest level of service in the non-facility setting, and (ii) the national average amount under such fee schedule for a physician certification described in section 1814(a)(2) for home health services furnished to an individual by a home health agency under a home health plan of care''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the first day of the first calendar year that begins after the date of the enactment of this Act.

SEC. 102. DEMONSTRATION PROJECT TO PROVIDE COMPREHENSIVE CANCER CARE SYMPTOM MANAGEMENT SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct a two-year demonstration project (in this section referred to as the ''demonstration project'') under title XVIII of the Social Security Act under which payment shall be made under such title for comprehensive cancer care symptom management services, including items and services described in subparagraphs (A) through (I) of section 1861(dd)(1) of the Social Security Act, furnished by an eligible entity, in accordance with a plan developed under subparagraph (A) or (C) of section 1861(ddd)(1) of such Act, as added by section 101(a). Sections 1812(d) and 1814(a)(7) of such Act (42 U.S.C. 1395d(d), 1395f(a)(7)) are not applicable to items and services furnished under the demonstration project. Participation of Medicare beneficiaries in the demonstration project shall be voluntary.

(b) QUALIFICATIONS AND SELECTION OF ELIGIBLE ENTITIES.—

(1) QUALIFICATIONS.—For purposes of subsection (a), the term ''eligible entity'' means

an entity (such as a cancer center, hospital, academic health center, hospice program, physician practice, school of nursing, visiting nurse association, or other home health agency) that the Secretary determines is capable, directly or through an arrangement with a hospice program (as defined in section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2))), of providing the items and services described in such subsection.

(2) SELECTION.—The Secretary shall select not more than 10 eligible entities to participate in the demonstration project. Such entities shall be selected in a manner so that the demonstration project is conducted in different regions across the United States and in urban and rural locations.

(c) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct a comprehensive evaluation of the demonstration project to determine—

(A) the effectiveness of the project in improving patient outcomes;

(B) the cost of providing comprehensive symptom management, including palliative care, from the time of diagnosis;

(C) the effect of comprehensive cancer care planning and the provision of comprehensive symptom management on patient outcomes, cancer care expenditures, and the utilization of hospitalization and emergent care services; and

(D) potential savings to the Medicare program demonstrated by the project.

(2) REPORT.—Not later than the date that is one year after the date on which the demonstration project concludes, the Secretary shall submit to Congress a report on the evaluation conducted under paragraph (1).

TITLE II—COMPREHENSIVE PALLIATIVE CARE AND SYMPTOM MANAGEMENT PROGRAMS

SEC. 201. GRANTS FOR COMPREHENSIVE PALLIATIVE CARE AND SYMPTOM MANAGEMENT PROGRAMS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall make grants to eligible entities for the purpose of—

(1) establishing a new palliative care and symptom management program for cancer patients; or

(2) expanding an existing palliative care and symptom management program for cancer patients.

(b) AUTHORIZED ACTIVITIES.—Activities funded through a grant under this section may include—

(1) securing consultative services and advice from institutions with extensive experience in developing and managing comprehensive palliative care and symptom management programs;

(2) expanding an existing program to serve more patients or enhance the range or quality of services, including cancer treatment patient education services, that are provided;

(3) developing a program that would ensure the inclusion of cancer treatment patient education in the coordinated cancer care model; and

(4) establishing an outreach program to partner with an existing comprehensive care program and obtain expert consultative services and advice.

(c) DISTRIBUTION OF FUNDS.—In making grants and distributing the funds under this section, the Secretary shall ensure that—

(1) two-thirds of the funds appropriated to carry out this section for each fiscal year are used for establishing new palliative care and symptom management programs, of which not less than half of such two-thirds shall be for programs in medically underserved communities to address issues of racial and ethnic disparities in access to cancer care; and

(2) one-third of the funds appropriated to carry out this section for each fiscal year are used for expanding existing palliative care and symptom management programs.

(d) DEFINITIONS.—In this section:

(1) The term ''eligible entity'' includes—

(A) an academic medical center, a cancer center, a hospital, a school of nursing, or a health system capable of administering a palliative care and symptom management program for cancer patients;

(B) a physician practice with care teams, including nurses and other professionals trained in palliative care and symptom management;

(C) a visiting nurse association or other home care agency with experience administering a palliative care and symptom management program;

(D) a hospice; and

(E) any other health care agency or entity, as the Secretary determines appropriate.

(2) The term ''medically underserved community'' has the meeting given to that term in section 799B(6) of the Public Health Service Act (42 U.S.C. 295p(6)).

(3) The term ''Secretary'' means the Secretary of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2013.

TITLE III—PROVIDER EDUCATION REGARDING PALLIATIVE CARE AND SYMPTOM MANAGEMENT.

SEC. 301. GRANTS TO IMPROVE HEALTH PROFESSIONAL EDUCATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall make grants to eligible entities to enable the entities to improve the quality of graduate and postgraduate training of physicians, nurses, and other health care providers in palliative care and symptom management for cancer patients.

(b) APPLICATION.—To seek a grant under this section, an eligible entity shall submit an application at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the Secretary shall require that each such application demonstrate—

(1) the ability to incorporate palliative care and symptom management into training programs; and

(2) the ability to collect and analyze data related to the effectiveness of educational efforts.

(c) EVALUATION.—The Secretary shall develop and implement a plan for evaluating the effects of professional training programs funded through this section.

(d) DEFINITIONS.—In this section:

(1) The term ''eligible entity'' means a cancer center (including an NCI-designated cancer center), an academic health center, a physician practice, a school of nursing, or a visiting nurse association or other home care agency.

(2) The term ''NCI-designated cancer center'' means a cancer center receiving funds through a P30 Cancer Center Support Grant of the National Cancer Institute.

(3) The term ''Secretary'' means the Secretary of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2013.

SEC. 302. GRANTS TO IMPROVE CONTINUING PROFESSIONAL EDUCATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall make grants to eligible entities to improve the quality of continuing professional education provided to qualified individuals regarding palliative care and symptom management.

(b) APPLICATION.—To seek a grant under this section, an eligible entity shall submit an application at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the Secretary shall require that each such application demonstrate—

(1) experience in sponsoring continuing professional education programs;

(2) the ability to reach health care providers and other professionals who are engaged in cancer care;

(3) the capacity to develop innovative training programs; and

(4) the ability to evaluate the effectiveness of educational efforts.

(c) EVALUATION.—The Secretary shall develop and implement a plan for evaluating the effects of continuing professional education programs funded through this section.

(d) DEFINITIONS.—In this section:

(1) The term ''eligible entity'' means a cancer center (including an NCI-designated cancer center), an academic health center, a school of nursing, or a professional society that supports continuing professional education programs.

(2) The term ''NCI-designated cancer center'' means a cancer center receiving funds through a P30 Cancer Center Support Grant of the National Cancer Institute.

(3) The term ''qualified individual'' means a physician, nurse, social worker, chaplain, psychologist, or other individual who is involved in providing palliative care and symptom management services to cancer patients.

(4) The term ''Secretary'' means the Secretary of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2013.

TITLE IV—RESEARCH ON END-OF-LIFE TOPICS FOR CANCER PATIENTS

SEC. 401. RESEARCH PROGRAM.

(a) IN GENERAL.—The Director of the National Institutes of Health shall establish a program of grants for research on palliative care, symptom management, communication skills, and other end-of-life topics for cancer patients.

(b) INCLUSION OF NATIONAL RESEARCH INSTITUTES.—In carrying out the program established under this section, the Director should provide for the participation of the National Cancer Institute, the National Institute of Nursing Research, and any other national research institute that has been engaged in research described in subsection (a).

(c) DEFINITIONS.—In this section:

(1) The term ''Director'' means the Director of the National Institutes of Health.

(2) The term ''national research institute'' has the meaning given to that term in section 401(g) of the Public Health Service Act (42 U.S.C. 281(g)).

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2013.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 490—RECOGNIZING THE ALVIN AILEY AMERICAN DANCE THEATER FOR 50 YEARS OF SERVICE TO THE PERFORMING ARTS

Mrs. CLINTON (for herself and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 490

Whereas the Alvin Ailey American Dance Theater (AAADT) is widely recognized as one of the world's premier modern dance companies;

Whereas AAADT is dedicated to promoting the uniqueness of the African-American cultural experience, to preserving the heritage of modern dance, and to brining modern dance to people around the globe;

Whereas, over its 50-year history, AAADT has performed for an estimated 21,000,000 people in 48 States and in 71 countries on 6 continents;

Whereas AAADT tours more than any other performing arts company in the world;

Whereas AAADT's signature work, ''Revelations'', has been seen by more people around the globe than any other work of dance;

Whereas AAADT performs works by both emerging and established choreographers from throughout the United States and the world;

Whereas AAADT's home in New York City, The Joan Weill Center for Dance, is the largest facility dedicated exclusively to dance in the United States;

Whereas Alvin Ailey, founder of AAADT, received the United Nations Peace Medal in 1982;

Whereas President George W. Bush recognized AAADT and Artistic Director Judith Jamison with the National Medal of Arts in 2001, making AAADT the first dance company to be so honored;

Whereas AAADT has performed for United States Presidents and foreign leaders throughout the company's 50-year history, including performances in 1968 for President Johnson, in 1977 at the inaugural gala for President Carter, in 1993 at the inaugural gala for President Clinton, and in 2003 at a state dinner honoring President Mwai Kibaki of Kenya;

Whereas, over the years, AAADT has brought the culture of the United States to audiences around the world with performances at such historic events as the Rio de Janeiro International Arts Festival in 1963, the first Negro Arts Festival in Dakar, Senegal, in 1966, the fabled New Year's Eve performance for the Crown Prince of Morocco in 1978, the Paris Centennial performance at the Grand Palais Theatre in 1989, 2 unprecedented engagements in South Africa in 1997 and 1998, the 1996 and 2002 Olympic Games, the 2005 Stars of the White Nights festival in St. Petersburg, Russia, and the 2006 Les étés de la danse de Paris festival in Paris, France;

Whereas AAADT annually provides more than 100,000 young people from diverse cultural, social, and economic backgrounds with the opportunity to explore their creative potential and build their self-esteem through its Arts in Education and Community Programs, which includes 9 AileyCamps in cities across the United States;

Whereas Ailey II, the junior company to AAADT, reaches more than 69,000 people each year through its inspiring performances and outreach activities while touring to smaller communities in more than 50 North American cities; and

Whereas the Ailey School, accredited by the National Association of Schools of Dance, provides the highest quality training consistent with the professional standards of AAADT, including a Certificate Program, a Fellowship Program, and a Bachelor of Fine Arts degree program in conjunction with Fordham University: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the Alvin Ailey American Dance Theater (AAADT) for 50 years of service as a cultural ambassador of the United States to the world, by bringing world-class American modern dance to an estimated 21,000,000 people around the globe;

(2) recognizes that AAADT has been a true pioneer in the world of dance by establishing an extended cultural community that provides dance performances, training, and community programs to all people while using the beauty and humanity of the African-American heritage and other cultures to unite people of all ages, races, and backgrounds; and

(3) recognizes that Ailey II, the prestigious Ailey School, and the extensive and innovative Arts in Education and Community Programs of AAADT train future generations of dancers and choreographers while continuing to expose young people from communities large and small to the arts.

SENATE RESOLUTION 491—RECOGNIZING THE NEED AND IMPORTANCE OF PROVIDING ADDITIONAL FEDERAL FUNDS FOR THE SECRETARY OF THE ARMY TO CARRY OUT HURRICANE, COASTAL, AND FLOOD PROTECTION AND HURRICANE AND FLOOD DAMAGE REDUCTION ACTIVITIES AND RELATED FEATURES IN THE STATE OF LOUISIANA

Mr. VITTER submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 491

Whereas the restoration of the infrastructure, hurricane, flood protection, ecosystem, and habitat of the State of Louisiana is critical to the United States economy because—

(1) Louisiana is the key to United States energy security, providing nearly 30 percent of the energy required to power the United States economy;

(2) Louisiana provides more than 25 percent of the seafood consumed in the United States;

(3) Louisiana provides the largest port system in the world (having 5 of 15 ports with the most total tonnage of all ports in the United States); and

(4) more than 36 States depend on maritime commerce on waterways in Louisiana to receive goods and services;

Whereas, in 2005, Hurricanes Katrina and Rita devastated Louisiana, causing the death of more than 1,400, the loss of 217 square miles of coastal land and wetlands, and destroyed the integrity and performance of the hurricane protection system;

Whereas in Louisiana Hurricanes Katrina and Rita initially caused the evacuation and displacement of 1,300,000 residents of Louisiana, destroyed more than 200,000 homes, 40 schools, and 10 hospitals, damaged 835 schools, flooded more than 16,000 businesses, caused the loss of 179,000 jobs, and resulted in property losses of more than $100,000,000,000 in the State;

Whereas Louisiana had a reduction in gross State product of $7,400,000,000 during the period beginning on the date of occurrence of Hurricane Katrina and ending on June 30, 2006;

Whereas Federal funds are needed, in addition to the fiscal year 2009 budget request of the President, to reduce the risk to the greater New Orleans, Louisiana, area from storm surges to provide at least an updated 100-year protection standard and address associated flood protection needs to meet the President's commitment to complete the Corps of Engineers work necessary for the updated 100-year protection standard for the greater New Orleans area by the 2011 hurricane season;

Whereas, in accordance with section 7012(c) of the Water Resources Development Act of 2007 (121 Stat. 1279), the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate may adopt a resolution to allow for appropriation of additional Federal funds that exceed 25 percent of the authorized level for the activities identified in subsection (a) of that section;

Whereas, the historic cost share for current and future work for the Southeast Louisiana Project is 75 percent Federal and 25 percent non-Federal, in accordance with section 533(d) of the Water Resources Development Act of 1996 (110 Stat. 3775), as reconfirmed by Congress in subsequent supplemental legislation related to the 2005 hurricanes; and

Whereas, the historic cost share for the Lake Pontchartrain and Vicinity project is 70 percent Federal and 30 percent non-Federal, in accordance with section 204 of the Flood Control Act of 1965 (79 Stat. 1077), as reconfirmed by Congress in subsequent supplemental legislation:

Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the urgency for Congress to approve additional Federal funds required by the Corps of Engineers by October 1, 2008, to complete hurricane, coastal, and flood protection and hurricane and flood damage reduction activities and related features to meet the President's commitment to complete the Corps of Engineers work necessary for the updated 100-year protection standard for the greater New Orleans area by the 2011 hurricane season; and

(2) finds that, given the significance and consequences of the 2005 Hurricanes Katrina and Rita, the additional Federal funds to reduce the risk to the greater New Orleans, Louisiana, area from storm surges and to provide at least an updated 100-year protection standard and address associated flood protection needs shall be carried out at full Federal expense.

SENATE RESOLUTION 492—AMENDING THE MAJORITY PARTY'S MEMBERSHIP ON THE SELECT COMMITTEE ON ETHICS FOR THE REMAINDER OF THE 110TH CONGRESS

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 492

Resolved, That Senate Resolution 27 (110th Congress) is amended, effective January 1, 2008, by striking all from ''ETHICS:'' through ''72a–1f'' and inserting ''ETHICS: Mrs. Boxer (Chairman), Mr. Pryor, and Mr. Salazar''

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 Tuesday, April 15, 2008, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider S. 2438, a bill to repeal certain provisions of the Federal Lands Recreation Enhancement Act.

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 Rachel Pasternack at (202) 224–0883 or David Brooks at 202–224–9863.

SUBCOMMITTEE ON WATER AND POWER

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 Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on April 8, 2008, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 2259/H.R. 813, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes; H.R. 31, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects; H.R. 716, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Santa Rosa Urban Water Reuse Plan; H.R. 786, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Los Angeles County Water Supply Augmentation Demonstration Project, and for other purposes; H.R. 1140, to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, and for other purposes; H.R. 1503, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project; H.R. 1725, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Rancho California Water District Southern Riverside County Recycled/Non-Potable Distribution Facilities and Demineralization/Desalination Recycled Water Treatment and Reclamation Facility Project; H.R. 1737, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California; and H.R. 2614, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in certain water projects in California.

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 email to Gina_Weinstock@energy.senate.gov.

For further information, please contact Michael Connor at (202) 224–5479 or Gina Weinstock at (202) 224–5684.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009

On Thursday, March 13, 2008, the Senate agreed to S. Con. Res. 70, as amended, as follows:

S. CON. RES. 70

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2009 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2009.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Postal Service discretionary administrative expenses.
Sec. 104. Major functional categories.

TITLE II—BUDGET PROCESS

Subtitle A—Direct Spending and Receipts

Sec. 201. Senate point of order against legislation increasing long-term deficits.
Sec. 202. Point of order—20 percent limit on new direct spending in reconciliation legislation.

Subtitle B—Discretionary Spending

Sec. 211. Discretionary spending limits, program integrity initiatives, and other adjustments.
Sec. 212. Point of order against advance appropriations.
Sec. 213. Senate point of order against provisions of appropriations legislation that constitute changes in mandatory programs with net costs.
Sec. 214. Discretionary administrative expenses of the Postal Service.

Subtitle C—Other Provisions

Sec. 221. Application and effect of changes in allocations and aggregates.
Sec. 222. Adjustments to reflect changes in concepts and definitions.
Sec. 223. Debt disclosure requirement.
Sec. 224. Debt disclosures.
Sec. 225. Exercise of rulemaking powers.
Sec. 226. Circuit breaker to protect social security.

TITLE III—RESERVE FUNDS

Sec. 301. Deficit-neutral reserve fund to strengthen and stimulate the American economy and provide economic relief to American families.
Sec. 302. Deficit-neutral reserve fund for improving education.
Sec. 303. Deficit-neutral reserve fund for investments in America's infrastructure.
Sec. 304. Deficit-neutral reserve fund to invest in clean energy, preserve the environment, and provide for certain settlements.
Sec. 305. Deficit-neutral reserve fund for America's veterans and wounded servicemembers and for a post 9/11 GI bill.
Sec. 306. Deficit-neutral reserve fund to improve America's health.
Sec. 307. Sense of the Senate regarding Medicaid administrative regulations.
Sec. 308. Deficit-neutral reserve fund for judicial pay and judgeships.
Sec. 309. Deficit-neutral reserve fund for reforming the alternative minimum tax for individuals.
Sec. 310. Deficit-neutral reserve fund for repealing the 1993 increase in the income tax on social security benefits.
Sec. 311. Deficit-neutral reserve fund to improve energy efficiency and production.
Sec. 312. Deficit-neutral reserve fund for immigration reform and enforcement.
Sec. 313. Deficit-neutral reserve fund for border security, immigration enforcement, and criminal alien removal programs.
Sec. 314. Deficit-neutral reserve fund for science parks.
Sec. 315. Deficit-neutral reserve fund for 3-year extension of pilot program for national and state background checks on direct patient access employees of long-term care facilities or providers.
Sec. 316. Deficit-neutral reserve fund for studying the effect of cooperation with local law enforcement.
Sec. 317. Deficit-neutral reserve fund to terminate deductions from mineral revenue payments to States.
Sec. 318. Deficit-neutral reserve fund for the establishment of State Internet sites for the disclosure of information relating to payments made under the State Medicaid program.
Sec. 319. Deficit-neutral reserve fund for traumatic brain injury.
Sec. 320. Deficit-neutral reserve fund to improve animal health and disease program.
Sec. 321. Deficit-neutral reserve fund for implementation of Yellow Ribbon Reintegration Program for members of the National Guard and Reserve.

Sec. 322. Deficit-neutral reserve fund for reimbursing States for the costs of housing undocumented criminal aliens.
Sec. 323. Deficit-neutral reserve fund for acceleration of phased-in eligibility for concurrent receipt of benefits.
Sec. 324. Deficit-neutral reserve fund for increased use of recovery audits.
Sec. 325. Deficit-neutral reserve fund for food safety.
Sec. 326. Deficit-neutral reserve fund for demonstration project regarding Medicaid coverage of low-income HIV-infected individuals.
Sec. 327. Deficit-neutral reserve fund for reducing income threshold for refundable child tax credit to $10,000 with no inflation adjustment.
Sec. 328. Sense of the Senate regarding the diversion of funds set aside for USPTO.
Sec. 329. Deficit-neutral reserve fund for education reform.
Sec. 330. Deficit-neutral reserve fund for processing naturalization applications.
Sec. 331. Deficit-neutral reserve fund for access to quality and affordable health insurance.
Sec. 332. Deficit-neutral reserve fund for a 9/11 health program.
Sec. 333. Deficit-neutral reserve fund to ban medicare advantage and prescription drug plan sales and marketing abuses.
Sec. 334. 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.
Sec. 335. Sense of the Senate regarding a balanced budget amendment to the constitution of the United States.
Sec. 336. 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.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2008 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2008: $1,871,888,000,000.
Fiscal year 2009: $2,012,123,000,000.
Fiscal year 2010: $2,198,259,000,000.
Fiscal year 2011: $2,404,151,000,000.
Fiscal year 2012: $2,488,673,000,000.
Fiscal year 2013: $2,613,013,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2008: –$7,652,000,000.
Fiscal year 2009: –$85,001,000,000.
Fiscal year 2010: $15,395,000,000.
Fiscal year 2011: –$23,874,000,000.
Fiscal year 2012: –$164,642,000,000.
Fiscal year 2013: –$141,727,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2008: $2,579,255,000,000.
Fiscal year 2009: $2,533,754,000,000.
Fiscal year 2010: $2,555,400,000,000.
Fiscal year 2011: $2,687,858,000,000.
Fiscal year 2012: $2,731,412,000,000.
Fiscal year 2013: $2,860,070,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2008: $2,476,755,000,000.
Fiscal year 2009: $2,575,733,417,000.
Fiscal year 2010: $2,616,367,415,000.
Fiscal year 2011: $2,709,059,134,000.
Fiscal year 2012: $2,722,339,034,000.
Fiscal year 2013: $2,852,077,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2008: $604,867,000,000.
Fiscal year 2009: $563,610,417,000.
Fiscal year 2010: $418,108,415,000.
Fiscal year 2011: $304,908,134,000.
Fiscal year 2012: $233,666,034,000.
Fiscal year 2013: $239,064,000,000.

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2008: $9,618,792,000,000.
Fiscal year 2009: $10,278,552,417,000.
Fiscal year 2010: $10,805,195,832,000.
Fiscal year 2011: $11,215,113,966,000.
Fiscal year 2012: $11,580,563,000,000.
Fiscal year 2013: $11,934,375,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2008: $5,418,643,000,000.
Fiscal year 2009: $5,803,409,417,000.
Fiscal year 2010: $6,032,754,832,000.
Fiscal year 2011: $6,129,282,966,000.
Fiscal year 2012: $6,141,593,000,000.
Fiscal year 2013: $6,153,706,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2008: $666,705,000,000.
Fiscal year 2009: $695,876,000,000.
Fiscal year 2010: $733,571,000,000.
Fiscal year 2011: $772,468,000,000.
Fiscal year 2012: $809,798,000,000.
Fiscal year 2013: $845,044,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2008: $463,746,000,000.
Fiscal year 2009: $493,607,000,000.
Fiscal year 2010: $520,158,000,000.
Fiscal year 2011: $540,487,000,000.
Fiscal year 2012: $566,249,000,000.
Fiscal year 2013: $595,544,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2008:
(A) New budget authority, $5,160,000,000.
(B) Outlays, $4,989,000,000.
Fiscal year 2009:
(A) New budget authority, $5,473,000,000.
(B) Outlays, $5,476,000,000.
Fiscal year 2010:
(A) New budget authority, $5,623,000,000.
(B) Outlays, $5,581,000,000.
Fiscal year 2011:
(A) New budget authority, $5,788,000,000.
(B) Outlays, $5,759,000,000.
Fiscal year 2012:
(A) New budget authority, $5,962,000,000.
(B) Outlays, $5,932,000,000.
Fiscal year 2013:
(A) New budget authority, $6,147,000,000.
(B) Outlays, $6,115,000,000.

SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2008:
(A) New budget authority, $250,000,000.
(B) Outlays, $237,000,000.
Fiscal year 2009:
(A) New budget authority, $258,000,000.
(B) Outlays, $258,000,000.
Fiscal year 2010:
(A) New budget authority, $267,000,000.
(B) Outlays, $267,000,000.
Fiscal year 2011:
(A) New budget authority, $275,000,000.
(B) Outlays, $275,000,000.
Fiscal year 2012:
(A) New budget authority, $284,000,000.
(B) Outlays, $284,000,000.
Fiscal year 2013:
(A) New budget authority, $293,000,000.
(B) Outlays, $293,000,000.

SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2008 through 2013 for each major functional category are:

(1) National Defense (050):
Fiscal year 2008:
(A) New budget authority, $693,273,000,000.
(B) Outlays, $604,289,000,000.
Fiscal year 2009:
(A) New budget authority, $612,502,000,000.
(B) Outlays, $645,437,000,000.
Fiscal year 2010:
(A) New budget authority, $550,414,000,000.
(B) Outlays, $607,033,000,000.
Fiscal year 2011:
(A) New budget authority, $557,026,000,000.
(B) Outlays, $577,925,000,000.
Fiscal year 2012:
(A) New budget authority, $565,800,000,000.
(B) Outlays, $561,666,000,000.
Fiscal year 2013:
(A) New budget authority, $576,223,000,000.
(B) Outlays, $570,503,000,000.

(2) International Affairs (150):
Fiscal year 2008:
(A) New budget authority, $38,608,000,000.
(B) Outlays, $33,771,000,000.
Fiscal year 2009:
(A) New budget authority, $38,609,416,000.
(B) Outlays, $39,449,416,000.
Fiscal year 2010:
(A) New budget authority, $35,663,000,000.
(B) Outlays, $37,040,000,000.
Fiscal year 2011:
(A) New budget authority, $36,322,000,000.
(B) Outlays, $35,932,000,000.
Fiscal year 2012:
(A) New budget authority, $36,866,000,000.
(B) Outlays, $35,705,000,000.
Fiscal year 2013:
(A) New budget authority, $37,024,000,000.
(B) Outlays, $35,243,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2008:
(A) New budget authority, $27,407,000,000.
(B) Outlays, $26,456,000,000.
Fiscal year 2009:
(A) New budget authority, $30,536,000,000.
(B) Outlays, $28,987,000,000.
Fiscal year 2010:
(A) New budget authority, $30,369,000,000.
(B) Outlays, $30,490,000,000.

Fiscal year 2011:
(A) New budget authority, $30,848,000,000.
(B) Outlays, $31,167,000,000.
Fiscal year 2012:
(A) New budget authority, $31,332,000,000.
(B) Outlays, $31,650,000,000.
Fiscal year 2013:
(A) New budget authority, $31,816,000,000.
(B) Outlays, $31,635,000,000.
(4) Energy (270):
Fiscal year 2008:
(A) New budget authority, $3,548,000,000.
(B) Outlays, $1,681,000,000.
Fiscal year 2009:
(A) New budget authority, $7,026,000,000.
(B) Outlays, $2,843,000,000.
Fiscal year 2010:
(A) New budget authority, $6,935,000,000.
(B) Outlays, $4,533,000,000.
Fiscal year 2011:
(A) New budget authority, $6,916,000,000.
(B) Outlays, $5,481,000,000.
Fiscal year 2012:
(A) New budget authority, $6,895,000,000.
(B) Outlays, $5,981,000,000.
Fiscal year 2013:
(A) New budget authority, $6,858,000,000.
(B) Outlays, $6,159,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2008:
(A) New budget authority, $32,560,000,000.
(B) Outlays, $34,440,000,000.
Fiscal year 2009:
(A) New budget authority, $39,835,000,000.
(B) Outlays, $36,309,500,000.
Fiscal year 2010:
(A) New budget authority, $34,730,000,000.
(B) Outlays, $37,039,000,000.
Fiscal year 2011:
(A) New budget authority, $35,424,000,000.
(B) Outlays, $37,217,875,000.
Fiscal year 2012:
(A) New budget authority, $36,111,000,000.
(B) Outlays, $37,394,875,000.
Fiscal year 2013:
(A) New budget authority, $36,812,000,000.
(B) Outlays, $37,756,875,000.
(6) Agriculture (350):
Fiscal year 2008:
(A) New budget authority, $22,423,000,000.
(B) Outlays, $21,495,000,000.
Fiscal year 2009:
(A) New budget authority, $21,377,000,000.
(B) Outlays, $21,127,000,000.
Fiscal year 2010:
(A) New budget authority, $21,532,000,000.
(B) Outlays, $20,501,000,000.
Fiscal year 2011:
(A) New budget authority, $21,665,000,000.
(B) Outlays, $20,659,000,000.
Fiscal year 2012:
(A) New budget authority, $21,994,000,000.
(B) Outlays, $21,176,000,000.
Fiscal year 2013:
(A) New budget authority, $22,307,000,000.
(B) Outlays, $21,513,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2008:
(A) New budget authority, $11,516,000,000.
(B) Outlays, $5,441,000,000.
Fiscal year 2009:
(A) New budget authority, $9,350,000,000.
(B) Outlays, $3,764,000,000.
Fiscal year 2010:
(A) New budget authority, $11,133,000,000.
(B) Outlays, $3,562,000,000.
Fiscal year 2011:
(A) New budget authority, $7,713,000,000.
(B) Outlays, $824,000,000.
Fiscal year 2012:
(A) New budget authority, $8,028,000,000.
(B) Outlays, $492,000,000.
Fiscal year 2013:
(A) New budget authority, $8,254,000,000.
(B) Outlays, $195,000,000.
(8) Transportation (400):
Fiscal year 2008:
(A) New budget authority, $87,289,000,000.
(B) Outlays, $81,370,000,000.
Fiscal year 2009:
(A) New budget authority, $75,131,000,000.
(B) Outlays, $83,311,000,000.
Fiscal year 2010:
(A) New budget authority, $78,075,000,000.
(B) Outlays, $85,504,000,000.
Fiscal year 2011:
(A) New budget authority, $78,913,000,000.
(B) Outlays, $86,779,000,000.
Fiscal year 2012:
(A) New budget authority, $79,763,000,000.
(B) Outlays, $88,515,000,000.
Fiscal year 2013:
(A) New budget authority, $80,640,000,000.
(B) Outlays, $90,534,000,000.
(9) Community and Regional Development (450):
Fiscal year 2008:
(A) New budget authority, $20,029,000,000.
(B) Outlays, $27,819,000,000.
Fiscal year 2009:
(A) New budget authority, $15,195,000,000.
(B) Outlays, $24,486,700,000.
Fiscal year 2010:
(A) New budget authority, $15,265,000,000.
(B) Outlays, $22,115,400,000.
Fiscal year 2011:
(A) New budget authority, $15,503,000,000.
(B) Outlays, $18,240,900,000.
Fiscal year 2012:
(A) New budget authority, $15,746,000,000.
(B) Outlays, $16,186,800,000.
Fiscal year 2013:
(A) New budget authority, $15,979,000,000.
(B) Outlays, $15,872,800,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2008:
(A) New budget authority, $91,381,000,000.
(B) Outlays, $90,912,000,000.
Fiscal year 2009:
(A) New budget authority, $94,679,670,000.
(B) Outlays, $91,253,020,000.
Fiscal year 2010:
(A) New budget authority, $103,891,000,000.
(B) Outlays, $98,615,482,000.
Fiscal year 2011:
(A) New budget authority, $106,486,000,000.
(B) Outlays, $103,806,534,000.
Fiscal year 2012:
(A) New budget authority, $108,255,000,000.
(B) Outlays, $104,904,034,000.
Fiscal year 2013:
(A) New budget authority, $101,660,000,000.
(B) Outlays, $103,626,000,000.
(11) Health (550):
Fiscal year 2008:
(A) New budget authority, $286,108,000,000.
(B) Outlays, $287,211,000,000.
Fiscal year 2009:
(A) New budget authority, $313,109,000,000.
(B) Outlays, $310,603,000,000.
Fiscal year 2010:
(A) New budget authority, $324,863,000,000.
(B) Outlays, $325,576,000,000.
Fiscal year 2011:
(A) New budget authority, $345,558,000,000.
(B) Outlays, $344,795,000,000.
Fiscal year 2012:
(A) New budget authority, $368,273,000,000.
(B) Outlays, $367,110,000,000.
Fiscal year 2013:
(A) New budget authority, $393,283,000,000.
(B) Outlays, $391,805,000,000.
(12) Medicare (570):
Fiscal year 2008:
(A) New budget authority, $390,458,000,000.
(B) Outlays, $390,454,000,000.
Fiscal year 2009:
(A) New budget authority, $420,389,000,000.
(B) Outlays, $420,150,000,000.
Fiscal year 2010:
(A) New budget authority, $445,380,000,000.
(B) Outlays, $445,513,000,000.
Fiscal year 2011:
(A) New budget authority, $494,477,000,000.
(B) Outlays, $494,305,000,000.
Fiscal year 2012:
(A) New budget authority, $491,399,000,000.
(B) Outlays, $491,163,000,000.
Fiscal year 2013:
(A) New budget authority, $551,039,000,000.
(B) Outlays, $551,161,000,000.
(13) Income Security (600):
Fiscal year 2008:
(A) New budget authority, $393,591,000,000.
(B) Outlays, $394,613,000,000.
Fiscal year 2009:
(A) New budget authority, $414,369,000,000.
(B) Outlays, $419,023,200,000.
Fiscal year 2010:
(A) New budget authority, $416,322,000,000.
(B) Outlays, $418,871,200,000.
Fiscal year 2011:
(A) New budget authority, $425,435,000,000.
(B) Outlays, $426,242,100,000.
Fiscal year 2012:
(A) New budget authority, $411,468,000,000.
(B) Outlays, $411,597,000,000.
Fiscal year 2013:
(A) New budget authority, $426,718,000,000.
(B) Outlays, $426,611,400,000.
(14) Social Security (650):
Fiscal year 2008:
(A) New budget authority, $19,378,000,000.
(B) Outlays, $19,378,000,000.
Fiscal year 2009:
(A) New budget authority, $21,308,000,000.
(B) Outlays, $21,308,000,000.
Fiscal year 2010:
(A) New budget authority, $23,794,000,000.
(B) Outlays, $23,794,000,000.
Fiscal year 2011:
(A) New budget authority, $27,330,000,000.
(B) Outlays, $27,330,000,000.
Fiscal year 2012:
(A) New budget authority, $30,342,000,000.
(B) Outlays, $30,342,000,000.
Fiscal year 2013:
(A) New budget authority, $33,162,000,000.
(B) Outlays, $33,162,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2008:
(A) New budget authority, $86,365,000,000.
(B) Outlays, $83,551,000,000.
Fiscal year 2009:
(A) New budget authority, $93,319,584,000.
(B) Outlays, $92,397,584,000.
Fiscal year 2010:
(A) New budget authority, $95,615,000,000.
(B) Outlays, $95,399,000,000.
Fiscal year 2011:
(A) New budget authority, $100,959,000,000.
(B) Outlays, $100,749,000,000.
Fiscal year 2012:
(A) New budget authority, $97,782,000,000.
(B) Outlays, $97,064,000,000.
Fiscal year 2013:
(A) New budget authority, $103,241,000,000.
(B) Outlays, $102,521,000,000.
(16) Administration of Justice (750):
Fiscal year 2008:
(A) New budget authority, $46,282,000,000.
(B) Outlays, $44,322,000,000.
Fiscal year 2009:
(A) New budget authority, $49,432,330,000.
(B) Outlays, $46,896,297,000.
Fiscal year 2010:
(A) New budget authority, $48,018,000,000.
(B) Outlays, $49,714,333,000.
Fiscal year 2011:
(A) New budget authority, $48,907,000,000.
(B) Outlays, $50,113,500,000.
Fiscal year 2012:
(A) New budget authority, $49,819,000,000.
(B) Outlays, $50,089,000,000.
Fiscal year 2013:
(A) New budget authority, $50,768,000,000.
(B) Outlays, $50,706,000,000.
(17) General Government (800):
Fiscal year 2008:
(A) New budget authority, $56,407,000,000.
(B) Outlays, $56,920,000,000.
Fiscal year 2009:

(A) New budget authority, $24,477,000,000.
(B) Outlays, $24,435,000,000.
Fiscal year 2010:
(A) New budget authority, $19,972,000,000.
(B) Outlays, $20,172,000,000.
Fiscal year 2011:
(A) New budget authority, $20,395,000,000.
(B) Outlays, $20,407,000,000.
Fiscal year 2012:
(A) New budget authority, $20,796,000,000.
(B) Outlays, $20,940,000,000.
Fiscal year 2013:
(A) New budget authority, $21,107,000,000.
(B) Outlays, $20,991,000,000.
(18) Net Interest (900):
Fiscal year 2008:
(A) New budget authority, $349,462,000,000.
(B) Outlays, $349,462,000,000.
Fiscal year 2009:
(A) New budget authority, $335,110,000,000.
(B) Outlays, $335,110,000,000.
Fiscal year 2010:
(A) New budget authority, $372,253,000,000.
(B) Outlays, $372,253,000,000.
Fiscal year 2011:
(A) New budget authority, $409,810,000,000.
(B) Outlays, $409,810,000,000.
Fiscal year 2012:
(A) New budget authority, $435,762,000,000.
(B) Outlays, $435,762,000,000.
Fiscal year 2013:
(A) New budget authority, $451,980,000,000.
(B) Outlays, $451,980,000,000.
(19) Allowances (920):
Fiscal year 2008:
(A) New budget authority, $9,500,000,000.
(B) Outlays, $9,500,000,000.
Fiscal year 2009:
(A) New budget authority, −$14,941,000,000.
(B) Outlays, –$4,099,300,000.
Fiscal year 2010:
(A) New budget authority, −$8,179,000,000.
(B) Outlays, −$10,713,000,000.
Fiscal year 2011:
(A) New budget authority, −$8,466,000,000.
(B) Outlays, −$9,360,775,000.
Fiscal year 2012:
(A) New budget authority, −$8,916,000,000.
(B) Outlays, −$9,295,675,000.
Fiscal year 2013:
(A) New budget authority, −$9,110,000,000.
(B) Outlays, −$10,206,075,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2008:
(A) New budget authority, −$86,330,000,000.
(B) Outlays, −$86,330,000,000.
Fiscal year 2009:
(A) New budget authority, −$67,060,000,000.
(B) Outlays, −$67,060,000,000.
Fiscal year 2010:
(A) New budget authority, −$70,645,000,000.
(B) Outlays, −$70,645,000,000.
Fiscal year 2011:
(A) New budget authority, −$73,364,000,000.
(B) Outlays, −$73,364,000,000.
Fiscal year 2012:
(A) New budget authority, −$76,104,000,000.
(B) Outlays, −$76,104,000,000.
Fiscal year 2013:
(A) New budget authority, −$79,691,000,000.
(B) Outlays, −$79,691,000,000.

TITLE II—BUDGET PROCESS

Subtitle A—Direct Spending and Receipts

SEC. 201. SENATE POINT OF ORDER AGAINST LEGISLATION INCREASING LONG-TERM DEFICITS.

(a) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.—The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill and joint resolution reported from committee (except measures within the jurisdiction of the Committee on Appropriations), and amendments thereto and conference reports thereon, an estimate of whether the measure would cause, relative to current law, a net increase in deficits in excess of $0 in any of the 4 consecutive 10-year periods beginning with the first fiscal year that is 10 years after the budget year provided for in the most recently adopted concurrent resolution on the budget.

(b) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a net increase in deficits in excess of $0 in any of the 4 consecutive 10-year periods described in subsection (a).

(c) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section 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 this section.

(d) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net deficit increases shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

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

(f) REPEAL.—In the Senate, subsections (a) through (d) and subsection (f) of section 203 of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 202. POINT OF ORDER—20 PERCENT 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—

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

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

(b) 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.

(1) 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).

(2) 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.

Subtitle B—Discretionary Spending

SEC. 211. DISCRETIONARY SPENDING LIMITS, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) 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. 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.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term ''discretionary spending limit'' means—

(1) for fiscal year 2008, $1,055,478,000,000 in new budget authority and $1,093,343,000,000 in outlays; and

(2) for fiscal year 2009, $1,008,482,000,000 in new budget authority and $1,108,449,000,000 in outlays;

as adjusted in conformance with the adjustment procedures in subsection (c).

(c) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $240,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $240,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $6,997,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) and provides an additional appropriation of up to $490,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $490,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(C) HEALTH CARE FRAUD AND ABUSE CONTROL.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates up to $198,000,000 to the

Health Care Fraud and Abuse Control program at the Department of Health and Human Services, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $198,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(D) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an additional appropriation of up to $40,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $40,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(E) COMPARATIVE EFFECTIVENESS RESEARCH AT THE AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $30,000,000 for comparative effectiveness research as authorized under section 1013 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003, and provides an additional appropriation of up to $70,000,000 for that purpose, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $70,000,000 in budget authority for fiscal year 2009 and the outlays flowing therefrom.

(F) REDUCING WASTE IN DEFENSE CONTRACTING.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates up to $100,000,000 to the Department of Defense for additional activities to reduce waste, fraud, abuse, and overpayments in defense contracting; achieve the legal requirement to submit auditable financial statements; or reduce waste by improving accounting for and ordering of spare parts; subject contracts performed outside the United States to the same ethics, control, and reporting requirements as those performed domestically, then the discretionary spending limits, allocation to the Committee on Appropriations of the Senate, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $100,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(3) ADJUSTMENTS FOR COSTS OF THE WARS IN IRAQ AND AFGHANISTAN.—The Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, allocations to the Senate Committee on Appropriations, and aggregates for one or more—

(A) bills reported by the Senate Committee on Appropriations or passed by the House of Representatives;

(B) joint resolutions or amendments reported by the Senate Committee on Appropriations;

(C) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Senate Committee on Appropriations; or

(D) conference reports;

making appropriations for fiscal year 2008 or 2009 for the wars in Iraq and Afghanistan, by the amounts provided in such legislation for those purposes (and so designated pursuant to this paragraph), up to $108,056,000,000 in budget authority for fiscal year 2008 and the new outlays flowing therefrom, and up to $70,000,000,000 in budget authority for fiscal year 2009 and the new outlays flowing therefrom.

(d) OVERSIGHT OF GOVERNMENT PERFORMANCE.—In the Senate, all committees are directed to review programs within their jurisdictions to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdictions, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

(e) SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008.—If legislation making supplemental appropriations for fiscal year 2008 is enacted, the Chairman of the Senate Committee on the Budget shall make the appropriate adjustments in allocations, aggregates, discretionary spending limits, and other levels of new budget authority and outlays to reflect the difference between such measure and the corresponding levels assumed in this resolution.

(f) INAPPLICABILITY.—In the Senate, subsections (a), (b), (c), (e), and (f) of section 207 of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 212. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(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, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term ''advance appropriation'' means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2009 that first becomes available for any fiscal year after 2009, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2010, that first becomes available for any fiscal year after 2010.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2010 and 2011 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $29,352,000,000 in new budget authority in each year; and

(2) for the Corporation for Public Broadcasting.

(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.

(f) INAPPLICABILITY.—In the Senate, section 206(a) of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 213. SENATE POINT OF ORDER AGAINST PROVISIONS OF APPROPRIATIONS LEGISLATION THAT CONSTITUTE CHANGES IN MANDATORY PROGRAMS WITH NET COSTS.

(a) IN GENERAL.—In the Senate, it shall not be in order to consider any appropriations legislation, including any amendment thereto, motion in relation thereto, or conference report thereon, that includes any provision which constitutes a change in a mandatory program producing net costs, as defined in subsection (b), that would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in legislation other than appropriations legislation. A point of order pursuant to this section shall be raised against such provision or provisions as described in subsections (e) and (f).

(b) CHANGES IN MANDATORY PROGRAMS PRODUCING NET COSTS.—A provision or provisions shall be subject to a point of order pursuant to this section if—

(1) the provision would increase budget authority in at least 1 of the 9 fiscal years that follow the budget year and over the period of the total of the budget year and the 9 fiscal years following the budget year;

(2) the provision would increase net outlays over the period of the total of the 9 fiscal years following the budget year; and

(3) the sum total of all changes in mandatory programs in the legislation would increase net outlays as measured over the period of the total of the 9 fiscal years following the budget year.

(c) DETERMINATION.—The determination of whether a provision is subject to a point of order pursuant to this section shall be made by the Committee on the Budget of the Senate.

(d) 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.

(e) GENERAL POINT OF ORDER.—It shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those

provisions (including provision of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(f) FORM OF THE POINT OF ORDER.—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 or amendment 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 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.

(g) EFFECTIVENESS.—This section shall not apply to any provision constituting a change in a mandatory program in appropriations legislation if such provision has been enacted in each of the 3 fiscal years prior to the budget year.

SEC. 214. DISCRETIONARY ADMINISTRATIVE EXPENSES OF THE POSTAL SERVICE.

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Postal Service.

Subtitle C—Other Provisions

SEC. 221. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Senate Committee on the Budget.

SEC. 222. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Senate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 223. DEBT DISCLOSURE REQUIREMENT.

(a) IN GENERAL.—It shall not be in order to consider a budget resolution in the Senate unless it contains a debt disclosure section including all, and only, the following disclosures regarding debt:

"SEC. ___. DEBT DISCLOSURES.

''(a) IN GENERAL.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise/fall by $_____ from the current year, fiscal year 20___, to the fifth year of the budget window, fiscal year 20___.

''(b) PER PERSON.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise/fall by $_____ on every United States citizen from the current year, fiscal year 20___ to the fifth year of the budget window, fiscal year 20___.

''(c) SOCIAL SECURITY.—The levels assumed in this budget resolution project that $_____ of the Social Security surplus will be spent over the 5-year budget window, fiscal years 20___–20___, on things other than Social Security which represents ___ percent of the projected Social Security surplus over this period.''.

(b) SOCIAL SECURITY.—If any portion of the Social Security surplus is projected to be spent and/or the gross Federal debt in the fifth year of the budget window is greater than the debt projected in the current year, as described in the debt disclosure section described in subsection (a) of this section, the report, print, or statement of managers accompanying the budget resolution shall contain a section that—

(1) details the circumstances making it in the national interest to allow Federal debt to increase rather than taking steps to reduce the debt; and

(2) provides a justification for allowing the surpluses in the Social Security Trust Fund to be spent on other functions of Government even as the baby boom generation retires, program costs are projected to rise dramatically, the debt owed to Social Security is about to come due, and the Trust Fund is projected to go insolvent.

(c) DEFINITIONS.—The term ''gross Federal debt'' described above represents nominal increases in gross Federal debt measured at the end of each fiscal year during the period of the budget, not debt as a percentage of gross domestic product, and not levels relative to baseline projections.

SEC. 224. DEBT DISCLOSURES.

(a) IN GENERAL.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise by $2,000,000,000,000 from the current year, fiscal year 2008, to the fifth year of the budget window, fiscal year 2013.

(b) PER PERSON.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise by $6,440 on every United States citizen from the current year, fiscal year 2008, to the fifth year of the budget window, fiscal year 2013.

(c) SOCIAL SECURITY.—The levels assumed in this budget resolution project $800,000,000,000 of the Social Security surplus will be spent over the 5-year budget window, fiscal years 2009–2013, on things other than Social Security, which represents 70 percent of the projected Social Security surplus over this period.

SEC. 225. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

SEC. 226. 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.

TITLE III—RESERVE FUNDS

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND TO STRENGTHEN AND STIMULATE THE AMERICAN ECONOMY AND PROVIDE ECONOMIC RELIEF TO AMERICAN FAMILIES.

(a) TAX RELIEF.—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 provide tax relief, including extensions of expiring tax relief, reinstatement of expired tax relief, such as enhanced charitable giving from individual retirement accounts, including life-income gifts, and refundable tax relief and incentivizing utilization of accumulated alternative minimum tax and research and development credits, 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.

(b) MANUFACTURING.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would revitalize the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal government, by increasing efforts to train and retrain manufacturing workers, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies, or by establishing tax incentives to encourage the continued production in the United States of advanced technologies and the infrastructure to support such technologies, 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.

(c) HOUSING.—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 housing assistance, which may include low income rental assistance, or establish an affordable housing fund financed by the housing government sponsored enterprises or other sources, 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.

(d) FLOOD INSURANCE REFORM.—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 flood insurance reform and modernization, 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.

(e) TRADE.—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 relating to trade agreements, preferences, sanctions, enforcement, or customs, 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.

(f) ECONOMIC RELIEF FOR AMERICAN FAMILIES.—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 which—

(1) reauthorizes the Temporary Assistance for Needy Families supplemental grants or makes improvements to the Temporary Assistance for Needy Families program, child welfare programs, or the child support enforcement program;

(2) provides up to $5,000,000,000 for the child care entitlement to States;

(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.);

(4) improves the unemployment compensation program; or

(5) reauthorizes the trade adjustment assistance programs;

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.

(g) AMERICA'S FARMS AND ECONOMIC INVESTMENT IN RURAL AMERICA.—

(1) FARM BILL.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the programs of the Food Security and Rural Investment Act of 2002 or prior Acts, authorize similar or related programs, provide for revenue changes, or any combination of the preceding purposes, by the amounts provided in such legislation for those purposes up to $15,000,000,000 over the period of the total of fiscal years 2008 through 2013, 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.

(2) COUNTY PAYMENTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393), make changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94–565), or both, by the amounts provided by 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.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVING EDUCATION.

(a) FEDERAL PELL GRANT.—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 make higher education more accessible or more affordable, which may include increasing funding for the Federal Pell Grant program or increasing Federal student loan limits, facilitate modernization of school facilities through renovation or construction bonds, reduce the cost of teachers' out-of-pocket expenses for school supplies, or provide tax incentives for highly-qualified teachers to serve in high-needs schools, 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. The legislation may include tax benefits and other revenue provisions.

(b) IMPROVING EDUCATION.—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 improve student achievement during secondary education, including middle school completion, high school graduation and preparing students for higher education and the workforce, 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.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN AMERICA'S INFRASTRUCTURE.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for a robust federal investment in America's infrastructure, which may include projects for transit, rail (including high-speed passenger rail), airport, seaport, public housing, energy, water, highway, bridge, or other infrastructure projects, 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.

SEC. 304. DEFICIT-NEUTRAL RESERVE FUND TO INVEST IN CLEAN ENERGY, PRESERVE THE ENVIRONMENT, AND PROVIDE FOR CERTAIN SETTLEMENTS.

(a) ENERGY AND THE ENVIRONMENT.—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 decrease greenhouse gas emissions, reduce our Nation's dependence on imported energy, produce green jobs, or preserve or protect national parks, oceans, or coastal areas, 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. The legislation may include tax legislation such as a proposal to extend for 5 years energy tax incentives like the production tax credit for electricity produced from renewable resources,

the biodiesel production tax credit, or the Clean Renewable Energy Bond program, 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, or provisions to encourage energy efficient buildings, products, and power plants. Tax legislation under this section may be paid for by adjustments to sections 167(h)(1) of the Internal Revenue Code of 1986 as it relates to integrated oil companies.

(b) SETTLEMENTS.—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 would fulfill the purposes of the San Joaquin River Restoration Settlement Act or implement a Navajo Nation water rights settlement and other provisions authorized by the Northwestern New Mexico Rural Water Projects Act, by the amounts provided by 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.

SEC. 305. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS AND FOR A POST 9/11 GI BILL.

(a) VETERANS AND WOUNDED SERVICEMEMBERS.—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 which would—

(1) enhance medical care, disability evaluations, or disability benefits for wounded or disabled military personnel or veterans;

(2) provide for or increase benefits to Filipino veterans of World War II, their survivors and dependents;

(3) allow for the transfer of education benefits from servicemembers to family members or veterans (including the elimination of the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation);

(4) providing for the continuing payment to members of the Armed Forces who are retired or separated from the Armed Forces due to a combat-related injury after September 11, 2001, of bonuses that such members were entitled to before the retirement or separation and would continue to be entitled to such members were not retired or separated; or

(5) enhance programs and activities to increase the availability of health care and other veterans services for veterans living in rural areas;

by the amounts provided in such legislation for those purposes, provided that such legislation does not include increased fees charged to veterans for pharmacy co-payments, annual enrollment, or third-party insurance payment offsets, and further provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(b) POST 9/11 GI BILL.—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 which would enhance educational benefits of service members and veterans with service on active duty in the Armed Forces on or after September 11, 2001, 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.

SEC. 306. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE AMERICA'S HEALTH.

(a) SCHIP.—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 provides up to $50,000,000,000 in outlays over the period of the total of fiscal years 2008 through 2013 for reauthorization of SCHIP, if such legislation maintains coverage for those currently enrolled in SCHIP, continues efforts to enroll uninsured children who are already eligible for SCHIP or Medicaid but are not enrolled, or supports States in their efforts to move forward in covering more children or pregnant women, by the amounts provided in that legislation for those purposes, provided that the outlay adjustment shall not exceed $50,000,000,000 in outlays over the period of the total of fiscal years 2008 through 2013, and provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(b) MEDICARE IMPROVEMENTS.—

(1) PHYSICIAN PAYMENTS.—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 increases the reimbursement rate for physician services under section 1848(d) of the Social Security Act and that includes financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures, 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.

(2) OTHER IMPROVEMENTS TO MEDICARE.—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 program, which may include improvements to the prescription drug benefit under Medicare Part D, adjustments to the Medicare Savings Program, and reductions in beneficiary cost-sharing for preventive benefits under Medicare Part B, or measures to encourage physicians to train in primary care residencies and attract more physicians and other health care providers to States that face a shortage of health care providers, by the amounts provided in such legislation for those purposes up to $10,000,000,000, 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.

(3) ELECTRONIC PRESCRIBING.—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 promote the deployment and use of electronic prescribing technologies through financial incentives, including grants and bonus payments, and potential adjustments in the Medicare reimbursement mechanisms for physicians, 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.

(4) RURAL EQUITY PAYMENT POLICIES.—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—

(A) preserves existing Medicare payment provisions supporting America's rural health care delivery system; and

(B) promotes Medicare payment policies that increase access to quality health care in isolated and underserved rural areas,

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.

(5) 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.

(c) HEALTH CARE QUALITY, EFFECTIVENESS, EFFICIENCY, AND TRANSPARENCY.—

(1) COMPARATIVE EFFECTIVENESS RESEARCH.—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 establish a new Federal or public-private initiative for comparative effectiveness research, 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.

(2) IMPROVING THE HEALTH CARE SYSTEM.—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, motion, amendment, or conference report that—

(A) creates a framework and parameters for the use of Medicare data for the purpose of conducting research, public reporting, and

other activities to evaluate health care safety, effectiveness, efficiency, quality, and resource utilization in Federal programs and the private health care system; and

(B) includes provisions to protect beneficiary privacy and to prevent disclosure of proprietary or trade secret information with respect to the transfer and use of such data;

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 2008 through 2018.

(3) HEALTH INFORMATION TECHNOLOGY AND ADHERENCE TO BEST PRACTICES.—

(A) HEALTH INFORMATION TECHNOLOGY.—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 and limits in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that provide incentives or other support for adoption of modern information technology, including incentives or other supports for the adoption of electronic prescribing technology, to improve quality and protect privacy in health care, such as activities by the Department of Defense and the Department of Veterans Affairs to integrate their electronic health record data, 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.

(B) ADHERENCE TO BEST PRACTICES.—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 and limits in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that provide incentives for Medicare providers or suppliers to comply with, where available and medically appropriate, clinical protocols identified as best practices, by the amounts provided in such legislation for that purpose, provided in the Senate 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.

(d) FOOD AND DRUG ADMINISTRATION.—

(1) REGULATION.—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, motion, amendment, or conference report that authorizes the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of those products to cover the cost of the Food and Drug Administration's regulatory activities, 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.

(2) DRUG IMPORTATION.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that permits the safe importation of prescription drugs approved by the Food and Drug Administration from a specified list of countries, 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.

(e) MEDICAID.—

(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.

(2) TRANSITIONAL MEDICAL ASSISTANCE.—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 extend the Transitional Medical Assistance program, included in title XIX of the Social Security Act, by the amounts provided in such 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.

(f) OTHER IMPROVEMENTS IN HEALTH.—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 which—

(1) make health insurance coverage more affordable or available to small businesses and their employees, through pooling arrangements that provide appropriate consumer protections, and through reducing barriers to cafeteria plans;

(2) improve health care, provide quality health insurance for the uninsured and underinsured, and protect individuals with current health coverage;

(3) reauthorize the special diabetes program for Indians and the special diabetes programs for Type 1 diabetes;

(4) improve long-term care, enhance the safety and dignity of patients, encourage appropriate use of institutional and community-based care, promote quality care, or provide for the cost-effective use of public resources; or

(5) provide parity between heath insurance coverage of mental health benefits and benefits for medical and surgical services, including parity in public programs;

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.

(g) PEDIATRIC DENTAL CARE.—The Chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would provide for improved access to pediatric dental care for children from low-income families, 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.

SEC. 307. 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.

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR JUDICIAL PAY AND JUDGESHIPS.

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 authorize salary adjustments for justices and judges of the United States or increase the number of Federal judgeships, 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.

SEC. 309. DEFICIT-NEUTRAL RESERVE FUND FOR REFORMING THE ALTERNATIVE MINIMUM TAX FOR INDIVIDUALS.

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 reinstate the pre-1993 rates for the alternative minimum tax for individuals, 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.

SEC. 310. DEFICIT-NEUTRAL RESERVE FUND FOR REPEALING THE 1993 INCREASE IN THE INCOME TAX ON SOCIAL SECURITY BENEFITS.

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 repeal the 1993 increase in the income tax on Social Security benefits, 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.

SEC. 311. 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.

SEC. 312. DEFICIT-NEUTRAL RESERVE FUND FOR IMMIGRATION REFORM AND 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 paragraphs (1) through (7), that—

(1) provide for increased border security, enforcement of immigration laws, greater staffing, and immigration reform measures;

(2) increase criminal and civil penalties against employers who hire undocumented immigrants;

(3) prohibit employers who hire undocumented immigrants from receiving Federal contracts;

(4) provide funding for the enforcement of the employer sanctions described in paragraphs (2) and (3) and other employer sanctions for hiring undocumented immigrants;

(5) deploy an appropriate number of National Guard troops to the southern or northern border of the United States provided that—

(A) the Secretary of Defense certifies that the deployment would not negatively impact the safety of American forces in Iraq and Afghanistan; and

(B) the Governor of the National Guard's home State certifies that the deployment would not have a negative impact on the safety and security of that State;

(6) evaluate the Federal, State, and local prison populations that are noncitizens in order to identify removable criminal aliens; or

(7) implement the exit data portion of the US–VISIT entry and exit data system at airports, seaports, and land ports of entry.

(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.

SEC. 313. DEFICIT-NEUTRAL RESERVE FUND FOR BORDER SECURITY, IMMIGRATION ENFORCEMENT, AND CRIMINAL ALIEN REMOVAL PROGRAMS.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of 1 or more committees, aggregates, and other appropriate levels in this resolution by the amounts authorized to be appropriated for the programs described in paragraphs (1) through (6) in 1 or more bills, joint resolutions, amendments, motions, or conference reports that funds border security, immigration enforcement, and criminal alien removal programs, including programs that—

(1) expand the zero tolerance prosecution policy for illegal entry (commonly known as ''Operation Streamline'') to all 20 border sectors;

(2) complete 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);

(3) deploy up to 6,000 National Guard members to the southern border of the United States;

(4) evaluate the 27 percent of the Federal, State, and local prison populations who are noncitizens in order to identify removable criminal aliens;

(5) train and reimburse State and local law enforcement officers under Memorandums of Understanding entered into under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); or

(6) implement the exit data portion of the US–VISIT entry and exit data system at airports, seaports, and land ports of entry.

(b) LIMITATION.—The authority under subsection (a) may not be used unless the appropriations in 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.

SEC. 314. DEFICIT-NEUTRAL RESERVE FUND FOR SCIENCE PARKS.

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 grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities, 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.

SEC. 315. DEFICIT-NEUTRAL RESERVE FUND FOR 3-YEAR EXTENSION OF PILOT PROGRAM FOR NATIONAL AND STATE BACKGROUND CHECKS ON DIRECT PATIENT ACCESS EMPLOYEES OF LONG-TERM CARE FACILITIES OR PROVIDERS.

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 for a 3-year extension of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395aa note) and removes the limit on the number of participating States under such pilot program, the Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution by the amounts provided in such legislation for those purposes up to $160,000,000, 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.

SEC. 316. 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.

SEC. 317. DEFICIT-NEUTRAL RESERVE FUND TO TERMINATE DEDUCTIONS FROM MINERAL REVENUE PAYMENTS TO STATES.

(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 terminate the authority to deduct certain amounts from mineral revenues payable to States under the second undesignated paragraph of the matter under the heading ''ADMINISTRATIVE PROVISIONS'' under the heading ''MINERALS MANAGEMENT SERVICE'' of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2109).

(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.

SEC. 318. DEFICIT-NEUTRAL RESERVE FUND FOR THE ESTABLISHMENT OF STATE INTERNET SITES FOR THE DISCLOSURE OF INFORMATION RELATING TO PAYMENTS MADE UNDER THE STATE MEDICAID PROGRAM.

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 for States to disclose, through a publicly accessible Internet site, each hospital, nursing facility, outpatient surgery center, intermediate care facility for the mentally retarded, institution for mental diseases, or other institutional provider that receives payment under the State Medicaid program, the total amount paid to each such provider each fiscal year, the number of patients treated by each such provider, and the amount of dollars paid per patient to each such provider, and provided that the Committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Senate Committee on the Budget may make the appropriate adjustments in the allocations and aggregates to reflect such legislation if any such measure 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.

SEC. 319. 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.

SEC. 320. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ANIMAL HEALTH AND DISEASE PROGRAM.

(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 ensure that the animal health and disease program established under section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is fully funded.

(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.

SEC. 321. 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.

SEC. 322. DEFICIT-NEUTRAL RESERVE FUND FOR REIMBURSING STATES FOR THE COSTS OF HOUSING UNDOCUMENTED CRIMINAL ALIENS.

The Chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that would reimburse States and units of local government for costs incurred to house undocumented criminal aliens, 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.

SEC. 323. DEFICIT-NEUTRAL RESERVE FUND FOR ACCELERATION OF PHASED-IN ELIGIBILITY FOR CONCURRENT RECEIPT OF BENEFITS.

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 changing the date by which eligibility of members of the Armed Forces for concurrent receipt of retired pay and veterans' disability compensation under section 1414 of title 10, United States Code, is fully phased in from December 31, 2013, to September 30, 2008, 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.

SEC. 324. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASED USE OF RECOVERY AUDITS.

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 achieves savings by requiring that agencies increase their use of recovery audits authorized under subchapter VI of chapter 35 of title 31, United States Code, (commonly referred to as the Erroneous Payments Recovery Act of 2001) and uses such savings to reduce the deficit, 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.

SEC. 325. 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.

SEC. 326. 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.

SEC. 327. 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.

SEC. 328. 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.

SEC. 329. 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.

SEC. 330. 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.

SEC. 331. 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.

SEC. 332. 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.

SEC. 333. 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.

SEC. 334. 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.

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

(1) 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.

(2) The 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 $50,000,000 as a result of the agreement expiring.

(3) 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.

(4) The U.S. Department of Housing and Urban Development alleges that Philadelphia Housing Authority is in violation of fair housing requirements.

(5) The Philadelphia Housing Authority denies this assertion and is challenging the matter in Federal District Court.

(6) That 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.

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

(1) 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?"

(2) Assistant Secretary for Fair Housing and Equal Opportunity Kim Kendrick wrote, "Take away all of his Federal dollars?"

(3) Then-Assistant Secretary for Public and Indian Housing Orlando J. Cabrera wrote, "Let me look into that possibility."

(A) That 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.

(B) That the Philadelphia Housing Authority's allegation of retaliation appears to be substantiated by these newly discovered emails.

(C) That the expiration of the current agreement is imminent and will negatively impact 84,000 low-income residents of Philadelphia.

(4) 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.

SEC. 335. 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 THE 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 earliest opportunity.

SEC. 336. 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.

UNANIMOUS-CONSENT AGREEMENT—H.R. 3221

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that at 2:15 p.m., Tuesday, April 1, the Senate proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to H.R. 3221; that the motion to reconsider be agreed to; further, that the time until 2:30 p.m. be equally divided and controlled between the two leaders with the majority leader controlling the final 7½ minutes; that at 2:30 p.m, without further intervening action or debate, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to H.R. 3221.

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

UNANIMOUS-CONSENT AGREEMENT—S. 1974

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order of December 19, 2007, with respect to S. 1974, be vitiated and that S. 1974 remain at the desk.

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

MAKING MAJORITY PARTY APPOINTMENTS FOR THE 110TH CONGRESS

Mr. WHITEHOUSE. I send a resolution to the desk and ask for its immediate consideration.

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

The legislative clerk read as follows:

A resolution (S. Res. 492) amending majority party membership on the Select Committee on Ethics for the remainder of the 110th Congress.

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

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, and that the motion to reconsider be laid upon the table without interviewing action.

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

The resolution (S. Res. 492) was agreed to, as follows:

S. RES. 492

Resolved, That Senate Resolution 27 (110th Congress) is amended, effective January 1, 2008, by striking all from ''ETHICS:'' through ''72a–1f'' and inserting ''ETHICS: Mrs. Boxer (Chairman), Mr. Pryor, and Mr. Salazar''.

WORLD WATER DAY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 478, and the Senate then proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 478) supporting the goals and ideals of ''World Water Day.''

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

Mr. WHITEHOUSE. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and any statements be printed in the RECORD.

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

The resolution (S. Res. 478) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 478

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Resolved, That the Senate—

(1) supports the goals and ideals of ''World Water Day'';

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

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

NATIONAL CEREBRAL PALSY AWARENESS DAY

Mr. WHITEHOUSE. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 484 and that the Senate now proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 484) designating March 25, 2008, as ''National Cerebral Palsy Day.''

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

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 484) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

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.

ORDERS FOR TUESDAY, APRIL 1, 2008

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow, April 1; that following the prayer and 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 the Senate proceed to a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; further, I ask that at 12:30 p.m., the Senate recess until 2:15 p.m. to allow for the weekly caucus luncheons.

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

PROGRAM

Mr. WHITEHOUSE. As a reminder, at approximately 2:30 p.m. tomorrow, the Senate will vote on the motion to invoke cloture on the motion to proceed to H.R. 3221, the housing legislation.

RECESS UNTIL 10 A.M. TOMORROW

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I now ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 5:39 p.m., recessed until Tuesday, April 1, 2008, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

SECURITIES AND EXCHANGE COMMISSION

ELISSE WALTER, OF MARYLAND, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2012, VICE ANNETTE L. NAZARETH, TERM EXPIRED.

LUIS AGUILAR, OF GEORGIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 2010, VICE ROEL C. CAMPOS, RESIGNED.

DEPARTMENT OF COMMERCE

CHRISTOPHER R. WALL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE CHRISTOPHER A. PADILLA.

LILY FU CLAFFEE, OF ILLINOIS, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE, VICE JOHN J. SULLIVAN.

DEPARTMENT OF TRANSPORTATION

TYLER D. DUVALL, OF VIRGINIA, TO BE UNDER SECRETARY OF TRANSPORTATION FOR POLICY, VICE JEFFREY SHANE, RESIGNED.

DEPARTMENT OF THE INTERIOR

KAMERAN L. ONLEY, OF WASHINGTON, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE MARK A. LIMBAUGH.

EXECUTIVE OFFICE OF THE PRESIDENT

A. ELLEN TERPSTRA, OF NEW YORK, TO BE CHIEF AGRICULTURAL NEGOTIATOR, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE RICHARD T. CROWDER.

INTER-AMERICAN DEVELOPMENT BANK

MIGUEL R. SAN JUAN, OF TEXAS, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF THREE YEARS, VICE HECTOR E. MORALES, TERM EXPIRED.

DEPARTMENT OF STATE

PHILIP THOMAS REEKER, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MACEDONIA.

ROBERT STEPHEN BEECROFT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CONSTANCE S. BARKER, OF ALABAMA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2011, VICE CARI M. DOMINGUEZ, RESIGNED.

NATIONAL COUNCIL ON DISABILITY

ANNE RADER, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2010. (REAPPOINTMENT)

KATHERINE O. MCCARY, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2009, VICE MILTON APONTE, TERM EXPIRED.

LISA MATTHEISS, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2010. (REAPPOINTMENT)

JOHN H. HAGER, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2009, VICE ROBERT DAVILA, TERM EXPIRED.

MARVIN G. FIFIELD, OF UTAH, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2011. (REAPPOINTMENT)

MARVIN G. FIFIELD, OF UTAH, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2008, VICE GRAHAM HILL, TERM EXPIRED.

KRISTEN COX, OF UTAH, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2009, VICE LINDA WETTERS, TERM EXPIRED.

CHAD COLLEY, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2010. (REAPPOINTMENT)

VICTORIA RAY CARLSON, OF IOWA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2010. (REAPPOINTMENT)

TONY J. WILLIAMS, OF WASHINGTON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2009, VICE YOUNG WOO KANG, TERM EXPIRED.

JOHN R. VAUGHN, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2010. (REAPPOINTMENT)

RENEE L. TYREE, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2009, VICE KATHLEEN MARTINEZ, TERM EXPIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL E. LEITER, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE NATIONAL COUNTERTERRORISM CENTER, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, VICE JOHN S. REDD, RESIGNED.

IN THE AIR FORCE

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 brigadier general

COLONEL WILLIAM J. BENDER
COLONEL BRYAN J. BENSON
COLONEL CHRISTOPHER C. BOGDAN
COLONEL DARRYL W. BURKE
COLONEL JOSEPH T. CALLAHAN III
COLONEL MICHAEL J. CAREY
COLONEL JOHN B. COOPER
COLONEL SAMUEL D. COX
COLONEL TERESA A. H. DJURIC
COLONEL CARLTON D. EVERHART II
COLONEL TERRENCE A. FEEHAN
COLONEL SAMUEL A. R. GREAVES
COLONEL RUSSELL J. HANDY
COLONEL SCOTT M. HANSON
COLONEL VERALINN JAMIESON
COLONEL JEFFREY G. LOFGREN
COLONEL EARL D. MATTHEWS
COLONEL KURT F. NEUBAUER
COLONEL ROBERT C. NOLAN II
COLONEL CRAIG S. OLSON
COLONEL JOHN R. RANCK, JR.
COLONEL DARRYL L. ROBERSON
COLONEL JEFFRY F. SMITH
COLONEL JOHN F. THOMPSON
COLONEL GREGORY J. TOUHILL
COLONEL THOMAS J. TRASK
COLONEL JOSEPH S. WARD, JR.
COLONEL SCOTT D. WEST
COLONEL TIMOTHY M. ZADALIS

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 lieutenant general

BRIG. GEN. PATRICK J. O'REILLY

IN THE NAVY

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 (lower half)

CAPTAIN DOUGLASS T. BIESEL
CAPTAIN BARRY L. BRUNER
CAPTAIN JERRY K. BURROUGHS
CAPTAIN JAMES D. CLOYD
CAPTAIN THOMAS A. CROPPER
CAPTAIN DENNIS E. FITZPATRICK
CAPTAIN MICHAEL T. FRANKEN
CAPTAIN BRADLEY R. GEHRKE
CAPTAIN ROBERT P. GIRRIER
CAPTAIN PAUL A. GROSKLAGS
CAPTAIN SINCLAIR M. HARRIS
CAPTAIN MARGARET D. KLEIN
CAPTAIN TERRY B. KRAFT
CAPTAIN PATRICK J. LORGE
CAPTAIN BRAIN L. LOSEY
CAPTAIN MICHAEL E. MCLAUGHLIN
CAPTAIN WILLIAM F. MORAN
CAPTAIN SAMUEL PEREZ, JR.
CAPTAIN JAMES J. SHANNON
CAPTAIN CLIFFORD S. SHARPE
CAPTAIN TROY M. SHOEMAKER
CAPTAIN DIXON R. SMITH
CAPTAIN ROBERT L. THOMAS, JR.
CAPTAIN DOUGLAS J. VENLET

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 (lower half)

CAPT. DAVID F. BAUCOM
CAPT. VINCENT L. GRIFFITH

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 (lower half)

CAPT. DAVID C. JOHNSON
CAPT. THOMAS J. MOORE

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 (lower half)

CAPT. DONALD E. GADDIS
CAPT. MAUDE E. YOUNG

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 (lower half)

CAPT. MICHAEL H. ANDERSON
CAPT. WILLIAM R. KISER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. NORMAN R. HAYES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CYNTHIA A. COVELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. WILLIAM E. LEIGHER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ELIZABETH S. NIEMYER

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

DAVID L. BABCOCK
DAVID P. BACZEWSKI
MARK B. BAHOSH
SUSAN L. BAILAR
JEFFREY A. BAILEY
STEVEN M. BALSER
SCOTT J. BARBERIDES
GREGORY O. BATES
KAREN K. BENCE
VERNON P. BENNETT
GRANT V. BERGGREN
SAMUEL W. BLACK
PAUL F. BLANZY
ALLEN D. BOLTON
AARON J. BOOHER
MARK A. BOWER
MICHAEL E. CHENEY
DANIEL B. CLARK
LLOYD D. COKER
PAMELA J. COMBS
GILBERTO CUEVASGERENA
MARK G. DAVIS
WILLIAM D. DEHAES
DONALD A. DELPORTO
WILLIAM D. DOCKERY, JR.
ANDREW J. DONNELLY
DANIEL G. EAGAN
HOWARD L. EISSLER
MICHAEL S. FARRELL
TODD A. FREESEMANN
DONALD A. FURLAND
GREGORY A. GARDNER
RANDY E. GREENWOOD
THOMAS W. GROSS
EDWARD J. GUNNING, JR.
PHILLIP W. GUY
SHANE A. HALBROOK
KATHLEEN M. HANCOX
JANET S. HANSON
FREDERIK G. HARTWIG
WARREN H. HURST, JR.
THOMAS W. JACKMAN, JR.
PAMELA A. JACKSON
CLIFFORD N. JAMES
GARY M. JAMES
DONALD L. JOHNSON
THOMAS J. KENNETT
PAUL K. KINGSLEY
STEVEN J. KONIE
THOMAS J. KRZYMINSKI
JILL A. LANNAN
ANTHONY M. LASURE
MARK J. LEINGANG
ROBERT L. LIENEMANN
ERIC W. LIND
JAMES V. LOCKE
WILLIAM J. LONG
CORY H. LYMAN
STEPHEN J. MAHER
MARK C. MALY
MICHAEL H. MANGEN
GERARD J. MANGIS III
ERIC W. MANN
STEPHEN E. MARKOVICH
FLORENCIO E. MARQUINEZ, JR.
SIDNEY N. MARTIN
MARK A. MCCAULEY
MARK MCGRATH
ROBERT J. MCGRATH, JR.
DEAN P. MCLAIN
MICHAEL A. MEYERS
DAVID J. MILES
DAVID H. MOLINARO
CHARLES S. MONROE
KERRY L. MUEHLENBECK
RANDALL D. MYERS
JACQUELINE A. NAVE
TREVOR O. NOEL
TIMOTHY J. OLSON
RICHARD C. OXNER, JR.
ROBERT PARK
THOMAS C. PATTON
RANDAL S. POPE
DOUGLAS N. PRESTON, JR.
DAISY RALDIRIS
CORY K. REID
WILLIAM B. RICHY
WADE D. RUPPER
CHRIS R. RYAN
BRADEN K. SAKAI
EDWARD A. SAULEY III
KEITH A. SCHELL
GREGORY N. SCHNULO
LUDWIG J. SCHUMACHER
GREG ANDREW SEMMEL
PETER J. SEPE
MARK SHEEHAN
RANDALL A. SPEAR, JR.
RONALD C. STAMPS
GREGORY E. STRICKLAND
CORY T. STROBEL
FRANCINE I. SWAN
ROSS A. SWEZEY
RENEE M. TATRO
KURT R. TEK
DAVID T. TENLEN
SAM E. THOMAS, JR.
KEVIN M. WALSH
MICHAEL P. WARD
STEVEN C. WARREN
BARTON W. WELKER
RONALD W. WILSON
WALTER R. WINGARD
ANDREW I. WOLKSTEIN
JORDAN A. WOMMACK
DEVIN R. WOODEN
ARTHUR P. WUNDER
WAYNE A. ZIMMET

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333(B) AND 4336(A):

To be colonel

BARRY L. SHOOP

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

BRIAN J. CHAPURAN

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

To be major

GREGORY T. REPPAS

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

VANESSA M. MEYER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

THOMAS E. DURHAM
DANIEL P. MASSEY

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

CHARLES L. GARBARINO

To be lieutenant colonel

CHARLES R. PATTAN

To be major

JUAN GARRASTEGUI

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

MILTON M. ONG

To be major

MATTHEW S. MOWER

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

CRAIG A. MYATT

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

AARON J. BEATTIE IV

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

KRISTIAN E. LEWIS
MARK Y. LIU
LUTHER P. MARTIN