

pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for Alaska" (FRL No. 8249-2) received on February 7, 2007; to the Committee on Environment and Public Works.

EC-738. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the justification of its budget estimates for fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-739. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the Office's budget request for fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-740. A communication from the Director, Office of Personnel Management, transmitting, a report of proposed legislation relative to making corrections to the process for certification of Federal agencies' performance appraisal systems; to the Committee on Homeland Security and Governmental Affairs.

EC-741. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's Annual Privacy Activity Report for 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-742. A communication from the Director, Financial Management, Government Accountability Office, transmitting, pursuant to law, the annual report of the Comptrollers' General Retirement System for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-743. A communication from the General Counsel, Department of Defense, transmitting a report of proposed legislation entitled "National Defense Authorization Bill for Fiscal Year 2008"; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 214. A bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

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. NELSON of Nebraska (for himself, Mr. BUNNING, Ms. STABENOW, Ms. SNOWE, Mr. KERRY, Ms. COLLINS, Mr. REED, Mrs. CLINTON, and Mr. MENENDEZ):

S. 543. A bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program; to the Committee on Finance.

By Mr. ROBERTS (for himself, Mr. NELSON of Nebraska, and Mr. ISAKSON):

S. 544. A bill to amend the Internal Revenue Code of 1986 to provide a credit to certain agriculture-related businesses for the cost of protecting certain chemicals; to the Committee on Finance.

By Mr. LOTT:

S. 545. A bill to improve consumer access to passenger vehicle loss data held by insur-

ers; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAMBLISS (for himself and Mr. ISAKSON):

S. 546. A bill to amend title XXI of the Social Security Act to make available additional amounts to address funding shortfalls in the State Children's Health Insurance Program for fiscal year 2007; to the Committee on Finance.

By Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LEVIN, and Mrs. McCASKILL):

S. 547. A bill to establish a Deputy Secretary of Homeland Security for Management, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEAHY (for himself, Mr. BENNETT, Ms. CANTWELL, Mr. CARDIN, Mr. COCHRAN, Mr. COLEMAN, Mr. CONRAD, Mr. DODD, Mr. DOMENICI, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mr. SANDERS, Mr. SCHUMER, and Mr. STEVENS):

S. 548. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

By Mr. KENNEDY (for himself, Ms. SNOWE, Mr. REED, and Mr. BROWN):

S. 549. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself, Mr. VOINOVICH, and Mr. LIEBERMAN):

S. 550. A bill to preserve existing judgeships on the Superior Court of the District of Columbia; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROBERTS (for himself, Mr. NELSON of Nebraska, and Mr. ISAKSON):

S. 551. A bill to amend the Internal Revenue Code of 1986 to provide a credit to certain agriculture-related businesses for the cost of protecting certain chemicals; to the Committee on Finance.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 552. A bill to provide for the tax treatment of income received in connection with the litigation concerning the Exxon Valdez oil spill and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 553. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DORGAN:

S. 554. A bill to reduce the Federal budget deficit, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. BOND, and Mr. BINGAMAN):

S. 555. A bill to amend the Internal Revenue Code of 1986 to allow small businesses to set up simple cafeteria plans to provide nontaxable employee benefits to their employees, to make changes in the requirements for cafeteria plans, flexible spending accounts, and benefits provided under such plans or accounts, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. ENZI, Mr. DODD, and Mr. ALEXANDER):

S. 556. A bill to reauthorize the Head Start Act, and for other purposes; to the Com-

mittee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Mr. ROBERTS, Mr. NELSON of Florida, Mrs. DOLE, Ms. STABENOW, and Mr. KYL):

S. 557. A bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. KENNEDY, Mr. ENZI, Mr. BROWN, Mr. SMITH, Mr. FEINGOLD, Mr. COLEMAN, Mr. LAUTENBERG, Mr. WARNER, Mrs. BOXER, Ms. MURKOWSKI, Mr. AKAKA, Mr. ROBERTS, Mr. CARDIN, Mr. HATCH, Ms. CANTWELL, Ms. COLLINS, Ms. STABENOW, Ms. SNOWE, Mr. BIDEN, Mr. GRAHAM, and Mr. NELSON of Nebraska):

S. 558. A bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INHOFE (for himself and Mr. BROWNBACK):

S. Res. 77. A resolution expressing support for the Transitional Federal Government of the Somali Republic; to the Committee on Foreign Relations.

By Mrs. CLINTON (for herself, Mr. REID, Mr. KENNEDY, Mr. SCHUMER, Ms. MIKULSKI, Mr. CARDIN, Mr. LIEBERMAN, Mr. BROWN, Mr. KERRY, Mr. LUGAR, Mr. SANDERS, Mr. CRAPO, Mr. MENENDEZ, Ms. LANDRIEU, Ms. CANTWELL, Mr. LEVIN, Mr. WHITEHOUSE, Mr. DURBIN, Ms. STABENOW, Mrs. BOXER, Mr. BIDEN, Mr. WEBB, Mr. BYRD, Mr. ROCKEFELLER, Mr. STEVENS, Mr. WARNER, Mr. CASEY, and Mr. BAUCUS):

S. Con. Res. 10. A concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 52

At the request of Mr. ISAKSON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 52, a bill to amend the Tennessee Valley Authority Act of 1933 to increase the membership of the Board of Directors and require that each State in the service area of the Tennessee Valley Authority be represented by at least 1 member.

S. 98

At the request of Mr. KERRY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor

of S. 98, a bill to foster the development of minority-owned small businesses.

S. 117

At the request of Mr. OBAMA, the names of the Senator from New York (Mr. SCHUMER), the Senator from Maryland (Ms. MIKULSKI), the Senator from Massachusetts (Mr. KERRY), the Senator from Delaware (Mr. BIDEN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 117, a bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes.

S. 170

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 170, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 179

At the request of Mr. ENSIGN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 179, a bill to amend title 10, United States Code, to establish the position of Deputy Secretary of Defense for Management, and for other purposes.

S. 206

At the request of Mrs. FEINSTEIN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 214

At the request of Mrs. FEINSTEIN, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 214, a bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

S. 238

At the request of Mrs. FEINSTEIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 238, a bill to amend title 18, United States Code, to limit the misuse of Social Security numbers, to establish criminal penalties for such misuse, and for other purposes.

S. 261

At the request of Ms. CANTWELL, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 270

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 270, a bill to permit startup partner-

ships and S corporations to elect taxable years other than required years.

S. 304

At the request of Mr. VOINOVICH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 304, a bill to establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and to ensure a sound fiscal future for the United States, and for other purposes.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 329

At the request of Mrs. LINCOLN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 331

At the request of Mr. THUNE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 331, a bill to provide grants from moneys collected from violations of the corporate average fuel economy program to be used to expand infrastructure necessary to increase the availability of alternative fuels.

S. 402

At the request of Mrs. LINCOLN, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 402, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 407

At the request of Mrs. HUTCHISON, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 407, a bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to designate a portion of Interstate Route 14 as a high priority corridor, and for other purposes.

S. 430

At the request of Mr. BOND, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 430, *supra*.

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 430, *supra*.

S. 432

At the request of Mrs. LINCOLN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 432, a bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare program, and for other purposes.

S. 450

At the request of Mr. ENSIGN, the names of the Senator from California (Mrs. BOXER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 466

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 466, a bill to amend title XVIII of the Social Security Act to provide for coverage of an end-of-life planning consultation as part of an initial preventive physical examination under the Medicare program.

S. 494

At the request of Mr. LUGAR, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 494, a bill to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes.

S. 496

At the request of Mr. VOINOVICH, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 496, a bill to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965.

S. RES. 33

At the request of Mr. LUGAR, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. Res. 33, a resolution expressing the sense of the Senate that the United States should expand its relationship with the Republic of Georgia by commencing negotiations to enter into a free trade agreement.

AMENDMENT NO. 242

At the request of Mr. BAUCUS, his name was withdrawn as a cosponsor of amendment No. 242 intended to be proposed to H.J. Res. 20, a joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

AMENDMENT NO. 246

At the request of Mr. MARTINEZ, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 246 intended to be proposed to H.J. Res. 20, a joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

AMENDMENT NO. 248

At the request of Mr. MARTINEZ, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 248 intended to be proposed to H.J. Res. 20, a joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Nebraska (for himself, Mr. BUNNING, Ms. STABENOW, Ms. SNOWE, Mr. KERRY, Ms. COLLINS, Mr. REED, Mrs. CLINTON, and Mr. MENENDEZ):

S. 543. A bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program; to the Committee on Finance.

Mr. NELSON of Nebraska. Mr. President, today I am introducing the Preserving Patient Access to Inpatient Rehabilitation Hospitals Act of 2007 to make changes to a rule issued by the Centers for Medicare and Medicaid Services, CMS, which has restricted the ability of rehabilitation hospitals to provide critical care.

In my home State of Nebraska, Madonna Rehabilitation Hospital in Lincoln is a nationally recognized premier rehabilitation facility offering specialized programs and services for those who have suffered brain injuries, strokes, spinal cord injuries, and the latest care for cardiac, pulmonary, cancer, pain, and joint replacement patients. If the CMS rule is not updated, Madonna and other facilities will not be able to continue to offer critical care to patients eager to restore their past health and physical function.

When CMS first looked at whether facilities would qualify as inpatient rehabilitation facilities, IRFs, a list of criteria were created to determine eligibility. The narrow criteria, generally referred to as the "75-percent rule," were first established in 1984, but were never strictly enforced and ultimately suspended in 2002 due to inconsistencies in accurately determining medical necessity.

Since establishing strict enforcement of the 75-percent rule in 2004, field data estimates that as many as 88,000 Medicare patients have been denied critical IRF services. The rule will, by CMS's own estimate, shift thousands of patients both Medicare and non-Medicare into alternative care settings which may be inappropriate and inadequate. Bipartisan Congressional efforts have repeatedly petitioned both the U.S. Department of Health and Human Services and CMS for cooperation in averting an escalation of the 75-percent threshold, which currently stands at 60 percent.

For cost-reporting periods beginning July 1, 2007, the compliance threshold

is scheduled to jump to 65 percent, with full 75-percent implementation scheduled for July 2008. If legislative action is not taken, IRFs will be forced to turn away more and more patients in order to operate as rehabilitation hospitals or units. By freezing the compliance threshold at 60 percent and ending the inconsistent and unpredictable use of fiscal intermediaries' local coverage determinations, our efforts will ensure that patients across America will continue to have access to the rehabilitation care they need.

I am pleased a bipartisan group of Senate Finance Committee; Health, Education, Labor, and Pension Committee; and Special Committee on Aging members have joined me in supporting this legislation. In addition, the American Association of People with Disabilities, the American Academy of Physical Medicine and Rehabilitation, the American Hospital Association, the American Medical Rehabilitation Providers Association, the Federation of American Hospitals, and numerous other associations and advocacy groups have endorsed our bill. Just as I have heard from patients and medical providers who have experienced problems with the 75-percent Rule, my colleagues and the members of these associations have witnessed the devastating effect this rule is having on those who need this type of critical care.

I urge my colleagues to join Senators JIM BUNNING, DEBBIE STABENOW, OLYMPIA SNOWE, JOHN KERRY, SUSAN COLLINS, JACK REED, HILLARY CLINTON, ROBERT MENENDEZ and me in supporting this important bill. My colleagues and I are determined to resolve this lingering problem and return medical necessity decisions back into the hands of medical providers, while ensuring access to improved inpatient rehabilitation care. The Preserving Patient Access to Inpatient Rehabilitation Hospitals Act of 2007 is a top priority, and I look forward to its passage this year.

By Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LEVIN, and Mrs. McCASKILL):

S. 547. A bill to establish a Deputy Secretary of Homeland Security for Management, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation with my good friend and partner on the Oversight of Government Management Subcommittee, Senator AKAKA, to address the critical management challenges facing the Department of Homeland Security (DHS). I am pleased to have Senators LEVIN and McCASKILL as original cosponsors of this measure.

The legislation would elevate the role and responsibilities of the current Under Secretary for Management of the Department to a Deputy Secretary of Homeland Security for Management. The language preserves the authority

of the Secretary and Deputy Secretary of DHS as the first-and second-highest ranking Department officials, respectively. The individual appointed as the Deputy Secretary for Management would serve a five year term and be the third highest ranking official at the Department. A term would provide management continuity at the Department during times of leadership transition, such as following a presidential election.

The role and responsibilities of the Deputy Secretary for Management would include serving as the Chief Management Officer and principal advisor to the Secretary on the management of the Department. The Deputy Secretary for Management would also be responsible for strategic and annual performance planning, identification and tracking of performance measures, as well as the integration and transformation process in support of homeland security operations and programs.

The division of labor between the Deputy Secretary and the new Deputy Secretary for Management will be similar to the leadership structure at the Office of Management and Budget. The Deputy Secretary will continue to be the Secretary's first assistant on all policy matters, while the newly created Deputy Secretary for Management will be the Secretary's principal advisor on the development of sustained, long-term management strategies.

I offer this legislation today because of my belief that the existing Under Secretary position lacks sufficient authority to direct the type of sustained leadership and overarching management integration and transformation strategy that is needed department-wide.

There continue to be significant management challenges associated with integrating the Department of Homeland Security, whose creation represented the single largest restructuring of the Federal Government since the creation of the Department of Defense in 1947. In addition to its complex mission of securing the Nation from terrorism and natural hazards through protection, prevention, response, and recovery leadership of the Department of Homeland Security has the enormous task of unifying 180,000 employees from 22 disparate Federal agencies.

Since 2003, the Government Accountability Office (GAO) has included implementing and transforming the Department of Homeland Security on its high-risk list of programs susceptible to waste, fraud, abuse, and mismanagement. In announcing its 2007 high-risk list, Comptroller General Walker said that, "The array of management and programmatic challenges continues to limit DHS's ability to carry out its roles under the National Homeland Security Strategy in an effective risk-based way."

Similarly, in December 2005, the DHS Inspector General issued a report warning of major management challenges facing the Department of Homeland