

## NAYS—7

Allard	DeMint	Sessions
Bunning	Dole	
Coburn	Inhofe	

## NOT VOTING—4

Byrd	McCain
Hagel	Murray

The amendment (No. 4197) was agreed to.

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

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, we now can go to Senator INHOFE who has an amendment.

## AMENDMENT NO. 4239

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I call up amendment No. 4239 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 4239.

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

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

The amendment is as follows:

(Purpose: To express the sense of the Senate on funding for national defense in future fiscal years)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SENSE OF SENATE ON FUNDING FOR NATIONAL DEFENSE IN FUTURE FISCAL YEARS.**

(a) FINDING.—The Senate finds that the budget of the President for fiscal year 2009 requests funds for national defense, exclusive of wartime costs and supplemental appropriations, that constitute an amount equal to approximately 3.3 percent of the current gross domestic product of the United States.

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

(1) the amount of funds for national defense, exclusive of wartime costs and supplemental appropriations, for fiscal year 2010 should be not less than an amount equal to 3.7 percent of the then-current gross domestic product of the United States;

(2) it should be the policy of the United States to fund national defense, exclusive of such costs and appropriations, for fiscal year 2011 in an amount equal to not less than 4 percent of the then-current gross domestic product of the United States; and

(3) the amount of funding for national defense, exclusive of such costs and appropriations, for each fiscal year after fiscal year 2011 should be the amount of funds for national defense for the preceding fiscal year as adjusted pursuant to the most appropriate cost adjustment index.

Mr. INHOFE. Mr. President, it is my intention to withdraw this amendment, but I wish to use this moment to serve notice that this is something that not just myself but several of us are concerned about, particularly those of us on the Senate Armed Services Committee.

We have gone through a period of time, up until the early nineties, when our defense spending was somewhere

around—in fact, for the entire 100 years in the 20th century, it averaged 5.7 percent of GDP. At the end of the nineties, it got down to just under 3 percent. If we are to anticipate the needs we will have in the future, it is going to be necessary to have some kind of a floor.

What this amendment says is we will have to start the process by putting 4 percent of the GDP into the defense system. It is one that would accomplish three things.

First, it would allow us to build the next generation of weapons and equipment. As we know, we are doing one weapon right now that will take the next 30 years.

Second, it will add predictability to the industrial base.

And third, it sends a clear message to our military, allies, and enemies that we are committed to the security of our Nation.

It shocks a lot of people when they find out we have platform weapons systems that are not as good as our potential adversaries. This would correct that problem.

## AMENDMENT NO. 4239 WITHDRAWN

Mr. President, I ask that this amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I believe the Senator from North Dakota, the chairman of the committee, is going to make a request as to schedule. But I will simply say we are trying to develop a final finite list, and anybody on our side who has an amendment who has not contacted us—I believe everybody has; I believe we know what all the amendments are that people want—it is very important they tell us about them because we are developing a final finite list. And we will even accept amendments from your side if you want to tell us about them. That is OK too.

As a practical matter, I would encourage people on the Republican side to tell us what they want so we can pull up this final finite list.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, if everyone cooperates in these final hours, I think we could reach conclusion. It will be late, but we could reach conclusion at a reasonable time tonight—at least before midnight. But it really is going to require everybody's cooperation.

If you have an amendment that you could reserve until a later vehicle, please do. We have already had nearly 30 rollcall votes. That is very close to what the average has been in the last 3 years in terms of recorded votes. We still have more rollcall votes that are going to have to be done.

We think at this point it would be wise to take a half-hour break to give people a chance to match the paperwork that is out there and try to conclude on a finite list.

Mr. DORGAN. Would the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. DORGAN. Mr. President, I would ask the chair and the ranking member, I know there are a good number of amendments on both sides that are bipartisan and noncontroversial, and my hope would be that in this break and in future breaks packages of amendments could be put together that are noncontroversial and bipartisan and move them as a block because I think there are a good many of them, and that would be very helpful.

Mr. CONRAD. Mr. President, the Senator has made a good suggestion and one that Senator GREGG and I have just discussed that we will do during this break, and that is to try to put together, No. 1, a finite list of amendments that still require a vote; and, No. 2, a managers' amendment of bipartisan, noncontroversial amendments that could be agreed to as a package.

Mr. GREGG. I stress, Mr. President, when we come out of this break, we hope to have a finite list and hope to lock it in, so we need to hear from folks. We are, as the Senator from—the junior or senior Senator, I never know—from North Dakota suggested, Senator DORGAN, we will be working on a group of amendments that everyone can agree to and doing those as just a package.

## RECESS

Mr. CONRAD. Mr. President, I ask unanimous consent that we take a recess for 30 minutes.

There being no objection, the Senate, at 7:32 p.m., recessed until 8:03 p.m. and reassembled when called to order by the Presiding Officer (Mr. WHITEHOUSE).

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have been back in the Republican cloakroom meeting with Senators GREGG and CONRAD. I think we are at a point where we should be able to enter a finite list of amendments. That should be momentarily, I hope. Once we get those listed, then the managers and staffs will look to see which can be accepted on each side and which have to be voted on. Some will be taken by voice, perhaps.

It is now 8 o'clock and we have quite a few amendments. I hope everyone will be cooperative. I think we are at a point where we can do a pretty good job of working through these.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, we are now going to go to a series of amendments involving sanctuary cities. Leader REID will offer an amendment

on this side, and then Senator VITTER will have an amendment on the minority side.

AMENDMENT NO. 4373

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows.

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4373.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To establish a reserve fund for studying the effect of cooperation with local law enforcement)

On page 69, after line 25, add the following:

**SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR STUDYING THE EFFECT OF COOPERATION WITH LOCAL LAW ENFORCEMENT.**

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports, by the amounts provided in such legislation for the purposes described in this subsection, that would require an assessment of the impact of local ordinances that prohibit cooperation with the Department of Homeland Security, with respect to—

(1) the effectiveness of law enforcement, success rates of criminal prosecutions, reporting of criminal activity by immigrant victims of crime, and level of public safety;

(2) changes in the number of reported incidents or complaints of racial profiling; or

(3) wrongful detention of United States Citizens and Lawful Permanent Residents.

(b) LIMITATION.—The authority under subsection (a) may not be used unless the legislation described in subsection (a) would not increase the deficit over—

(1) the total period comprised of fiscal years 2008 through 2013; or

(2) the total period comprised of fiscal years 2008 through 2018.

Mr. REID. Mr. President, there is a problem on whose behalf I am offering this. We will get this resolved very quickly. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, the record should reflect this is not being offered on behalf of Senator CARDIN or Senator MENENDEZ. It is being offered by me.

This is an important amendment. We believe in the COPS Program. The purpose of the program is to stop crime and the sanctuary city program, that is being advocated by my friend from Louisiana will not alleviate crime. In fact, it will stop people from even going to law enforcement if there is a crime committed, because if they go to a police officer, the police officer,

under this provision Senator VITTER has, would have to ask whether citizenship is up to date, and I don't think that does anyone any good. We want immigrants to report crimes. We don't want people taking advantage of them. We want safety. That is what the COPS Program is all about.

We have a Federal form of Government, and that is what this is all about. I certainly ask my friends to vote in favor of this amendment. This is for law enforcement and it is for safe cities and it is to protect our form of Government.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Louisiana.

Mr. VITTER. Mr. President, I have no objection to this study amendment. I will support it. I will be happy to support it by voice vote.

For the record, I would like to correct two things. First, I do not support any sanctuary city program. What my amendment does, which is coming up, would be to say that sanctuary cities, which defy Federal law, are going to have to pay some consequence for going completely contrary to Federal law. Do you believe there should be some appropriate consequence for defying Federal immigration law?

With regard to that amendment, I hope to get bipartisan support.

I yield back.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The Senator from Louisiana.

Mr. VITTER. Parliamentary inquiry. We were in the middle of a vote. Is it possible to curtail the vote while we were in the middle of a vote and suggest the absence of a quorum?

The PRESIDING OFFICER. Yes, it is.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, the leader has indicated that he would be willing to take a voice vote on his amendment.

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

Mr. VITTER. This is a vote on which amendment?

Mr. CONRAD. The leader's amendment.

The PRESIDING OFFICER. The vote is on the majority leader's amendment. The amendment (No. 4373) was agreed to.

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

The motion to lay on the table was agreed to.

Mr. GREGG. I believe Senator VITTER is the next speaker in order.

AMENDMENT NO. 4309

Mr. VITTER. I call up the Vitter sanctuary city amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself and Mr. INHOFE, proposes an amendment numbered 4309.

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

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

The amendment (No. 4309) is as follows:

(Purpose: To create a reserve fund to ensure that Federal assistance does not go to sanctuary cities that ignore the immigration laws of the United States and create safe havens for illegal aliens and potential terrorists)

On page 69, after line 25, add the following:

**SEC. 308. DEFICIT-NEUTRAL RESERVE FUND TO PREVENT FUNDING FOR SANCTUARY CITIES.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would ensure that funds appropriated for the Community Oriented Policing Services Program are not used in violation of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)), provided that such legislation would not increase the deficit over—

(1) the 6-year period comprised of fiscal years 2008 through 2013; or

(2) the 11-year period comprised of fiscal years 2008 through 2018.

Mr. VITTER. Mr. President, I was happy to support that study amendment. But this is the meat of the issue. There are so-called sanctuary cities all across the country which establish, as an official policy of their jurisdiction, an official action by vote of the council: We are not going to cooperate with Federal immigration enforcement officials. That is wrong. What is more, it is completely contrary to Federal immigration law.

My amendment says: We are going to put some consequence to that defiance of Federal law. We are not going to give them COPS funds. We are going to send those funds, instead, to all of those other jurisdictions which abide by Federal law.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, my understanding is that there are sanctuary cities in about 23 different States across America. What the Vitter amendment will do is to take away the COPS funding from those cities.

The offeror of this amendment has not spoken to the police departments. If you will speak to the policemen, they will tell you they need the cooperation of everyone to solve crimes and stop crime. If you create fear in

the minds of those who are here in an undocumented status that any co-operation with the police will result in their arrest, they will not cooperate and criminals will go free. There will be more people who will become victims—exactly the opposite of what we want to see in America.

Let's not use the COPS Program as some sort of threat. If you want to deal with immigration, deal with it responsibly in a comprehensive way. Please, let's defeat the Vitter amendment.

Mr. VITTER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 19 seconds.

Mr. VITTER. Mr. President, if folks feel that way, they should come to Congress and change Federal law, not simply defy Federal law. This is another amnesty vote. Are we going to give folks in sanctuary cities amnesty for defying Federal law and refusing to cooperate, as Federal law demands, with Federal immigration officials?

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

The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. CONRAD. I move to table the Vitter amendment.

Mr. VITTER. Parliamentary inquiry: Is that motion in order even though you have already asked for the yeas and nays?

The PRESIDING OFFICER. Yes.

The question is on the motion to table.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—58

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

NAYS—40

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

NOT VOTING—2

Byrd McCain

The motion was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 4214, 4244, 4229, 4269, 4297, 4264, 4349, 4248, 4261, 4243, 4153, 4215, 4287, 4148, 4166, 4225, 4253, 4286, 4183, 4210, 4199, 4249, 4285, 4162, 4211, 4176, 4172, 4219, 4227, 4352, 4364, 4195 EN BLOC

Mr. CONRAD. Mr. President, the following amendments have been cleared: Nos. 4214, Senator ENZI; 4244, Senator ROBERTS; 4229, Senator MARTINEZ; 4269, Senator THUNE; 4297, Senator HATCH; 4264, Senator COLEMAN; 4349, Senator DOLE; 4248, Senator BARRASSO; 4261, Senator GRASSLEY; 4243, Senator VITTER; 4153, Senator BURR; 4215, Senator ENZI. In addition, these amendments have been cleared on both sides: Nos. 4287, Senator KLOBUCHAR; 4148, Senator KENNEDY; 4166, Senator BIDEN; 4225, Senator FEINSTEIN; 4253, Senator DODD; 4286, Senator KLOBUCHAR; 4183, Senator PRYOR; 4210, Senator LAUTENBERG; 4199, Senator DORGAN; 4289, Senator DORGAN; 4285, Senator NELSON of Florida; 4162, Senator REID. The following bipartisan amendments have been cleared: Nos. 4211, Lieberman-Collins; 4176, Carper-Coburn; 4172, Sessions-Casey; 4219, Voinovich-Stabenow; 4227, Clinton-Warner; 4352, Casey-Grassley; 4364, Smith-Clinton; and 4195, Lincoln-Snowe.

Let me indicate, if I may, this is the first managers' package. There are others that are being considered that have not yet been vetted. If your name is not on this list, it does not mean your amendment has been rejected. There are still amendments being reviewed by the committees of jurisdiction. The process we go through, the Budget Committee staff has to review them, as well as the committees of jurisdiction on both sides. That is the process for clearing amendments. So there are a fair number of amendments still in the queue going through that process.

Mr. GREGG. I ask unanimous consent that the managers' package be agreed to.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 4214

(Purpose: To establish a deficit-neutral reserve fund to terminate certain deductions from mineral revenue payments made to States)

At the end of title III, add the following:

**SEC. 3. 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.

AMENDMENT NO. 4244

(Purpose: To ensure the viability of small businesses by helping them provide to their employees access to quality child care)

On page 21, line 16, increase the amount by \$20,000,000.

On page 21, line 17, increase the amount by \$15,200,000.

On page 21, line 20, increase the amount by \$10,000,000.

On page 21, line 21, increase the amount by \$12,200,000.

On page 21, line 24, increase the amount by \$10,000,000.

On page 21, line 25, increase the amount by \$10,100,000.

On page 22, line 3, increase the amount by \$10,000,000.

On page 22, line 4, increase the amount by \$10,000,000.

On page 22, line 8, increase the amount by \$2,400,000.

On page 27, line 16, decrease the amount by \$20,000,000.

On page 27, line 17, decrease the amount by \$15,200,000.

On page 27, line 20, decrease the amount by \$10,000,000.

On page 27, line 21, decrease the amount by \$12,200,000.

On page 27, line 24, decrease the amount by \$10,000,000.

On page 27, line 25, decrease the amount by \$10,100,000.

On page 28, line 3, decrease the amount by \$10,000,000.

On page 28, line 4, decrease the amount by \$10,000,000.

On page 28, line 8, decrease the amount by \$2,400,000.

AMENDMENT NO. 4229

(Purpose: To provide a deficit-neutral reserve fund to provide for State disclosure, through a publicly accessible Internet site, of information relating to payments made under the State Medicaid program to hospitals, nursing facilities, outpatient surgery centers, intermediate care facilities for the mentally retarded, institutions for mental diseases, or other institutional providers and the number of patients treated by such providers)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . 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.

**AMENDMENT NO. 4269**

(Purpose: To provide for a total of \$99,000,000 in COPS Hot Spots funding, as authorized in the Combat Meth Act)

On page 24, line 16, increase the amount by \$29,000,000.

On page 24, line 17, increase the amount by \$26,100,000.

On page 24, line 21, increase the amount by \$2,900,000.

On page 27, line 16, decrease the amount by \$29,000,000.

On page 27, line 17, decrease the amount by \$26,100,000.

On page 27, line 21, decrease the amount by \$2,900,000.

**AMENDMENT NO. 4297**

(Purpose: To provide for a reserve fund for legislation that funds the traumatic brain injury program)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR TRAUMATIC BRAIN INJURY.**

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide at least \$9,000,000 for fiscal year 2009 to funds traumatic brain injury programs under sections 393A, 393B, 1252, and 1253 of the Public Health Service Act, if such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

**AMENDMENT NO. 4264**

(Purpose: To deny funding for the United Nations Durban II Anti-Racism Conference, which has been used as a platform to advance anti-Semitism and for this reason opposed by the United States and 45 other members of the United Nations General Assembly during a vote on December 22, 2007 and direct the savings to veterans)

On page 10, line 12, decrease the amount by \$1,584,000.

On page 10, line 13, decrease the amount by \$1,584,000.

On page 23, line 16, increase the amount by \$1,584,000.

On page 23, line 17, increase the amount by \$1,584,000.

**AMENDMENT NO. 4349**

(Purpose: To provide the Secretary of Agriculture with the necessary funding to effectively address the critical community facility infrastructure needs of our rural areas across the United States)

On page 17, line 14, increase the amount by \$30,000,000.

On page 17, line 15, increase the amount by \$2,700,000.

On page 17, line 18, increase the amount by \$30,000,000.

On page 17, line 19, increase the amount by \$11,400,000.

On page 17, line 22, increase the amount by \$30,000,000.

On page 17, line 23, increase the amount by \$18,900,000.

On page 18, line 2, increase the amount by \$30,000,000.

On page 18, line 3, increase the amount by \$22,800,000.

On page 18, line 6, increase the amount by \$30,000,000.

On page 18, line 7, increase the amount by \$25,800,000.

On page 27, line 16, decrease the amount by \$30,000,000.

On page 27, line 17, decrease the amount by \$2,700,000.

On page 27, line 20, decrease the amount by \$30,000,000.

On page 27, line 21, decrease the amount by \$11,400,000.

On page 27, line 24, decrease the amount by \$30,000,000.

On page 27, line 25, decrease the amount by \$18,900,000.

On page 28, line 3, decrease the amount by \$30,000,000.

On page 28, line 4, decrease the amount by \$22,800,000.

On page 28, line 7, decrease the amount by \$30,000,000.

On page 28, line 8, decrease the amount by \$25,800,000.

**AMENDMENT NO. 4248**

(Purpose: To provide for a deficit-neutral reserve fund that preserves and promotes Medicare payment policies that support rural health care providers)

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

(3) **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.

**AMENDMENT NO. 4261**

(Purpose: To reduce waste in Department of Defense contracting)

On page 37, line 4, strike "spare parts," and insert "spare parts; subject contracts performed outside the United States to the same ethics, control, and reporting requirements as those performed domestically,".

**AMENDMENT NO. 4243**

(Purpose: To fully fund authorized amounts to implement the Adam Walsh Act that will increase enforcement to catch and detain child predators, combat child pornography, and make the Internet safer for our children)

On page 24, line 16, increase the amount by \$26,000,000.

On page 24, line 17, increase the amount by \$26,000,000.

On page 24, line 20, increase the amount by \$26,000,000.

On page 24, line 21, increase the amount by \$26,000,000.

On page 24, line 24, increase the amount by \$26,000,000.

On page 24, line 25, increase the amount by \$26,000,000.

On page 25, line 3, increase the amount by \$26,000,000.

On page 25, line 4, increase the amount by \$26,000,000.

On page 25, line 7, increase the amount by \$26,000,000.

On page 25, line 8, increase the amount by \$26,000,000.

On page 27, line 16, decrease the amount by \$26,000,000.

On page 27, line 17, decrease the amount by \$26,000,000.

On page 27, line 20, decrease the amount by \$26,000,000.

On page 27, line 21, decrease the amount by \$26,000,000.

On page 27, line 24, decrease the amount by \$26,000,000.

On page 27, line 25, decrease the amount by \$26,000,000.

On page 28, line 3, decrease the amount by \$26,000,000.

On page 28, line 4, decrease the amount by \$26,000,000.

On page 28, line 7, decrease the amount by \$26,000,000.

On page 28, line 8, decrease the amount by \$26,000,000.

**AMENDMENT NO. 4153**

(Purpose: To develop biodefense medical countermeasures by fully funding the Biomedical Advanced Research and Development Authority (BARDA) in a fiscally responsible manner)

On page 19, line 16, increase the amount by \$148,000,000.

On page 19, line 17, increase the amount by \$89,000,000.

On page 19, line 21, increase the amount by \$44,000,000.

On page 19, line 25, increase the amount by \$15,000,000.

On page 27, line 16, decrease the amount by \$148,000,000.

On page 27, line 17, decrease the amount by \$89,000,000.

On page 27, line 21, decrease the amount by \$44,000,000.

On page 27, line 25, decrease the amount by \$15,000,000.

**AMENDMENT NO. 4215**

(Purpose: To establish a deficit-neutral reserve fund to improve the animal health and disease program)

At the end of title III, add the following:

**SEC. 3 \_\_\_\_ . 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.

## AMENDMENT NO. 4287

(Purpose: To establish a deficit-neutral reserve fund for implementation of the Yellow Ribbon Reintegration Program for members of the National Guard and Reserve)

At the end of title III, add the following:

**SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR IMPLEMENTATION OF YELLOW RIBBON REINTEGRATION PROGRAM FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE.**

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one more bills, joint resolutions, amendments, motions, or conference reports that would provide for the implementation of the Yellow Ribbon Reintegration Program for members of the National Guard and Reserve under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2008 through 2013.

## AMENDMENT NO. 4148

(Purpose: To increase by \$71 million the resources available to the Food and Drug Administration in FY 2009 for food and drug safety)

On page 19, line 16, increase the amount by \$71,000,000.

On page 19, line 17, increase the amount by \$54,000,000.

On page 19, line 21, increase the amount by \$12,000,000.

On page 19, line 25, increase the amount by \$3,000,000.

On page 20, line 4, increase the amount by \$1,000,000.

On page 27, line 16, decrease the amount by \$71,000,000.

On page 27, line 17, decrease the amount by \$54,000,000.

On page 27, line 21, decrease the amount by \$12,000,000.

On page 27, line 25, decrease the amount by \$3,000,000.

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

## AMENDMENT NO. 4166

(Purpose: To increase FY 2009 funding for Violence Against Women Act (VAWA) by \$100 million, with an offset)

On page 24, line 16 increase the amount by \$100,000,000.

On page 24, line 17, increase the amount by \$22,000,000.

On page 24, line 21, increase the amount by \$30,000,000.

On page 24, line 25, increase the amount by \$20,000,000.

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

On page 25, line 8, increase the amount by \$13,000,000.

On page 27, line 16, decrease the amount by \$100,000,000.

On page 27, line 17, decrease the amount by \$22,000,000.

On page 27, line 21, decrease the amount by \$30,000,000.

On page 27, line 25, decrease the amount by \$20,000,000.

On page 28, line 4, decrease the amount by \$15,000,000.

On page 28, line 8, decrease the amount by \$13,000,000.

## AMENDMENT NO. 4225

(Purpose: To provide for a total of \$950,000,000 in outlays for the State Criminal Alien Assistance Program in fiscal year 2009)

On page 24, line 16, increase the amount by \$533,000,000.

On page 24, line 17, increase the amount by \$117,000,000.

On page 24, line 21, increase the amount by \$160,000,000.

On page 24, line 25, increase the amount by \$107,000,000.

On page 25, line 4, increase the amount by \$80,000,000.

On page 25, line 8, increase the amount by \$69,000,000.

On page 27, line 16, decrease the amount by \$533,000,000.

On page 27, line 17 decrease the amount by \$117,000,000.

On page 27, line 21, decrease the amount by \$160,000,000.

On page 27, line 25, decrease the amount by \$107,000,000.

On page 28, line 4, decrease the amount by \$80,000,000.

On page 28, line 8, decrease the amount by \$69,000,000.

At the end of the resolution, insert the following:

**SEC. \_\_\_\_ 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.

## AMENDMENT NO. 4253

(Purpose: To increase spending for the Maternal and Child Health Block Grant by \$184,000,000 in fiscal year 2009, with an offset)

On page 19, line 16, increase the amount by \$184,000,000.

On page 19, line 17, increase the amount by \$96,000,000.

On page 19, line 21, increase the amount by \$70,000,000.

On page 19, line 25, increase the amount by \$9,000,000.

On page 20, line 4, increase the amount by \$9,000,000.

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

On page 27, line 17, decrease the amount by \$96,000,000.

On page 27, line 21, decrease the amount by \$70,000,000.

On page 27, line 25, decrease the amount by \$9,000,000.

On page 28, line 4, decrease the amount by \$9,000,000.

## AMENDMENT NO. 4286

(Purpose: To provide in the deficit-neutral reserve fund for America's veterans and wounded servicemembers and for a Post 9/11 GI bill for access of rural veterans to health care and other services)

On page 58, line 23, strike "family members;" and insert "family members; or

(4) enhance programs and activities to increase the availability of health care and other veterans services for veterans living in rural areas;

## AMENDMENT NO. 4183

(Purpose: To add a deficit-neutral reserve fund to improve student achievement during secondary education, including middle school completion, high school graduation and preparing students for higher education and the workforce)

At the end of Sec. 302, insert the following:

(b) The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would 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.

## AMENDMENT NO. 4210

(Purpose: To include rail (including high-speed passenger rail), airport, and seaport projects in the eligibility requirements of the Deficit Neutral Reserve Fund for Investments in America's Infrastructure)

On page 56, line 12, insert "rail (including high-speed passenger rail), airport, seaport," after "transit".

## AMENDMENT NO. 4199

(Purpose: To provide for the use of the deficit-neutral reserve fund for tax relief to reinstate and expand the charitable IRA rollover)

On page 50, line 20, insert " , reinstatement of expired tax relief, such as enhanced charitable giving from individual retirement accounts, including life-income gifts," after "expiring tax relief".

## AMENDMENT NO. 4249

(Purpose: To increase the number of organ donations by funding the programs authorized by the Organ Donation and Recovery Improvement Act of 2004)

On page 19, line 16, increase the amount by \$5,000,000.

On page 19, line 17, increase the amount by \$2,000,000.

On page 19, line 21, increase the amount by \$2,000,000.

On page 19, line 25, increase the amount by \$1,000,000.

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

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

On page 27, line 21, decrease the amount by \$2,000,000.

On page 27, line 25, decrease the amount by \$1,000,000.

## AMENDMENT NO. 4285

(Purpose: To make funds available to ensure that Survivor Benefit Plan annuities are not reduced by the amount of veterans' dependency and indemnity compensation received by military families)

On page 58, line 24, insert after "family members" the following: "or veterans (including the elimination of the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation)".

## AMENDMENT NO. 4211

(Purpose: To increase funding for operations and management of the Federal Emergency Management Agency, with an offset)

On page 17, line 14, increase the amount by \$141,000,000.

On page 17, line 15, increase the amount by \$92,000,000.

On page 17, line 19, increase the amount by \$24,000,000.

On page 17, line 23, increase the amount by \$20,000,000.

On page 18, line 3, increase the amount by \$5,000,000.

On page 27, line 16, decrease the amount by \$141,000,000.

On page 27, line 17, decrease the amount by \$92,000,000.

On page 27, line 21, decrease the amount by \$24,000,000.

On page 27, line 25, decrease the amount by \$20,000,000.

On page 28, line 4, decrease the amount by \$5,000,000.

#### AMENDMENT NO. 4162

(Purpose: To establish a deficit-neutral reserve fund to provide for the acceleration of the phased-in eligibility of members of the Armed Forces for concurrent receipt of retired pay and veterans' disability compensation)

At the appropriate place, insert the following:

#### **SEC. \_\_\_\_ . 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.

#### AMENDMENT NO. 4176

(Purpose: To provide for a deficit-neutral reserve fund for the increased use of recovery audits)

On page 69, after line 25, add the following:

#### **SEC. 308. 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.

#### AMENDMENT NO. 4172

(Purpose: To include in the deficit-neutral reserve funds for America's veterans and wounded servicemembers and for a post 9/11 GI bill provision for the continuing payment to members of the Armed Forces who are retired or separated from the Armed Forces due to a combat-related injury after September 11, 2001, of bonuses that such members were entitled to before the retirement or separation and would continue to be entitled to such members were not retired or separated)

On page 58, line 23, strike "family members;" and insert "family members; or

(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;

#### AMENDMENT NO. 4219

(Purpose: To provide for the use of the deficit-neutral reserve fund for tax relief to encourage struggling companies to invest in new equipment and stimulate the United States economy by allowing the use of accumulated alternative minimum tax and research and development credits in lieu of bonus depreciation)

On page 50, line 21, insert "and incentivizing utilization of accumulated alternative minimum tax and research and development credits" after "refundable tax relief".

#### AMENDMENT NO. 4227

(Purpose: To increase funding for the Administration on Aging by the authorized level of \$53,000,000 in fiscal year 2009 for the Lifespan Respite Care Act, which provides much-needed respite care to our nation's dedicated family caregivers for the elderly and disabled)

On page 18, line 16, increase the amount by \$53,000,000.

On page 18, line 17, increase the amount by \$34,000,000.

On page 18, line 21, increase the amount by \$17,000,000.

On page 18, line 25, increase the amount by \$2,000,000.

On page 27, line 16, decrease the amount by \$53,000,000.

On page 27, line 17, decrease the amount by \$34,000,000.

On page 27, line 21, decrease the amount by \$17,000,000.

On page 27, line 25, decrease the amount by \$2,000,000.

#### AMENDMENT NO. 4352

(Purpose: To add a deficit-neutral reserve fund for the protection and safety of the Nation's food supply)

At the end of title III, insert the following:

#### **SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR FOOD SAFETY.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would expand the level of Food and Drug Administration and Department of Agriculture food safety inspection services, develop risk-based approaches to the inspection of domestic and imported food products, provide for infrastructure and information technology systems to enhance the safety of the food supply, expand scientific capacity and training programs, invest in improved surveillance and testing technologies, provide for foodborne illness awareness and education programs, and enhance the Food and Drug Administration's recall authority, by the amounts provided in such legislation for such purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

### **NOTICE**

*Incomplete record of Senate proceedings.*

*Today's Senate proceedings will be continued in the next issue of the Record.*