KYL) was added as a cosponsor of S. 2917, a bill to strengthen sanctions against the Government of Syria, to enhance multilateral commitment to address the Government of Syria's threatening policies, to establish a program to support a transition to a democratically-elected government in Syria, and for other purposes.

S. 2927

At the request of Mr. BARRASSO, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2927, a bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve and to amend the Energy Policy and Conservation Act to include additional acquisition requirements for the Reserve.

S. RES. 537

At the request of Mr. LEAHY, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. Res. 537, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself, Ms. STABENOW, and Mr. JOHNSON):

S. 2931. A bill to amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise to introduce the Medicare Access to Complex Rehabilitation and Assistive Technology Act of 2008. I am pleased to be joined by my colleague from Michigan, Senator STABENOW. Today, we unite to ensure access to medical equipment for severely disabled Medicare beneficiaries who seek to lead independent and productive lives.

In the 2003 Medicare Modernization Act, MMA, Congress directed the Centers for Medicare and Medicaid Services to proceed with a durable medical equipment competitive bidding demonstration project. The purpose of this demonstration was to determine whether competitive bidding can be used to provide quality medical equipment at prices below current Medicare Part B reimbursement rates. The bidding will result in a new fee schedule for some selected DME services, replacing Medicare's current fee schedule. In other words, competitive bidding will change how Medicare covers medical equipment and also determine which suppliers may participate in providing such equipment to beneficiaries.

It is critical to note that the Medicare competitive bidding program was designed to produce cost savings—both for Medicare and for beneficiaries in the form of lower copayments for medical equipment. The competitive process of submitting bids to supply particular services and products would reduce the price Medicare currently reimburses for these items.

Although competitive bidding may reduce the cost of some health services, this system will likely prove unworkable in certain circumstances. For example, many rural areas across the country may not have the health care infrastructure to support a competitive acquisition program. Small suppliers who service individuals residing in areas of low population density may be outbid by larger, distant providers, leading to limited access to medical equipment for Medicare beneficiaries living in these locations.

Another unique circumstance for which competitive bidding is inappropriate regards complex rehabilitation and assistive technology for individuals with significant and distinctive needs. Under the competitive acquisition program, thousands of individuals who require customized medical equipment may be forced to use ill-fitting products that will inevitably increase discomfort, further limit functional ability, and may even cause loss of function for these individuals who seek independence and mobility in their lives.

Let me give an example of how the competitive bidding program will hamper the ability of Medicare beneficiaries to access necessary rehabilitative and assistive technology. If a Medicare beneficiary has been diagnosed with muscular dystrophy and uses a power wheelchair due to the loss of muscle tone in the body, a wheelchair that is tailored to the individual is imperative for several reasons. Power wheelchairs that are not adapted to the particular needs of the individual lead to more than mere discomfort, but also can further worsening health. For instance, individuals with muscular dystrophy may have wheelchairs that allow them to change positioning in order to breathe more comfortably. In addition, these wheelchairs may also be adapted to accommodate other necessary medical equipment, such as breathing ventilators. Yet with Medicare competitive bidding, the process will likely yield more uniform wheelchairs, leaving severely impaired beneficiaries with limited options to meet their needs.

Our bill will remove complex rehabilitation and assistive technology products from the Medicare competitive bidding program. In a program intended to reduce costs through competition among suppliers providing medical products, it is simply untenable to include such sophisticated and personalized equipment. We all agree that we must address Medicare spending, but restricting access to necessary products for the beneficiaries that most require them is not the way to approach this issue—and may in fact increase costs.

I urge my colleagues to join with Senator STABENOW and myself in supporting the Medicare Access to Complex Rehabilitation and Assistive Technology Act of 2008 to support Medicare beneficiaries in receiving the specialized medical equipment they so critically need.

Ms. STABENOW. Mr. President, I am pleased to join my colleague, Senator OLYMPIA SNOWE, in introducing the Medicare Access to Complex Rehabilitation and Assistive Technology Act. This legislation will ensure Medicare beneficiaries who need complex rehabilitation and assistive technology will continue to receive the highest level of service and support necessary to maintain their independence. I am also pleased to be joined by my good friend, Senator TIM JOHNSON, in this effort.

Competitive bidding, while well-intentioned, does not work well for items that must be customized for individuals with complex and specialized needs. Unlike some of the items being considered by CMS for competitive bidding, complex rehab technologies are not the sort of products that are easily interchangeable. For example, individuals with neuromuscular diseases—such as multiple sclerosis, ALS, cerebral palsy, or Parkinson's disease—or conditions such as spinal cord injuries may require specialized services because of the profound and sometimes progressive nature of these conditions. Patients' access to assistive technology products for their unique needs could be in jeopardy.

I am pleased that our legislation has the support of numerous patient advocacy organizations. As co-chair of the Senate Parkinson's Caucus, I have seen firsthand how assistive technology can make a difference in helping a loved one achieve independence over a disease or disability. The legislation we are introducing today will ensure that the wonders of medical technology will continue to be available to the Medicare beneficiaries who need them the most.

By Mr. SMITH (for himself, Mr. CONRAD, and Mr. KOHL):

S. 2933. A bill to improve the employability of older Americans; to the Committee on Finance.

Mr. SMITH. Mr. President, on behalf of Senators CONRAD and KOHL, I introduce the Incentives for Older Workers Act of 2008.

The United States is about to experience an unprecedented demographic shift with the aging of the baby boomer generation. According to the U.S. Census Bureau, in 1980, individuals age 50 and older represented 26 percent of the population. By 2050, this is expected to rise to 37 percent. In my home State of Oregon, residents age 65 and older are expected to comprise 25 percent of the State population by 2025. This will make Oregon the fourth oldest State in the country.

The aging of our population will have a significant impact on many aspects

of our society, including our labor market. A 2007 Conference Board study reports that current retirement trends could create a U.S. labor shortage of 4.8 million workers in 10 years. According to Dr. Preston Pulliams of Portland Community College, 53 percent of Oregon businesses report that it is extremely or very likely that their organization will face a shortage of qualified workers during the next 5 years as a result of the retirement of baby boomers.

The Incentives for Older Workers Act will help mitigate the effects of our aging workforce by providing incentives to older Americans to stay in the workforce longer, encouraging employers to recruit and retain older workers, and eliminating barriers to working longer. For example, the current Work Opportunity Tax Credit allows employers credits against wages for hiring individuals from one or more of nine targeted groups, such as recipients of public assistance and high risk youth. Our bill would extend that credit for employers that hire older workers.

In addition, Social Security benefits are increased if retirement is delayed beyond full retirement age. Increases based on delaying retirement no longer apply when people reach age 70, even if they continue to delay taking benefits. Our bill would allow people to earn delayed retirement credits up until age 72, instead of age 70.

To collect, organize and disseminate information on older worker issues, the bill also would create a National Resource Center on Aging and the Workforce within the U.S. Department of Labor. This center would act as a national information clearinghouse on workforce issues, challenges and solutions for older workers.

The bipartisan Incentives for Older Workers Act will provide seniors with the flexibility and opportunity to continue working in retirement if they choose to. I look forward to working with my colleagues to enact these important reforms. 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. 2933

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 ''Incentives for Older Workers Act''.

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

SEC. 2. PROHIBITION OF BENEFIT REDUCTION DUE TO PHASED RETIREMENT.

(a) PROHIBITION OF BENEFIT REDUCTION DUE TO PHASED RETIREMENT.—

(1) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 204(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(1)) is amended by adding at the end the following:

''(I)(i) Notwithstanding the preceding subparagraphs, in the case of a participant who——

''(I) begins a period of phased retirement, and

''(II) was employed on a substantially full-time basis during the 12-month period preceding the period of phased retirement,

a defined benefit plan shall be treated as meeting the requirements of this paragraph with respect to the participant only if the participant's compensation or average compensation taken into account under the plan with respect to the years of service before the period of phased retirement is not, for purposes of determining the accrued benefit for such years of service, reduced due to such phased retirement

''(ii) For purposes of this subparagraph, a period of phased retirement is a period during which an employee is employed on substantially less than a full-time basis or with substantially reduced responsibilities, but only if the period begins after the participant reaches age 50 or has completed 30 years of service creditable under the plan.''.

(2) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 411(b)(1) of the Internal Revenue Code of 1986 (relating to accrued benefits) is amended by adding at the end the following:

''(I) ACCRUED BENEFIT MAY NOT DECREASE ON ACCOUNT OF PHASED RETIREMENT.—

''(i) IN GENERAL.—Notwithstanding the preceding subparagraphs, in the case of a participant who—

''(I) begins a period of phased retirement, and

''(II) was employed on a substantially full-time basis during the 12-month period preceding the period of phased retirement,

a defined benefit plan shall be treated as meeting the requirements of this paragraph with respect to the participant only if the participant's compensation or average compensation taken into account under the plan with respect to the years of service before the period of phased retirement is not, for purposes of determining the accrued benefit for such years of service, reduced due to such phased retirement.

''(ii) PERIOD OF PHASED RETIREMENT.—For purposes of this subparagraph, a period of phased retirement is a period during which an employee is employed on substantially less than a full-time basis or with substantially reduced responsibilities, but only if the period begins after the participant reaches age 50 or has completed 30 years of service creditable under the plan.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits payable after the date of enactment of this Act.

SEC. 3. ALLOWANCE OF DELAYED RETIREMENT SOCIAL SECURITY CREDITS UNTIL AGE 72.

(a) IN GENERAL.—Paragraphs (2) and (3) of section 202(w) of the Social Security Act (42 U.S.C. 402(w)) are each amended by striking ''age 70'' and inserting ''age 72''.

(b) EFFECTIVE DATES.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 4. REDUCTION IN SOCIAL SECURITY BENEFIT OFFSET RESULTING FROM CERTAIN EARNINGS.

(a) IN GENERAL.—Section 203(f)(3) of the Social Security Act (42 U.S.C. 403(f)(3)) is amended by striking ''in the case of any individual'' and all that follows through ''in the case of any other individual''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 5. NATIONAL RESOURCE CENTER ON AGING AND THE WORKFORCE.

(a) ESTABLISHMENT.—The Secretary of Labor shall award a grant for the establishment and operation of a National Resource Center on Aging and the Workforce to address issues on age and the workforce and to collect, organize, and disseminate information on older workers.

(b) ACTIVITIES.—The Center established under subsection (a) shall—

(1) serve as a national information clearinghouse on workforce issues, challenges, and solutions planning for older workers that would serve employers, local communities, and State and local government organizations, as well as other public and private agencies, including providing for the cataloging, organization, and summarizing of existing research, resources, and scholarship relating to older workforce issues;

(2) identify best or most-promising practices across the United States that have enjoyed success in productively engaging older Americans in the workforce;

(3) create toolkits for employers, trade associations, labor organizations, and nonprofit employers that would feature a series of issue papers outlining specific tasks and activities for engaging older individuals in select industries;

(4) distribute information to government planners and policymakers, employers, organizations representing and serving older adults, and other appropriate entities through the establishment of an interactive Internet website, the publications of articles in periodicals, pamphlets, brochures, and reports, as well as through national and international conferences and events; and

(5) provide targeted and ongoing technical assistance to select units of government, private corporations, and nonprofit organizations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be available in each fiscal year to carry out this section.

SEC. 6. CIVIL SERVICE RETIREMENT SYSTEM COMPUTATION FOR PART-TIME SERVICE.

Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

''(3)(A) In the administration of paragraph (1)—

''(i) subparagraph (A) of such paragraph shall apply to any service performed before, on, or after April 7, 1986;

''(ii) subparagraph (B) of such paragraph shall apply to all service performed on a part-time or full-time basis on or after April 7, 1986; and

''(iii) any service performed on a part-time basis before April 7, 1986, shall be credited as service performed on a full-time basis.

''(B) This paragraph shall be effective with respect to any annuity entitlement to which is based on a separation from service occurring on or after the date of the enactment of this paragraph.''.

SEC. 7. WORKFORCE INVESTMENT ACTIVITIES FOR OLDER WORKERS.

(a) STATE BOARDS.—Section 111(b)(1)(C) of the Workforce Investment Act of 1998 (29 U.S.C. 2821(b)(1)(C)) is amended—

(1) in clause (vi), by striking ''and'' at the end;

(2) by redesignating clause (vii) as clause (viii); and

(3) by inserting after clause (vi) the following:

''(vii) representatives of older individuals, who shall be representatives from the State agency (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) in the State or recipients of grants under title V of such Act (42 U.S.C. 3056 et seq.) in the State; and''.

(b) LOCAL BOARDS.—Section 117(b)(2)(A) of such Act (29 U.S.C. 2832(b)(2)(A)) is amended—

(1) in clause (v), by striking ''and'' at the end; and

(2) by adding at the end the following:

''(vii) representatives of older individuals, who shall be representatives from an area agency on aging (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) in the local area or recipients of grants under title V of such Act (42 U.S.C. 3056 et seq.) in the local area; and''.

(c) RESERVATION OF FUNDS FOR OLDER INDIVIDUALS.—Section 134 of such Act (29 U.S.C. 2864) is amended by adding at the end the following:

''(f) RESERVATION FOR OLDER INDIVIDUALS FROM FUNDS ALLOCATED FOR ADULTS.—

''(1) DEFINITION.—In this subsection, the term 'allocated funds' means the funds allocated to a local area under paragraph (2)(A) or (3) of section 133(b).

''(2) RESERVATION.—The local area shall ensure that 5 percent of the allocated funds that are used to provide services under subsection (d) or (e) are reserved for services for older individuals.''.

SEC. 8. ELIGIBILITY OF OLDER WORKERS FOR THE WORK OPPORTUNITY CREDIT.

(a) IN GENERAL.—Section 51(d)(1) of the Internal Revenue Code of 1986 (relating to members of targeted groups) is amended—

(1) by striking ''or'' at the end of subparagraph (H),

(2) by striking the period at the end of subparagraph (I) and inserting '', or'', and

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

''(J) a qualified older worker.''.

(b) QUALIFIED OLDER WORKER.—Section 51(d) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (11), (12), and (13) as paragraphs (12), (13), and (14), respectively, and

(2) by inserting after paragraph (10) the following new paragraph:

''(11) QUALIFIED OLDER WORKER.—The term 'qualified older worker' means any individual who is certified by the designated local agency as being an individual who is age 55 or older and whose income is not more than 125 percent of the poverty line (as defined by the Office of Management and Budget), excluding any income that is unemployment compensation, a benefit received under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), a payment made to or on behalf of veterans or former members of the Armed Forces under the laws administered by the Secretary of Veterans Affairs, or 25 percent of a benefit received under title II of the Social Security Act (42 U.S.C. 401 et seq.).''.

(c) EFFECTIVE DATE.—The amendments made this section shall apply to amounts paid or incurred after the date of the enactment of this Act to individuals who begin work for the employer after such date.

SEC. 9. NORMAL RETIREMENT AGE.

(a) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 411of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) SPECIAL RULE FOR DETERMINING NORMAL RETIREMENT AGE FOR CERTAIN EXISTING DEFINED BENEFIT PLANS.—

''(1) IN GENERAL.—For purposes of subsection (a)(8)(A), an applicable plan shall not be treated as failing to meet any requirement of this subchapter, or as failing to have a uniform normal retirement age for purposes of this subchapter, solely because the plan has adopted the normal retirement age described in paragraph (2).

''(2) APPLICABLE PLAN.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'applicable plan' means a defined benefit plan that, on the date of the introduction of the Incentives for Older Workers Act, has adopted a normal retirement age which is the earlier of—

''(i) an age otherwise permitted under subsection (a)(8)(A), or

''(ii) the age at which a participant completes the number of years (not less than 30 years) of benefit accrual service specified by the plan.

A plan shall not fail to be treated as an applicable plan solely because, as of such date, the normal retirement age described in the preceding sentence only applied to certain participants or to certain employers participating in the plan.

''(B) EXPANDED APPLICATION.—If, after the date described in subparagraph (A), an applicable plan expands the application of the normal retirement age described in subparagraph (A) to additional participants or participating employers, such plan shall also be treated as an applicable plan with respect to such participants or participating employers.''.

(b) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 204 of the Employee Retirement Income Security Act of 1974 is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

''(k) SPECIAL RULE FOR DETERMINING NORMAL RETIREMENT AGE FOR CERTAIN EXISTING DEFINED BENEFIT PLANS.—

''(1) IN GENERAL.—For purposes of section 3(24), an applicable plan shall not be treated as failing to meet any requirement of this title, or as failing to have a uniform normal retirement age for purposes of this title, solely because the plan has adopted the normal retirement age described in paragraph (2).

''(2) APPLICABLE PLAN.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'applicable plan' means a defined benefit plan that, on the date of the introduction of the Incentives for Older Workers Act, has adopted a normal retirement age which is the earlier of—

''(i) an age otherwise permitted under section 2(24), or

''(ii) the age at which a participant completes the number of years (not less than 30 years) of benefit accrual service specified by the plan.

A plan shall not fail to be treated as an applicable plan solely because, as of such date, the normal retirement age described in the preceding sentence only applied to certain participants or to certain employers participating in the plan.

''(B) EXPANDED APPLICATION.—If, after the date described in subparagraph (A), an applicable plan expands the application of the normal retirement age described in subparagraph (A) to additional participants or participating employers, such plan shall also be treated as an applicable plan with respect to such participants or participating employers.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning before, on, or after the date of the enactment of this Act.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. LEVIN, Mr. LIEBERMAN, Mr. WHITEHOUSE, Mr. REED, and Mr. SCHUMER):

S. 2935. A bill to prevent the destruction of terrorist and criminal national instant criminal background check system records; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Preserving Records of Terrorist and Criminal Transactions, or PROTECT Act of 2008. I am proud to be joined by cosponsors Senators FEINSTEIN, LEVIN, LIEBERMAN, MENENDEZ, REED, SCHUMER, and WHITEHOUSE.

In 1994, we passed the Brady Law, which requires criminal background checks for all guns sold by licensed firearm dealers. In the 14 years since it was enacted, the Brady law has prevented more than 1.5 million felons and other dangerous individuals from buying guns. I am proud to say that more than 150,000 of those denials have been to convicted domestic abusers because of a law I wrote in 1996.

Every time a Brady background check is conducted, the FBI's National Instant Criminal Background Check System—or NICS—creates an audit log. The audit log includes information about the purchaser, the weapon, and the seller.

The information could be extremely valuable to the FBI. The agency could use it to help determine whether gun dealers are complying with the background check requirements, to help law enforcement fight crime by figuring out whether a criminal has been able to buy a gun, or even to help prevent terrorist attacks.

Yet, despite this information's value in fighting crime and terrorism, the FBI destroys the background check data.

In most cases, the audit log is destroyed within 24 hours after the sale is allowed to go through. That's because every year since 2004, a rider has been attached to appropriations bills mandating that the FBI destroy the background check record within 24 hours of allowing the gun sale to proceed. That means that the purchaser's name, social security number, and all other personally identifying information are purged from the system within 24 hours.

Once this information is destroyed, the FBI can no longer run searches using a person's name. So if a local law enforcement agency were to call the FBI to see if a criminal on the loose had purchased any guns recently, the FBI would not be able to search its database using the suspect's name if the gun was purchased two months, two weeks, or even two days earlier.

This destruction requirement hinders the FBI's ability to help the Bureau of Alcohol, Tobacco, Firearms, and Explosives verify that gun dealers are conducting background checks properly.

Before the destruction requirement, ATF could compare the NICS records to the paper records that gun dealers are required to keep on file to determine whether the dealers were submitting all the required information.

The destruction requirement also prevents the FBI from determining whether a felon, fugitive, or other person who is prohibited from having a gun was able to purchase one in violation of the law, and to retrieve guns from people who are prohibited from having them. The FBI has only three days to conduct background checks, and sometimes receives information after already approving a sale that the purchaser was legally prohibited from having a firearm. But without the background check information at hand, the FBI has no way of retrieving guns from these dangerous people who never should have been allowed to purchase them in the first place.

Prior to the 24–hour destruction requirement, the Government Accountability Office found that over a 6-month period the FBI used retained Brady background check records to initiate 235 actions to retrieve illegally possessed guns. According to GAO, 228—97 percent—of those retrieval actions would not have been possible under a 24-hour destruction policy. Those are hundreds of guns in the hands of felons, fugitives and other dangerous people. We have the power to stop them, and we should use it.

Up until now, I have been talking about dangerous people who are prohibited from having guns under current federal law, such as felons, fugitives, and convicted domestic abusers. But there is one category of very dangerous people who are allowed to purchase firearms under current federal law-known and suspected terrorists. It is hard to believe, but nothing in our federal gun laws prevents known and suspected terrorists from purchasing guns.

And we know that terrorists exploit this Terror Gap in our gun laws. In a 2005 report that Senator Biden and I requested, GAO found that during a four-month period in 2004, a total of 44 firearm purchase attempts were made by known or suspected terrorists. In 35 of those cases, the FBI authorized the transactions to proceed because FBI field agents were unable to find any disqualifying information within the federally prescribed three-day background check period. I have introduced another bill—the Denying Firearms and Explosives to Dangerous Terrorists Act S. 1237—to close this Terror Gap, and I urge my colleagues to support that bill as well.

Not only do our current laws allow terrorists to buy guns, but the FBI also destroys the background check records from terrorist gun purchases within 90 days. That means that a joint terrorism task force conducting a terror investigation over the course of months or even years cannot call the FBI to find out if the target of the investigation—someone who is on the terror watch list—purchased firearms last year.

The PROTECT Act would address both of these record retention problems by preserving records that are critical to effective background checks, law enforcement, and terrorism prevention. Specifically, it would:

(1) require the FBI to retain for 10 years all background check records involving a valid match to a terror watch list; and

(2) require the FBI to retain for at least 180 days all other background check records.

This is a common-sense public safety measure. At a time when 32 people are murdered as a result of gun violence every day in the United States and we are fighting against terrorism, the last thing we should be doing is prematurely destroying a valuable anti-crime and anti-terrorism tool that we have at our fingertips.

At a Commerce, Justice, Science and Related Agencies Appropriations Subcommittee hearing last year, I asked FBI Director Robert Mueller if he thought that background check records should be retained for more than 24 hours. He replied, ''[T]here is a substantial argument in my mind for retaining records for a substantial period of time.'' That's what this bill would do, and I hope my Senate colleagues will join me in passing it swiftly.

By Mr. GRAHAM (for himself, Mr. BURR, Mr. MCCAIN, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. CORNYN, Mr. ALEXANDER, Mrs. HUTCHISON, Mr. MARTINEZ, Mr. STEVENS, Mr. COCHRAN, Ms. COLLINS, Mr. BARRASSO, Mr. DOMENICI, Mrs. DOLE, Mr. WICKER, Mr. ISAKSON, and Mr. INHOFE):

S. 2938. A bill to amend titles 10 and 38, United States Code, to improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

Mr. MCCAIN. Mr. President, I am very pleased to join today with Senator LINDSEY GRAHAM, the Ranking Member of the Personnel Subcommittee of the Senate Armed Services Committee, and Senator RICHARD BURR, the Ranking Member of the Senate Veterans Committee, in introducing the Enhancement of Recruitment, Retention, and Readjustment Through Education Act. This legislation, which is designed to greatly enhance veterans' education benefits, is also cosponsored by Senators CHAMBLISS, LIEBERMAN, CORNYN, ALEXANDER, HUTCHISON, MARTINEZ, STEVENS, COCHRAN, COLLINS, BARRASSO, DOMENICI, DOLE, WICKER, and ISAKSON.

Mr. President, America has an obligation to provide unwavering support to America's veterans, servicemembers, and retirees. Men and women who have served their country deserve the best education benefits we are able to give them, and they deserve to receive them as quickly as possible. And that is what our legislation is designed to accomplish.

The Enhancement of Recruitment, Retention, and Readjustment Through Education Act would increase education benefits for servicemembers, veterans, and members of the Guard and Reserve. It would help facilitate successful recruitment efforts and, importantly, encourage continued service in the military by granting a higher education payment for longer service. It also provides a transferability feature to allow the serviceman and woman to have the option of transferring education benefits to their children and spouses. In developing this legislation, the one theme we heard from almost every veterans' services organization is the need for such a transferability provision.

As my colleagues know, our proposal is not the only measure that has been offered to increase GI education benefits, and I want to commend the efforts of Senators WEBB, HAGEL, WARNER and others on their work to bring this important issue to the forefront in the Senate, by the introduction of S. 22. Each of us supports a revitalized GI program. While I don't think anyone disagrees with the overall intent of S. 22, I believe we can and should do more to promote recruitment and retention of servicemen and women and to ensure that veterans and their families receive the education benefits they deserve, and in a timely manner. But I remain very hopeful that we can all work together in a bipartisan manner to ensure that Congress enacts meaningful legislation that will be signed into law as soon as possible.

Unlike S. 22, our legislation builds on the existing Montgomery GI Bill educational benefits to ensure rapid implementation. Unlike S. 22, our bill focuses on the entire spectrum of military members who make up the All Volunteer Force, from the newest recruit to the career NCOs, officers, reservists and National Guardsmen, to veterans who have completed their service and retirees, as well as the families of all of these individuals.

The legislation would immediately increase education benefits for active duty personnel from $1100 to $1500 a month. To encourage careers in the military, the education benefits would increase to $2000 a month after 12 or more years of service. Further, it would allow a servicemember to transfer 50 percent of benefits to a spouse or child starting after 6 years of service, and after 12 years of service, 100 percent may be transferred to a spouse or dependent children. This is a key pro-retention provision. In addition, our bill would provide $500 annually for college books and supplies while our servicemembers are going to school.

The bill also would increase from $880 to $1200 per month the education benefits for Guard and Reserve members called to active duty since September

11, 2001. Further, it would gradually increase benefits to $1600 per month for those members of the Guard and Reserves who serve in the Selected Reserve for 12 years or more and who continue serving in the Selected Reserve.

Servicemembers who enlist after they have already received post-secondary education degrees should also be allowed to benefit under an improved GI Bill and be allowed to use their education benefits to repay Federal student loans. Under our bill, servicemembers could use up to $6,000 per year of Montgomery G.I. Bill education benefits to repay Federal student loans. And, it doubles from $317 to $634 the education benefits for other members of the Guard and Reserves.

Our bill also recognizes the sacrifice of all who have served in the Global War on Terror, including members of the Guard and Reserve who are serving on active duty and deploying at historic rates by doubling the educational assistance for members of the Selected Reserve and, again, making the educational benefits transferable to family members.

Finally, I do think it is important that the Administration's views on this important issue are taken into account. That is why earlier this month, Senator LEVIN and I wrote to the Department of Defense seeking views on proposals to modernize the GI Bill.

Again, it is my hope that the proponents of the pending veteran's education benefits measures can join together to ensure that Congress enacts meaningful legislation that the President will sign. Such legislation should address the entire spectrum of the All Volunteer Force. It must be easily understood and implemented and responsive to the needs not only of veterans, but also of those who are serving in the active duty forces, the Guard and Reserve, and their families. Their exemplary service to our nation, and the sacrifice of their families, deserves no less.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, DC, April 29, 2008.

Hon. JOHN MCCAIN,
Ranking Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: you earlier asked for my views on S. 22. Since your request, two other bills have been introduced (H.R. 5684 and, in the Senate, the Enhancement of Recruitment, Retention, and Readjustment Through Education Act of 2008). I welcome the opportunity to outline the criteria the Department has established to evaluate specific proposals, with the ultimate objective of strengthening the All-Volunteer Force, as well as properly recognizing our veterans' service.

Our first objective is to strengthen the All-Volunteer force. Accordingly, it is essential to permit transferability of unused education benefits from service members to family. This is the highest priority set by the Service Chiefs and the Chairman of the Joint Chiefs of Staff, reflecting the strong interest from the field and fleet. Transferability supports military families, thereby enhancing retention. Second, any enhancement of the education benefit, whether used in service or after retirement, must serve to enhance recruiting and not undercut retention.

Third, significant benefit increases need to be focused on those willing to commit to longer periods of service—hence the Department's interest in at least six years of service to be eligible for transferability. Re-enlistments (and longer service) are critical to the success of the All-Volunteer Force. Fourth, the program should provide participants with benefits tailored to their unique situation, thereby broadening the population from which we retain and recruit. This includes those whose past educational achievements have resulted in education debt through student loans, and those seeking advanced degrees and who may have earned undergraduate degrees with Department of Defense support.

As you may well appreciate, a key issue is the determination of the benefit level for the basic GI bill program. The Department estimates that serious retention issues could arise if the benefit were expanded beyond the level sufficient to offset average monthly costs for a public four-year institution (tuition, room, board, and fees). These costs are presently estimated at about $1,500 according to the National Center for Education Statistics. This would still entail a substantial increase to the present benefit value of $1,100.

An important corollary to the GI Bill is the recognition that today, remaining in the military is entirely consistent with the attainment of education goals. Unlike the past, our nation now encourages the fulfillment of college aspirations while serving, thus dealing with readjustment through up front programs, rather than only after discharge. DoD invests about $700 million annually to offer funded, education tuition assistance for our servicemen and women while serving. More than 400,000 members of the armed forces took advantage of such tuition assistance last year.

In conclusion, for all these reasons, the Department does not support S. 22. This legislation does not meet, and, in some respects, is in direct variance to the Department's above-stated objectives and supporting criteria.

Thank you for the opportunity to comment. We look forward to working closely with the Congress to strengthen the All-Volunteer force through a balanced program of recruiting, retention and education benefits, and to recognize the service of our veterans.

Sincerely,

ROBERT M. GATES

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 539—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN STATE OF MAINE V. DOUGLAS RAWLINGS, JONATHAN KREPS, JAMES FREEMAN, HENRY BRAUN, ROBERT SHETTERLY, AND DUDLEY HENDRICK

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 539

Whereas, in the cases of State of Maine v. Douglas Rawlings (CR 09–2007–441), Jonathan Kreps (CR–2007–442), James Freeman (CR–2007–443), Henry Braun (CR–2007–444), Robert Shetterly (CR–2007–445), and Dudley Hendrick (CR–2007–467), pending in Penobscot County Court in Bangor, Maine, a defendant has subpoenaed testimony from Carol Woodcock, an employee in the office of Senator Susan Collins;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved That Carol Woodcock is authorized to testify in the cases of State of Maine v. Douglas Rawlings, Jonathan Kreps James Freeman, Henry Braun, Robert Shetterly, and Dudley Hendrick, except concerning matters for which a privilege should he asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Carol Woodcock, and any other employee of the Senator from whom evidence may be sought, in the actions referenced in section one of this resolution.

SENATE RESOLUTION 540—RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE SLOOP-OF-WAR USS ''CONSTELLATION'' AS A REMINDER OF THE PARTICIPATION OF THE UNITED STATES IN THE TRANSATLANTIC SLAVE TRADE AND OF THE EFFORTS OF THE UNITED STATES TO END THE SLAVE TRADE

Ms. MIKULSKI (for herself and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 540

Whereas, on September 17, 1787, the Constitution of the United States was adopted, and article I, section 9 declared that Congress could prohibit the importation of slaves into the United States in the year 1808;

Whereas, in 1794, the United States Congress passed ''An Act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country'', approved March 22, 1794 (1 Stat. 347), thus beginning the efforts of the United States to halt the slave trade;

Whereas, on May 10, 1800, Congress enacted a law that outlawed all participation by people in the United States in the international trafficking of slaves and authorized the United States Navy to seize vessels flying the flag of the United States engaged in the slave trade;

Whereas, on March 2, 1807, President Thomas Jefferson signed into law ''An Act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first of January, in the year of our Lord one thousand eight hundred and eight'' (2 Stat. 426);