

of duty, any part of which is within the period commencing at midnight Friday and ending at midnight Sunday, shall receive additional pay in addition to the rate of basic pay provided such employees for each hour of service on such tour at a rate equal to 25 percent of such employee's hourly rate of basic pay."

(n) EXEMPTION OF ADDITIONAL NURSE POSITIONS FROM LIMITATION ON INCREASE IN RATES OF BASIC PAY.—Section 7455(c)(1) of such title is amended by inserting after "nurse anesthetists," the following: "licensed practical nurses, licensed vocational nurses, and nursing positions otherwise covered by title 5."

SEC. 3. LIMITATIONS ON OVERTIME DUTY, WEEK-END DUTY, AND ALTERNATIVE WORK SCHEDULES FOR NURSES.

(a) OVERTIME DUTY.—

(1) IN GENERAL.—Subchapter IV of chapter 74 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7459. Nurses: special rules for overtime duty

"(a) LIMITATION.—Except as provided in subsection (c), the Secretary may not require a nurse to work more than 40 hours (or 24 hours if such nurse is covered under section 7456) in an administrative work week or more than eight consecutive hours (or 12 hours if such nurse is covered under section 7456 or 7456A).

"(b) VOLUNTARY OVERTIME.—(1) A nurse may on a voluntary basis elect to work hours otherwise prohibited by subsection (a).

"(2) The refusal of a nurse to work hours prohibited by subsection (a) shall not be grounds to discriminate (within the meaning of section 704(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-3(a))) against the nurse, dismissal or discharge of the nurse, or any other adverse personnel action against the nurse.

"(c) OVERTIME UNDER EMERGENCY CIRCUMSTANCES.—(1) Subject to paragraph (2), the Secretary may require a nurse to work hours otherwise prohibited by subsection (a) if—

"(A) the work is a consequence of an emergency that could not have been reasonably anticipated;

"(B) the emergency is non-recurring and is not caused by or aggravated by the inattention of the Secretary or lack of reasonable contingency planning by the Secretary;

"(C) the Secretary has exhausted all good faith, reasonable attempts to obtain voluntary workers;

"(D) the nurse has critical skills and expertise that are required for the work; and

"(E) the work involves work for which the standard of care for a patient assignment requires continuity of care through completion of a case, treatment, or procedure.

"(2) A nurse may not be required to work hours under this subsection after the requirement for a direct role by the nurse in responding to medical needs resulting from the emergency ends.

"(d) NURSE DEFINED.—In this section, the term 'nurse' includes the following:

"(1) A registered nurse.

"(2) A licensed practical or vocational nurse.

"(3) A nurse assistant appointed under this chapter or title 5.

"(4) Any other nurse position designated by the Secretary for purposes of this section."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 of such title is amended by inserting after the item relating to section 7458 the following new item:

"7459. Nurses: special rules for overtime duty."

(b) WEEKEND DUTY.—Section 7456 of such title is amended—

(1) in subsection (a) by striking "regularly scheduled 12-hour tour of duty" and inserting "scheduled 12-hour periods of service";

(2) in subsection (b)—

(A) in paragraph (2), by striking "service performed as part of a regularly scheduled 12-hour tour of duty" and inserting "any service performed"; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "regularly scheduled two 12-hour tours of duty" and inserting "scheduled 12-hour period of service";

(ii) in subparagraph (B), by striking "regularly scheduled two 12-hour tour of duty" and inserting "scheduled 12-hour period of service"; and

(iii) in subparagraph (C), by striking "regularly scheduled two 12-hour tours of duty" and inserting "scheduled two 12-hour periods of service";

(3) by striking subsection (c); and

(4) by redesignating subsection (d) as (c).

(c) ALTERNATE WORK SCHEDULES.—

(1) IN GENERAL.—Section 7456A(b)(1)(A) of such title is amended by striking "three regularly scheduled" and all that follows through the period at the end and inserting "six regularly scheduled 12-hour periods of service within a pay period shall be considered for all purposes to have worked a full 80-hour pay period."

(2) CONFORMING AMENDMENTS.—Section 7456A(b) of such title is amended—

(A) in the subsection heading, by striking "36/40" and inserting "72/80";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "40-hour basic work week" and inserting "80-hour pay period";

(ii) in subparagraph (B), by striking "regularly scheduled 36-hour tour of duty within the work week" and inserting "scheduled 72-hour period of service within the bi-weekly pay period";

(iii) in subparagraph (C)—

(I) in clause (i), by striking "regularly scheduled 36-hour tour of duty within an administrative work week" and inserting "scheduled 72-hour period of service within an administrative pay period";

(II) in clause (ii), by striking "regularly scheduled 12-hour tour of duty" and inserting "scheduled 12-hour period of service"; and

(III) in clause (iii), by striking "regularly scheduled 36-hour tour of duty work week" and inserting "scheduled 72-hour period of service pay period"; and

(iv) in subparagraph (D), by striking "regularly scheduled 12-hour tour of duty" and inserting "scheduled 12-hour period of service"; and

(C) in paragraph (3), by striking "regularly scheduled 12-hour tour of duty" and inserting "scheduled 12-hour period of service".

SEC. 4. IMPROVEMENTS TO CERTAIN EDUCATIONAL ASSISTANCE PROGRAMS.

(a) REINSTATEMENT OF HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE SCHOLARSHIP PROGRAM.—

(1) IN GENERAL.—Section 7618 of title 38, United States Code, is amended by striking "December 31, 1998" and inserting "December 31, 2013".

(2) EXPANSION OF ELIGIBILITY REQUIREMENTS.—Paragraph (2) of section 7612(b) of such title is amended by striking "(under section)" and all that follows through the period at the end and inserting the following: "as an appointee under paragraph (1) or (3) of section 7401 of this title."

(b) IMPROVEMENTS TO EDUCATION DEBT REDUCTION PROGRAM.—

(1) INCLUSION OF EMPLOYEE RETENTION AS PURPOSE OF PROGRAM.—Section 7681(a)(2) of

such title is amended by inserting "and retention" after "recruitment" the first time it appears.

(2) ELIGIBILITY.—Section 7682 of such title is amended—

(A) in subsection (a)(1), by striking "a recently appointed" and inserting "an"; and

(B) by striking subsection (c).

(3) MAXIMUM AMOUNTS OF ASSISTANCE.—Section 7683(d)(1) of such title is amended—

(A) by striking "\$44,000" and inserting "\$60,000"; and

(B) by striking "\$10,000" and inserting "\$12,000".

(c) LOAN REPAYMENT PROGRAM FOR CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may, in consultation with the Secretary of Health and Human Services, utilize the authorities available in section 487E of the Public Health Service Act (42 U.S.C. 288-5) for the repayment of the principal and interest of educational loans of appropriately qualified health professionals who are from disadvantaged backgrounds in order to secure clinical research by such professionals for the Veterans Health Administration.

(2) LIMITATIONS.—The exercise by the Secretary of Veterans Affairs of the authorities referred to in paragraph (1) shall be subject to the conditions and limitations specified in paragraphs (2) and (3) of section 487E(a) of the Public Health Service Act (42 U.S.C. 288-5(2) and (3)).

(3) FUNDING.—Amounts for the repayment of principal and interest of educational loans under this subsection shall be derived from amounts available to the Secretary of Veterans for the Veterans Health Administration for Medical Services.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 544—DESIGNATING MAY 5 THROUGH 9, 2008, AS NATIONAL SUBSTITUTE TEACHER RECOGNITION WEEK

Mr. HATCH (for himself, Mrs. CLINTON, Mr. COCHRAN, and Mr. SANDERS) submitted the following resolution; which was considered and agreed to:

S. RES. 544

Whereas, on average, as much as 1 full year of a child's elementary and secondary education is taught by substitute teachers;

Whereas, on any given day in the United States, more than 270,000 classes are taught by substitute teachers;

Whereas formal training of substitute teachers has been shown to improve the quality of education, lower school district liability, reduce the number of student and faculty complaints, and increase retention rates of substitute teachers;

Whereas a strong, effective system of education for all children and youth is essential to our Nation's continued strength and prosperity;

Whereas much of a child's growth and progress can be attributed to the efforts of dedicated teachers and substitute teachers who are entrusted with the child's educational development;

Whereas substitute teachers play a vital role in maintaining continuity of instruction and a positive learning environment in the absence of a permanent classroom teacher; and

Whereas substitute teachers should be recognized for their dedication and commitment: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 5 through 9, 2008, as the 7th annual National Substitute Teacher Recognition Week;

(2) recognizes the important and vital role substitute teachers play in a child's education; and

(3) encourages educational institutions to observe the week with appropriate events and activities.

SENATE RESOLUTION 545—HONORING THE RECIPIENTS OF THE EL DORADO PROMISE SCHOLARSHIP

Mr. PRYOR (for himself and Mrs. LINCOLN) submitted the following resolution; which was considered and agreed to:

S. RES. 545

Whereas the 2000 United States Census determined that El Dorado, Arkansas, had a significantly lower percentage of residents with degrees from institutions of higher education and a significantly higher percentage of families who fell below the poverty line than the national average;

Whereas it is increasingly important for students to obtain a college education in order to keep up with the demands of the modern workforce and global economy;

Whereas the El Dorado Promise scholarship is a tuition scholarship, created and funded by Murphy Oil Corporation, which enables all eligible high school graduates of the El Dorado Public School District in El Dorado, Arkansas, to attend any accredited 2- or 4-year, public or private, college or university;

Whereas school enrollment in the El Dorado Public School District has significantly increased since the El Dorado Promise scholarship program was established, despite a 15-year trend of decreasing enrollment;

Whereas the El Dorado Promise scholarship program increased the number of El Dorado High School students who chose to attend college after graduation by 20 percent; and

Whereas, on April 30, 2008, El Dorado High School students who receive El Dorado Promise and other academic scholarships sign academic letters of intent for the colleges they will be attending upon graduation: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the recipients of the El Dorado Promise scholarship for choosing to further their education;

(2) recognizes April 30, 2008, as the second Academic Signing Day for graduating El Dorado High School students receiving El Dorado Promise and other academic scholarships;

(3) acknowledges that the El Dorado Promise scholarship program is important for the revitalization of southern Arkansas; and

(4) recognizes Murphy Oil Corporation for its efforts to ensure that children from southern Arkansas, who might otherwise struggle in financing a college education, are able to attend college.

SENATE RESOLUTION 546—DESIGNATING MAY 2008 AS “NATIONAL PHYSICAL FITNESS AND SPORTS MONTH” AND THE WEEK OF MAY 1 THROUGH MAY 7, AS “NATIONAL PHYSICAL EDUCATION AND SPORTS WEEK”

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

S. RES. 546

Whereas regular physical activity helps increase endurance, strengthen bones and muscles, control weight, and reduce anxiety and stress, and may improve blood pressure and cholesterol levels;

Whereas about ⅓ of young people in the ninth through 12th grades do not engage in recommended levels of physical activity, and daily participation in high school physical education classes has declined over the last 7 years;

Whereas 39 percent of adults report they are not physically active, and only 3 in 10 adults engage in the recommended amount of physical activity;

Whereas, in 2004, more than 9,000,000 children and adolescents in the United States between the ages of 6 and 19 were considered overweight;

Whereas obesity and inactivity are 2 major risk factors for developing type 2 diabetes, a disease that affects millions of people in the United States;

Whereas many chronic diseases may be prevented by living a healthy lifestyle that includes regular physical activity and a balanced diet;

Whereas, according to the Centers for Disease Control and Prevention, the American Heart Association, and the American College of Sports Medicine, minimum physical activity for adults consists of moderate activity for 30 minutes 5 days a week or vigorous activity for 20 minutes 3 days a week;

Whereas, according to a 1996 report by the Surgeon General, positive experiences with physical activity at a young age help to lay the foundation for being active throughout life;

Whereas the President's Council on Physical Fitness and Sports promotes regular physical activity to achieve and maintain good health and to prevent chronic disease and offers motivational tools through the President's Challenge program for people of all ages to track physical activity; and

Whereas the month of May has been recognized since 1983 as National Physical Fitness and Sports Month to encourage physical fitness and activity and to promote health in children and adults of all ages: Now, therefore, be it

Resolved, That the Senate—

(1) designates—

(A) May 2008 as “National Physical Fitness and Sports Month”; and

(B) the week of May 1 through May 7, 2008, as “National Physical Education and Sports Week”; and

(2) encourages the people of the United States to observe the month and the week with appropriate ceremonies and activities.

SENATE RESOLUTION 547—DESIGNATING THE WEEK OF MAY 4 THROUGH MAY 10, 2008 AS “NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK” AND MAY 7, 2008, AS “OCCUPATIONAL SAFETY AND HEALTH PROFESSIONALS DAY”

Mr. DURBIN (for himself, Mr. ISAKSON, Mr. KENNEDY, and Mr. OBAMA) submitted the following resolution; which was considered and agreed to:

S. RES. 547

Whereas every year more than 5,700 people die from job-related injuries and 4,400,000 more incur occupational injuries and illnesses in the United States;

Whereas transportation crashes continue to be the number 1 cause of on-the-job deaths, and overall in 2005 there were

6,159,000 transportation accidents resulting in 43,433 deaths, 2,700,000 injuries, and an estimated \$230,600,000,000 in tangible costs;

Whereas businesses spend \$170,000,000,000 a year on costs associated with occupational injuries and illnesses;

Whereas it is imperative that employers, employees, and the general public are aware of the importance of preventing illness and injury in the workplace—wherever that workplace may be, such as on the road, in the air, the classroom, the store, the plant, or the office;

Whereas each year the families, friends, and co-workers of victims of on-the-job accidents suffer intangible losses and grief, especially when proper safety measures could have prevented worker injury or death;

Whereas everyday millions of people go to and return home from work safely due, in part, to the efforts of occupational safety, health, and environmental practitioners who work day in and day out identifying hazards and implementing safety and health advances across industries and workplaces, aimed at eliminating workplace fatalities, injuries, and illnesses;

Whereas our society has long recognized that a safe and healthy workplace positively impacts employee morale, health, and productivity;

Whereas the purpose of the North American Occupational Safety and Health Week (NAOSH) is to raise awareness among employees, employers, and the general public of the benefits of investing in occupational safety and health;

Whereas the more than 32,000 members of the American Society of Safety Engineers, along with the more than 150,000 combined members of the American Association of Occupational Health Nurses, the American Heart Association, and the National Association of Homebuilders, will be mobilizing to encourage safe practices, and increase the quality of life for employees and employers;

Whereas the theme of NAOSH Week 2008 is “safety is good business”, highlighting that businesses operate more efficiently and are more respected when they use effective safety and health management systems; and

Whereas, on May 7, 2008, occupational safety and health professionals will be recognized during the 3rd annual Occupational Safety and Health Professionals Day for the work they do to keep people safe at work: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 4 through 10, 2008, as “North American Occupational Safety and Health Week”; and

(2) designates May 7, 2008, as “Occupational Safety and Health Professionals Day”; and

(3) commends occupational safety, health, and environmental practitioners for their ongoing commitment to protecting people, property, and the environment;

(4) commends those businesses that encourage a strong safety culture and incorporate occupational safety and health into their business strategies;

(5) encourages all industries, organizations, community leaders, employers, and employees to join with the American Society of Safety Engineers to support activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace, during the week of May 4 through May 10, 2008, and throughout the year; and

(6) urges all people of the United States to continue to act responsibly and to be safe at work so that the millions of people who go to work return home safely every day to their families and friends.