(Mrs. CLINTON) was added as a cosponsor of S. 2471, a bill to amend title 38, United States Code, to improve the enforcement of the Uniformed Services Employment and Reemployment Rights Act of 1994, and for other purposes.

S. 2477

At the request of Mr. DEMINT, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2477, a bill to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce.

S. 2543

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2543, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 2550

At the request of Mrs. HUTCHISON, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2550, a bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes.

S. 2559

At the request of Mr. DODD, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2559, a bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability.

S. 2566

At the request of Mr. ISAKSON, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Utah (Mr. HATCH) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2566, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

S. 2569

At the request of Mrs. BOXER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2569, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

S. 2575

At the request of Mrs. HUTCHISON, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2575, a bill to amend title 38, United States Code, to remove certain limitations on the transfer of entitlement to basic educational assistance under Montgomery GI Bill, and for other purposes.

S. 2578

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2578, a bill to temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services.

S. RES. 390

At the request of Mr. KOHL, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. Res. 390, a resolution designating March 11, 2008, as National Funeral Director and Mortician Recognition Day.

S. RES. 434

At the request of Mr. BIDEN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Res. 434, a resolution designating the week of February 10–16, 2008, as ''National Drug Prevention and Education Week''.

AMENDMENT NO. 3909

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of amendment No. 3909 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

At the request of Mr. BOND, his name was added as a cosponsor of amendment No. 3909 proposed to S. 2248, supra.

AMENDMENT NO. 3932

At the request of Mr. WHITEHOUSE, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Missouri (Mr. BOND) were added as cosponsors of amendment No. 3932 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3960

At the request of Mr. KENNEDY, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Missouri (Mr. BOND) were added as cosponsors of amendment No. 3960 proposed to S. 2248, an original bill to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

AMENDMENT NO. 3967

At the request of Mr. COBURN, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Kentucky (Mr. BUNNING), the Senator from South Carolina (Mr. DEMINT), the Senator from Iowa (Mr. GRASSLEY) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 3967 intended to be proposed to S. 2483, a bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARPER (for himself and Mrs. MCCASKILL):

S. 2583. A bill to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. Mr. President, I rise today to introduce the Improper Payments Elimination and Recovery Act of 2008.

At first glance, a bill with a name like that might not seem too exciting. But I can assure my colleagues that it addresses a serious, largely unknown problem that is a real threat to our fiscal well being.

Each year, agencies are required to look at all of their programs and activities and determine which are susceptible to significant improper payments. For those that are deemed at risk, agencies must produce estimated error rates that are included in their year-end financial statements. They must also come up with action plans for reducing their errors.

In fiscal year 2007, agencies are estimated to have made nearly $55 billion in improper payments. That is an astounding number, Mr. President.

We spend so much time around here throwing around numbers like $55 billion that they begin to lose their meaning. So I want to take a minute or so to put that number in perspective.

I was surprised to learn that $55 billion is more than the total budget for the Department of Homeland Security. It is also twice as much as we're projected to spend to protect the vehicles our soldiers are using in Iraq against roadside bombs.

To illustrate further the amount of money we are talking about, $55 billion is just a little bit less than the total GDP of Vietnam. It is a little bit more than the GDPs of Croatia and Slovakia. Most astoundingly, $55 billion equals the combined GDPs of 44 of the smaller countries in the world.

So our Federal Government is likely wasting more money than the total populations of many countries produce in a given year.

But $55 billion is not even a real number. It is likely just the tip of the iceberg. It includes no error estimates for massive programs like TANF, SCHIP, and the Medicare Prescription Drug Program. So I expect that we will see more than $55 billion in improper payments next year and the year after.

My colleagues and I on the Homeland Security and Governmental Affairs Committee's Subcommittee on Federal Financial Management have held six hearings focused on this issue now, including one this afternoon. What we

have learned is that, in some cases, agencies are just not taking their responsibility to deal with and address their problems with improper payments and the management weaknesses that can cause them. The bill I am bringing forward today addresses just about all of the failures and deficiencies we've learned about through our oversight.

My bill starts by improving transparency. OMB right now has set the reporting threshold for improper payments too low, meaning millions of errors go unreported—and potentially unaddressed—each year. I want to lower the reporting threshold so that Congress and the general public have a better picture of the problem we face.

My bill would also help to prevent improper payments from happening in the first place by requiring that agencies come up with stronger corrective action plans and aggressive error reduction targets. It would also implement a recent recommendation from GAO that called on OMB to develop a process whereby agencies would receive regular audited opinions on the financial controls used to prevent improper payments before they happen.

My bill would also force agencies to be more aggressive in recovering improper payments they make. Some agencies—and most private sector firms—regularly go over their books to identify payment errors and get back overpayments made to contractors and others they do business with. We haven't done that enough in the Federal Government. Even as the agencies are reporting more and more improper payments, the amount recovered remains miniscule. I want to change this by requiring that all agencies with outlays of $1 million or more perform recovery audits on all of their programs and activities if doing so is cost effective.

Finally—and perhaps most importantly—my bill would hold agencies accountable. Today, as I mentioned, some agencies do not appear to be taking improper payments very seriously. I want to force agencies to hold top managers accountable for their progress—or lack of progress—in doing something to take better care of the tax dollars we entrust them with.

I look forward to working with my colleagues to get these important reforms enacted. I am sure we can all agree that allowing this level of waste to continue unchecked is reckless and unacceptable.

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. 2583

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Improper Payments Elimination and Recovery Act of 2008''.

**SEC. 2. IMPROPER PAYMENTS ELIMINATION AND RECOVERY.**

(a) SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (a) and inserting the following:

''(a) IDENTIFICATION OF SUSCEPTIBLE PROGRAMS AND ACTIVITIES.—

''(1) IN GENERAL.—The head of each agency shall, in accordance with guidance prescribed by the Director of the Office of Management and Budget, annually review all programs and activities that it administers and identify all such programs and activities that may be susceptible to significant improper payments.

''(2) ANNUAL RISK ASSESSMENT.—

''(A) DEFINITION.—In this paragraph the term 'significant' means that improper payments in the program or activity in the preceding fiscal year exceeded—

''(i) 2.5 percent of all program or activity payments made during that fiscal year; or

''(ii) $10,000,000.

''(B) RISK ASSESSMENT.—The review under paragraph (1) shall include a risk assessment that includes—

''(i) a systematic process for producing a statistically valid estimate of the level of improper payments being made by the agency; and

''(ii) an identification of the risks for each program and activity resulting from the estimates made under clause (i).''.

(b) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (c) and inserting the following:

''(c) REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.—With respect to any program or activity of an agency with estimated improper payments under subsection (b), the head of the agency shall provide with the estimate under subsection (b) a report on what actions the agency is taking to reduce the improper payments, including—

''(1) a discussion of the causes of the improper payments identified, actions planned or taken to correct those causes, and the planned or actual completion date of the actions taken to address those causes;

''(2) in order to reduce improper payments to minimal cost-effective levels, a statement of whether the agency has—

''(A) the internal controls, including information systems;

''(B) the human capital; and

''(C) other infrastructure the agency needs;

''(3) if the agency does not have the internal controls, a description of the resources the agency has requested in its budget submission to establish the internal controls;

''(4) a description of the steps the agency has taken to ensure that agency managers (including the head of the agency) are held accountable for establishing the appropriate internal controls, including an appropriate control environment, that prevent improper payments from occurring and promptly detect and collect improper payments made; and

''(5) a statement of whether or not the agency has—

''(A) conducted annual improper payment risk assessments;

''(B) developed and implemented improper payment control plans; and

''(C) implemented appropriate improper payment detection, investigation, reporting, and data collection procedures and processes.''.

(c) REPORTS ON RECOVERY ACTIONS AND GOVERNMENTWIDE REPORTING.—

(1) IN GENERAL.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(A) by redesignating subsections (d), (e), and (f) as subsections (f), (g), and (h), respectively; and

(B) by inserting after subsection (c) the following:

''(d) REPORTS ON ACTIONS TO RECOVER IMPROPER PAYMENTS.—With respect to any improper payments identified in recovery audits conducted under section 2(g) of the Improper Payments Elimination and Recovery Act of 2008, the head of the agency shall provide with the estimate under subsection (b) a report on what actions the agency is taking to recover improper payments, including—

''(1) the types of errors from which improper payments resulted;

''(2) a discussion of the methods used by the agency to recover improper payments;

''(3) the amounts recovered, outstanding, and determined to not be collectable; and

''(4) an aging schedule of the amounts outstanding.

''(e) GOVERNMENTWIDE REPORTING OF IMPROPER PAYMENTS.—

''(1) DEPARTMENT OF THE TREASURY.—The Secretary of the Treasury shall include in each report submitted under section 331(a) of title 31, United States Code, the improper payment information reported by the agencies on a governmentwide basis.

''(2) OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall—

''(A) coordinate with the Secretary of the Treasury in the preparation of the information to be reported under paragraph (1); and

''(B) prescribe regulations for—

''(i) the information required to be reported; and

''(ii) a format of reporting such information on a governmentwide basis to be used by agencies.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 331(a) of title 31, United States Code, is amended—

(A) in paragraph (6), by striking ''and'' after the semicolon;

(B) in paragraph (7), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(8) the improper payments information required under section 2(e) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).''.

(d) DEFINITIONS.—Section 2 of the Improper Payment Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (g) (as redesignated by this section) and inserting the following:

''(g) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency' means an executive agency, as that term is defined in section 102 of title 31, United States Code.

''(2) IMPROPER PAYMENT.—The term 'improper payment'—

''(A) means any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements; and

''(B) includes any payment to an ineligible recipient, any payment for an ineligible good or service, any duplicate payment, payments for services not received, and any payment that does not account for credit for applicable discounts.

''(3) PAYMENT.—The term 'payment' means any transfer or commitment for future transfer of cash, in-kind benefits, goods, services, loans and loan guarantees, insurance subsidies, and other items of value between Federal agencies and their employees, vendors, partners, and beneficiaries, and parties to contracts, grants, leases, cooperative agreements, or any other procurement mechanism, that is—

''(A) made by a Federal agency, a Federal contractor, or a governmental or other organization administering a Federal program or activity; and

''(B) derived from Federal funds or other Federal resources or that will be reimbursed from Federal funds or other Federal resources.

''(4) PAYMENT FOR AN INELIGIBLE GOOD OR SERVICE.—The term 'payment for an ineligible good or service' shall include a payment for any good or service that is in violation of any provision of any contract, grant, lease, cooperative agreement, or any other procurement mechanism, including any provision relating to quantity, quality, or timeliness.''.

(e) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking subsection (h) (as redesignated by this section) and inserting the following:

''(h) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the Improper Payments Elimination and Recovery Act of 2008, the Director of the Office of Management and Budget shall prescribe updated guidance to implement and provide for full compliance with the requirements of this section. The guidance shall not include any exemptions not specifically authorized by this section.

''(2) CONTENTS.—The updated guidance under paragraph (1) shall prescribe—

''(A) the form of the reports on actions to reduce improper payments, recovery actions, and governmentwide reporting; and

''(B) strategies for addressing risks and establishing appropriate prepayment and postpayment internal controls.''.

(f) INTERNAL CONTROLS.—

(1) REPORT ON EFFECTIVENESS OF A-123 IMPLEMENTATION.—The President's Council on Integrity and Efficiency shall conduct a study of the effectiveness of implementation of the Office of Management and Budget's Circular No. A–123 (revised), Management's Responsibility for Internal Control at preventing improper payments or addressing internal control problems that contribute to improper payments, and not later than 1 year after the date of enactment of this Act, submit a report on the study to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Oversight and Government Reform of the House of Representatives;

(C) the Director of the Office of Management and Budget; and

(D) the Comptroller General.

(2) CONSULTATION AND COOPERATION.—The President's Council on Integrity and Efficiency shall consult and cooperate with the committees and director described under paragraph (1) to ensure the nature and scope of the study under paragraph (1) will address the needs on those committees and the Director of the Office of Management and Budget, including how the implementation of Circular No. A–123 (revised) has helped to identify, report, prevent, and recover improper payments.

(3) DETERMINATION OF AGENCY READINESS FOR OPINION ON INTERNAL CONTROL.—Not later than 1 year after the date of enactment of the Improper Payments Elimination and Recovery Act of 2008, the Director of the Office of Management and Budget shall develop—

(A) specific criteria as to when an agency should initially be required to obtain an opinion on internal control over financial reporting; and

(B) criteria for an agency that has demonstrated a stabilized, effective system of internal control over financial reporting, whereby the agency would qualify for a multiyear cycle for obtaining an audit opinion on internal control over financial reporting, rather than an annual cycle.

(g) RECOVERY AUDITS.—An agency with outlays of $1,000,000 or more in any fiscal year shall conduct a recovery audit (as that term is defined by the Director of the Office of Management and Budget under section 3561 of title 31, United States Code) of all programs and activities, if the agency determines that—

(1) conducting an internal recovery audit would be effective; or

(2) a prior audit has identified improper payments that can be recouped and it is cost beneficial for a recovery activity to recapture those funds.

(h) REPORT ON RECOVERY AUDITING.—Not later than 180 days after the date of the enactment of this Act, the Chief Financial Officers Council established under section 302 of the Chief Financial Officers Act of 1990 (31 U.S.C. 901 note) and the President's Council on Integrity and Efficiency established under Executive Order 12805 of May 11, 1992, in consultation with recovery audit experts, shall—

(1) jointly conduct a study of the potential costs and benefits of requiring Federal agencies to recover improper payments using the services of—

(A) private contractors;

(B) agency employees;

(C) cross-servicing from other agencies; or

(D) any combination of the provision of services described under subparagraphs (A) through (C); and

(2) submit a report on the results of the study to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Oversight and Government Reform of the House of Representatives; and

(C) the Comptroller General.

**SEC. 3. COMPLIANCE.**

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given under section 2(f) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) as redesignated by this Act.

(2) COMPLIANCE.—The term ''compliance'' means that the agency—

(A) has published a performance report for the most recent fiscal year and posted that report on the agency website;

(B) has conducted a program specific risk assessment for each program or activity that—

(i) is in compliance with section 2(a) the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note); and

(ii) is included in the performance report;

(C) publishes program specific improper payments estimates for all programs and activities identified under section 2(b) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in the performance report;

(D) publishes programmatic corrective action plans prepared under section 2(c) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) that the agency may have in the performance report;

(E) publishes Office of Management and Budget approved improper payments reduction targets in the performance report for each program assessed to be at risk, and is determined by the Office of Management and Budget to be actively meeting such targets;

(F) publishes the compliance report under subsection (c) in the performance report; and

(G) is not subject to the subsection (d)(4).

(3) DELINQUENT PROGRAM.—The term ''delinquent program'' means a program which is partially or wholly responsible for the determination of an agency being not in compliance.

(4) PERFORMANCE REPORT.—The term ''performance report'' means the performance and accountability report referred to under section 3516(b) of title 31, United States Code, or a program performance report under section 1116 of that title.

(b) ANNUAL COMPLIANCE REPORT BY OMB.—

(1) IN GENERAL.—Each year, the Director of the Office of Management and Budget shall prepare a report with an identification of—

(A) the compliance status of each agency under this section; and

(B) the delinquent programs responsible for that status.

(2) INCLUSION IN BUDGET SUBMISSION.—The Director of Office of the Management and Budget shall include the report described under paragraph (1) in the annual budget submitted under section 1105 of title 31, United States Code.

(c) ANNUAL COMPLIANCE REPORT BY INSPECTOR GENERAL.—

(1) IN GENERAL.—Each fiscal year, the Inspector General of each agency shall determine whether the agency is in compliance with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) and this Act and submit a report to the head of the agency on that determination.

(2) PREPARATION OF REPORT.—The Inspector General of each agency may enter into contracts and other arrangements with public agencies and with private persons for the preparation of financial statements, studies, analyses, and other services in preparing the report described under paragraph (1).

(3) INCLUSION IN PERFORMANCE REPORT.—The head of each agency shall include the report of the agency Inspector General described under paragraph (1) in the performance report.

(d) REMEDIATION ASSISTANCE.—

(1) VOLUNTARY REMEDIATION ASSISTANCE.—If an agency is determined by the agency Inspector General not to be in compliance under subsection (c) in a fiscal year, the head of the agency may transfer funds from any available appropriations of that agency for expenditure on intensified compliance for any delinquent program (notwithstanding any appropriations transfer authority limitation in any other provision of law).

(2) REQUIRED REMEDIATION ASSISTANCE.—If an agency is determined by the agency Inspector General not to be in compliance under subsection (c) for 2 consecutive fiscal years, the head of the agency shall transfer funds from any available appropriations of that agency to expend on intensified compliance (notwithstanding any appropriations transfer authority limitation in any other provision of law).

(3) REMEDIATION RESCISSION.—

(A) IN GENERAL.—If an agency is determined by the agency Inspector General not to be in compliance under subsection (c) for a period of 3 consecutive fiscal years and any delinquent program is included in the report under that subsection for 2 consecutive years during that 3-fiscal year period, the head of the agency shall transfer 5 percent of the available appropriations for each of those delinquent programs, as determined by the head of the agency, to miscellaneous receipts of the United States Treasury.

(B) CONTINUATION OF TRANSFERS.—The head of an agency shall make transfers under subparagraph (A) until the agency is determined to be in compliance under subsection (b).

(4) STOP-LOSS PROVISION.—If an agency is determined under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to have an improper payment rate greater than 15 percent for 3 consecutive fiscal years

(regardless of the whether the program is a delinquent program)—

(A) not later than 30 days after that determination, the head of agency shall submit to Congress proposals for statutory changes or other relevant actions determined necessary to stop the financial loss by the program; and

(B) no further appropriations for such program shall be authorized until such time as the inspector general of that agency submits a certification to Congress that sufficient changes in the program (whether those proposed by agency or otherwise) have been implemented to warrant resumed authorization of appropriations.

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By Mr. REID (for Mrs. CLINTON):

S. 2584. A bill to establish a program to evaluate HIV/AIDS programs in order to improve accountability, increase transparency, and ensure the delivery of evidence-based services, to the Committee on Foreign Relations.

Mrs. CLINTON. Mr. President, today I rise to introduce the PEPFAR Accountability and Transparency Act, a bill that will increase our ability to research and identify the most effective interventions in combating global AIDS. As we work to increase funding for the President's Emergency Plan for AIDS Relief, PEPFAR, I believe we must also insure that we maximize our investment in programs that have been found effective in preventing infections and delivering care to as many people as possible.

Through the years, the science known as operations research—the ability to identify what is working and what is not working in our treatment, prevention, and care interventions—has helped to improve the effectiveness of the health care delivery system that we have established and enhanced with U.S. funding.

Take, for example, the issue of mother to child transmission of HIV. In the U.S., cases of perinatal HIV transmission have dropped markedly—from more than 1,000 in 1991 to less than 100 in 2005—largely due to access to critically needed, life-extending drugs. But in the developing world, where fewer than 10 percent of HIV positive pregnant women, about 1 out of every 3 children born to mothers with HIV end up with the virus—a wholly preventable situation. The field of operations research is allowing us to understand how we can, in low resource settings, improve testing, education, and treatment options that reduce cases of perinatal transmission.

There are many other areas where the data from operations research can transform our ability to maximize the U.S. investment in global AIDS funding—through measuring the impact of our prevention education efforts, to understanding how addressing gender inequality can reduce HIV infection, to ensuring that treatment is delivered in a way that extends the lives of people with HIV.

This legislation will require the Government to develop a strategic plan to improve program monitoring, evaluation and operations research. With this plan, we can determine the effectiveness of the interventions we are funding, so that we can replicate those that are working well, and examine ways to improve those that do not have the outcomes that we expected. The bill would also increase the dissemination of research findings, so that those working in low-resource settings would be able to easily learn and implement cost-effective interventions in their communities.

I am proud to support increases for PEPFAR, but I also believe that we must ensure that these increases are targeted toward effective programs that reach as many people as possible. This legislation will help us achieve that goal. I look forward to working with my colleagues in the Senate to support this legislation and operations research as we move forward with PEPFAR reauthorization.

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 placed in the RECORD, as follows:

ELIZABETH GLASER PEDIATRIC AIDS FOUNDATION,
*January 28, 2008.*

Hon. HILLARY RODHAM CLINTON,
*Washington, DC.*

DEAR SENATOR CLINTON: On behalf of the Elizabeth Glaser Pediatric AIDS Foundation, I would like to express our strong support for the PEPFAR Accountability and Transparency Act. We appreciate your leadership in expanding the important role of operations research, program monitoring, and impact evaluation research in the President's Emergency Plan for AIDS Relief (PEPFAR) and applaud your efforts in maximizing U.S. financial commitment to the global AIDS pandemic.

Significant advances have been made over the last twenty-five years in HIV/AIDS prevention, care, and treatment to improve the lives of children and families affected by HIV/AIDS across the globe. Yet, while scientists and doctors have learned a great deal about HIV, how to prevent the spread of HIV, and how to treat those already infected, insufficient focus has been placed on putting many of those advances into action on the frontlines of the pandemic. Operations research is becoming increasingly important in determining what approaches work best in the field and ensuring that this knowledge is applied on a broader scale.

Your legislation will help ensure that we maximize the lifesaving impact of PEPFAR resources by elevating operations research as a priority in PEPFAR, improving accountability, and strengthening transparency. Specifically, the legislation directs the Office of the Global AIDS Coordinator to work in collaboration with federal agencies, country governments, and implementing partners to develop a five-year strategic plan to prioritize operations research, program monitoring, and impact evaluation research projects and establish timelines for action.

Thank you for your leadership and commitment to this issue. We look forward to working closely with you to ensure that children, women, and families worldwide benefit from this important piece of legislation.

Sincerely,

PAMELA W. BARNES,
*President and Chief Executive Officer.*

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Mr. ROCKEFELLER:

S. 2586. A bill to provide States with fiscal relief through a temporary increase in the Federal medical assistance percentage and direct payments to States; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce a critical piece of legislation, the State Fiscal Relief Act of 2008. This legislation builds upon the $20 billion State fiscal relief model passed by Congress and signed into law by President Bush as part of the Jobs and Growth Tax Reconciliation Act of 2003. It would provide $12 billion in State aid, equally divided between an increase in Federal Medicaid matching payments and general revenue sharing grants to States.

Many of my colleagues may wonder why I am introducing a $12 billion State fiscal relief bill instead of a $15 billion State fiscal relief bill—the approach I have consistently supported. The reason is simple. I want to build on the strong, bipartisan support of our Nation's Governors, who have repeatedly endorsed a $12 billion fiscal relief package—with $6 billion in additional Medicaid assistance to States and $6 billion in targeted grants to States. I still worry that State deficits will only grow in the coming days, weeks, and months, but I am willing to start with $12 billion and continue my work with our Nation's Governors, health care providers, advocates, and others to get this aid to States immediately.

I want to begin my remarks with the fact that leading economists support State fiscal relief. Earlier this month, Mark Zandi, chief economist of Moody's Economy.com, examined the effectiveness of the various stimulus options that Congress is considering. Dr. Zandi's analysis found that targeted State aid would generate increased economic activity of $1.36 for each dollar of cost, because it would lessen State and local government budget cuts that ''are sure to become a substantial drag on the economy later this year and into 2009.''

As a former Governor, who survived the tough times of the 1980s, I strongly believe that States deserve to be a part of the economic stimulus package currently before the Senate. State and local governments are an integral part of our national economic engine. They provide health care and a wealth of social services to millions of Americans, particularly when the economy is weak. We should act immediately to provide States with relief before they are faced with the harsh decision to cut children and families off of Medicaid.

States experience enormous budget pressures when the economy slows. State revenues can evaporate rapidly during an economic downturn. Unlike the Federal Government, States cannot borrow infinite amounts of debt from China and other countries. By law, 49 States including West Virginia—are required to balance their budgets and, in times of economic downturn, this task becomes significantly more difficult.

A delayed Federal response to the growing impact of this downturn on States is an invitation to disaster. We know from experience that Medicaid is consistently the first program slated for cuts during a State budget squeeze. This is not only a problem for current Medicaid enrollees; it is also a problem for hard-working Americans who have lost their jobs because of the economic slowdown.

In the last year, our unemployment rate has increased to 5.0 percent with nearly 900,000 more Americans without jobs. The loss of a job is hard enough financially on an individual or family, but since the majority of Americans get their health insurance through their jobs, the loss of a job often results in a simultaneous loss of health insurance coverage. Medicaid fills the gap for working families when they lose access to private coverage. For every 1 percent increase in the unemployment rate, Medicaid enrollment increases by 2–3 million people.

During the last economic downturn, the number of uninsured Americans would have been millions more if Medicaid and CHIP had not responded to the twin challenges of an economic downturn and a sharp drop-off in private health insurance coverage. A critical factor in helping States sustain Medicaid enrollment during those difficult times was the $20 billion in State fiscal relief that Congress enacted in 2003. The 2003 fiscal relief provisions went a long way to preserve health care coverage for millions of working Americans. However, we cannot discount the fact that one million low-income people had already lost Medicaid coverage because we waited two years into the recession to pass State fiscal relief. We should not make the same mistake twice. We must act quickly.

There is no question that health care is economic stimulus. Insuring jobless workers encourages consumption of health care services and provides an economic boost to the health care sector. People without insurance seek treatment less often than people who are insured. Uninsured Americans not only have greater problems accessing needed care but often spend more out-of-pocket on health care, making it harder for them to spend on other things.

The grants to States are also stimulative. For example, they can be used to finance unfunded Federal mandates like child support enforcement. Six economists recently wrote that ''restoring funding to the child support program will produce well-targeted stimulus to the economy because child support redistributes income toward lower-income families who are more likely to use the income to meet their consumption needs. Restoring funding to the child support program would also mean that the State and county governments would not have to lay off child support workers and reduce the level of services that they provide families in the child support program.''

One of the arguments against State fiscal relief that I continue to hear is the argument that State fiscal conditions are not that bad. We have to be very cautious about that type of argument because State fiscal situations are changing rapidly. The recent CBO report on the economy alludes to this very fact. It reads, ''Recent evidence indicates that many States respond relatively quickly to a downturn in the economy, even if it occurs after their budgets have been enacted for the year.''

We already know from the National Governors Association that 18 States have reported budget shortfalls totaling $14 billion for 2008 and 17 States project shortfalls totaling $31 billion for 2009. However, we cannot simply take a snapshot of the economy today and argue that this is not a crisis waiting to happen. The fact of the matter is that a dozen more States could be in deficit situations very soon if the downturn continues. This is especially true given the significant decline in property tax revenues in many States and the impact of the bonus depreciation provisions included in the stimulus bill in several States.

As proud as I am of the 2003 fiscal relief package, I want to remind my colleagues that the $20 billion in relief was nearly too late. One million low-income people had already been cut off of Medicaid by the time that legislation finally passed because we waited two years into the recession to enact it. History does not have to repeat itself. We know that working families are at risk of becoming uninsured now and into the near future, so we must act swiftly to protect them.

I urge my colleagues to support this important legislation. We have a real opportunity to proactively address a looming health care crisis. This approach is supported by the National Governors Association as well as hundreds of provider and health advocacy groups nationwide. We should not allow this opportunity to pass. Too much is at stake.

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. 2586

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''State Fiscal Relief Act of 2008''.

**SEC. 2. TEMPORARY STATE FISCAL RELIEF.**

(a) TEMPORARY INCREASE OF THE MEDICAID FMAP.—

(1) PERMITTING MAINTENANCE OF FISCAL YEAR 2007 FMAP FOR LAST 3 CALENDAR QUARTERS OF FISCAL YEAR 2008.—Subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2008 is less than the FMAP as so determined for fiscal year 2007, the FMAP for the State for fiscal year 2007 shall be substituted for the State's FMAP for the second, third, and fourth calendar quarters of fiscal year 2008, before the application of this subsection.

(2) PERMITTING MAINTENANCE OF FISCAL YEAR 2008 FMAP FOR FIRST 2 QUARTERS OF FISCAL YEAR 2009.—Subject to paragraph (5), if the FMAP determined without regard to this subsection for a State for fiscal year 2009 is less than the FMAP as so determined for fiscal year 2008, the FMAP for the State for fiscal year 2008 shall be substituted for the State's FMAP for the first and second calendar quarters of fiscal year 2009, before the application of this subsection.

(3) GENERAL 1.225 PERCENTAGE POINTS INCREASE FOR LAST 3 CALENDAR QUARTERS OF FISCAL YEAR 2008 AND FIRST 2 CALENDAR QUARTERS OF FISCAL YEAR 2009.—Subject to paragraphs (5), (6), and (7), for each State for the second, third, and fourth calendar quarters of fiscal year 2008 and for the first and second calendar quarters of fiscal year 2009, the FMAP (taking into account the application of paragraphs (1) and (2)) shall be increased by 1.225 percentage points.

(4) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Subject to paragraphs (6) and (7), with respect to the second, third, and fourth calendar quarters of fiscal year 2008 and the first and second calendar quarters of fiscal year 2009, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 2.45 percent of such amounts.

(5) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this subsection shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(A) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4);

(B) payments under title IV or XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.); or

(C) any payments under XIX of such Act that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b)).

(6) STATE ELIGIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a State is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on December 31, 2007.

(B) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—A State that has restricted eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after December 31, 2007 is eligible for an increase in its FMAP under paragraph (3) or an increase in a cap amount under paragraph (4) in the first calendar quarter (and subsequent calendar quarters) in which the State has reinstated eligibility that is no more restrictive than the eligibility under such plan (or waiver) as in effect on December 31, 2007.

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or (B) shall be construed as affecting a State's flexibility with respect to benefits offered under the State medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)).

(7) REQUIREMENT FOR CERTAIN STATES.—In the case of a State that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures under the State medicaid plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the State shall not require that such political subdivisions pay a greater percentage of the non-Federal share of such expenditures for the second, third, and fourth calendar quarters of fiscal year 2008 and the first and second calendar quarters of fiscal year 2009, than the percentage that was required by the State under such plan on December 31, 2007, prior to application of this subsection.

(8) DEFINITIONS.—In this subsection:

(A) FMAP.—The term ''FMAP'' means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(B) STATE.—The term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(9) REPEAL.—Effective as of October 1, 2009, this subsection is repealed.

(b) PAYMENTS TO STATES FOR ASSISTANCE WITH PROVIDING GOVERNMENT SERVICES.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by inserting after title V the following:

**''TITLE VI—TEMPORARY STATE FISCAL RELIEF**

**''SEC. 601. TEMPORARY STATE FISCAL RELIEF.**

''(a) APPROPRIATION.—There is authorized to be appropriated and is appropriated for making payments to States under this section—

''(1) $3,600,000,000 for fiscal year 2008; and

''(2) $2,400,000,000 for fiscal year 2009.

''(b) PAYMENTS.—

''(1) FISCAL YEAR 2008.—From the amount appropriated under subsection (a)(1) for fiscal year 2008, the Secretary of the Treasury shall, not later than the later of the date that is 45 days after the date of enactment of this Act or the date that a State provides the certification required by subsection (e) for fiscal year 2008, pay each State the amount determined for the State for fiscal year 2008 under subsection (c).

''(2) FISCAL YEAR 2009.—From the amount appropriated under subsection (a)(2) for fiscal year 2009, the Secretary of the Treasury shall, not later than the later of October 1, 2008, or the date that a State provides the certification required by subsection (e) for fiscal year 2009, pay each State the amount determined for the State for fiscal year 2009 under subsection (c).

''(c) PAYMENTS BASED ON POPULATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the amount appropriated under subsection (a) for each of fiscal years 2008 and 2009 shall be used to pay each State an amount equal to the relative population proportion amount described in paragraph (3) for such fiscal year.

''(2) MINIMUM PAYMENT.—

''(A) IN GENERAL.—No State shall receive a payment under this section for a fiscal year that is less than—

''(i) in the case of 1 of the 50 States or the District of Columbia, ½ of 1 percent of the amount appropriated for such fiscal year under subsection (a); and

''(ii) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa, ⅒ of 1 percent of the amount appropriated for such fiscal year under subsection (a).

''(B) PRO RATA ADJUSTMENTS.—The Secretary of the Treasury shall adjust on a pro rata basis the amount of the payments to States determined under this section without regard to this subparagraph to the extent necessary to comply with the requirements of subparagraph (A).

''(3) RELATIVE POPULATION PROPORTION AMOUNT.—The relative population proportion amount described in this paragraph is the product of—

''(A) the amount described in subsection (a) for a fiscal year; and

''(B) the relative State population proportion (as defined in paragraph (4)).

''(4) RELATIVE STATE POPULATION PROPORTION DEFINED.—For purposes of paragraph (3)(B), the term 'relative State population proportion' means, with respect to a State, the amount equal to the quotient of—

''(A) the population of the State (as reported in the most recent decennial census); and

''(B) the total population of all States (as reported in the most recent decennial census).

''(d) USE OF PAYMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), a State shall use the funds provided under a payment made under this section for a fiscal year to—

''(A) provide essential government services;

''(B) cover the costs to the State of complying with any Federal intergovernmental mandate (as defined in section 421(5) of the Congressional Budget Act of 1974) to the extent that the mandate applies to the State, and the Federal Government has not provided funds to cover the costs; or

''(C) compensate for a decline in Federal funding to the State.

''(2) LIMITATION.—A State may only use funds provided under a payment made under this section for types of expenditures permitted under the most recently approved budget for the State.

''(e) CERTIFICATION.—In order to receive a payment under this section for a fiscal year, the State shall provide the Secretary of the Treasury with a certification that the State's proposed uses of the funds are consistent with subsection (d).

''(f) DEFINITION OF STATE.—In this section, the term 'State' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

''(g) REPEAL.—Effective as of October 1, 2009, this title is repealed.''.

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By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mrs. BOXER, Mr. KYL, Mr. SCHUMER, Mr. CORNYN, Mr. DURBIN, Mr. MCCAIN, Mr. BINGAMAN, Mr. CRAIG, Ms. CANTWELL, Mr. DOMENICI and Mr CRAPO):

S. 2587. A bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or 2 or more misdemeanors; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today Senator HUTCHISON and I are introducing two bills that will significantly alleviate the burden of illegal immigration on State and local governments: the SCAAP Reimbursement Protection Act of 2008 and the Ensure Timely SCAAP Reimbursement Act. We are joined by Senators BOXER, KYL, SCHUMER, CORNYN, DURBIN, MCCAIN, BINGAMAN, CRAIG, CANTWELL, DOMENICI, and CRAPO.

These bills will amend the State Criminal Alien Assistance Program, SCAAP, statute to ensure that states and localities receive more funding for costs associated with incarcerating criminal aliens, and that these reimbursements are given out in a timely manner.

The cost of incarcerating criminal aliens is high. In California alone, the State spent more than $900 million in 2007 to house over 20,000 criminal aliens.

Congress enacted SCAAP in 1994 to help reimburse States and localities for the cost of arrest, incarceration, and transportation of these aliens.

However, in 2003, the Department of Justice, DOJ, reinterpreted the statute. Now States are only reimbursed for what they spend incarcerating convicted criminal aliens and only when the arrest and conviction occur in the same fiscal year.

The DOJ reinterpretation has significantly cut the reimbursement local governments are eligible to receive for incarcerating and processing illegal aliens.

This reinterpretation is even more devastating because SCAAP is consistently under-funded. The President has zeroed out SCAAP funding in his budget proposal over the past 6 years. Through bi-partisan support, Congress was only able to partially fund the program.

As a result, SCAAP only reimburses States for a fraction of the costs of incarcerating criminal aliens. For example, in fiscal year 2007, SCAAP reimbursed only $109.5 million of the more than $912.5 million spent by the California Department of Corrections that year. That means the State paid $803 million of its own funds to house criminal aliens.

This cut has had a domino effect on public safety funding. Every dollar less that SCAAP reimburses States means a dollar less to spend on critical public safety services. For example, after the SCAAP funding cuts in 2003, the Los Angeles County Sheriff's Department implemented an ''early release'' policy for prisoners convicted of misdemeanors.

I believe it is the Federal Government's responsibility to control illegal immigration. The funding cuts imposed by this administration have let our local public safety services down, and have made our communities less safe.

The SCAAP Reimbursement Protection Act of 2008 would restore the original intent of SCAAP so that States are reimbursed for the costs of incarcerating aliens who are either charged with or convicted of a felony or two misdemeanors. States would also be reimbursed regardless of the fiscal year of the incarceration and conviction.

This bill has been endorsed by the National Sheriffs' Associate, California State Association of Counties, CSAC, the U.S./Mexico Border Counties Coalition, the Virginia Sheriffs' Association, the Los Angeles County Sheriff Lee

Baca, and the Sheriffs' Association of Texas.

Our colleagues on the House Judiciary Committee unanimously passed a companion bill, H.R. 1512, and I urge you to do the same.

Another problem with SCAAP is the significant delay in reimbursement. Recently, State and county governments that foot the bill for holding criminal aliens between July 2004 and June 2005 had to wait until June 21, 2007, before they were reimbursed.

For example, Los Angeles County, San Bernardino County, and Riverside County waited 2 years to receive their reimbursement—totaling $85.9 million. While they were waiting, public safety offices had to cut back on critical services. This delay is worse when one considers that even when localities receive the federal funds, they are only reimbursed for pennies on every dollar spent.

Delays place unreasonable budgetary burdens on States, counties, and municipalities that already shoulder most of the costs of housing criminal aliens.

California is not alone. Every other State depends on these funds to perform what is ultimately a federal responsibility—to control illegal immigration and its effects in our communities. These delays affect every State.

The Ensure Timely SCARP Reimbursement Act would help ease this burden on States and localities by requiring the Justice Department to disburse funds within 6 months of the application deadline.

I ask my colleagues to join me in supporting these much needed amendments to the SCAAP statute. Mr. President, I ask unanimous consent that the text of these two bills be printed in the RECORD.

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

S. 2587

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''SCAAP Reimbursement Protection Act of 2008''.

**SEC. 2. ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.**

Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(A)) is amended by inserting ''charged with or'' before ''convicted''.

S. 2588

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Ensure Timely SCAAP Reimbursement Act''.

**SEC. 2. DISTRIBUTION OF SCAAP COMPENSATION.**

Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended by adding at the end the following:

''(7) Any funds awarded to a State or a political subdivision of a State, including a municipality, for a fiscal year under this subsection shall be distributed to such State or political subdivision not later than 120 days after the last day of the application period for assistance under this subsection for that fiscal year.''.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 439—EXPRESSING THE STRONG SUPPORT OF THE SENATE FOR THE NORTH ATLANTIC TREATY ORGANIZATION TO ENTER INTO A MEMBERSHIP ACTION PLAN WITH GEORGIA AND UKRAINE

Mr. LUGAR (for himself and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 439

Whereas the sustained commitment of the North Atlantic Treaty Organization (NATO) to mutual defense has made possible the democratic transformation of Central and Eastern Europe and Eurasia;

Whereas NATO members can and should play a critical role in addressing the security challenges of the post-Cold War era in creating the stable environment needed for emerging democracies in Europe and Eurasia;

Whereas lasting stability and security in Europe and Eurasia require the military, economic, and political integration of emerging democracies into existing European structures;

Whereas, in an era of threats from terrorism and the proliferation of weapons of mass destruction, NATO is increasingly contributing to security in the face of global security challenges for the protection and interests of its member states;

Whereas the Government of Georgia and the Government of Ukraine have each expressed a desire to join the Euro-Atlantic community, and Georgia and Ukraine are working closely with NATO and its members to meet criteria for eventual NATO membership;

Whereas, at the NATO-Ukraine Commission Foreign Ministerial meeting in Vilnius in April 2005, NATO and Ukraine launched an Intensified Dialogue on membership between the Alliance and Ukraine;

Whereas, following a meeting of NATO Foreign Ministers in New York on September 21, 2006, NATO Secretary General Jaap de Hoop Scheffer announced the launching of an Intensified Dialogue on membership between NATO and Georgia;

Whereas the Riga Summit Declaration, issued by the heads of state and government participating in the meeting of the North Atlantic Council in November 2006, reaffirms that NATO's door remains open to new members and that NATO will continue to review the process for new membership, stating ''We reaffirm that the Alliance will continue with Georgia and Ukraine its Intensified Dialogues which cover the full range of political, military, financial, and security issues relating to those countries' aspirations to membership, without prejudice to any eventual Alliance decision. We reaffirm the importance of the NATO-Ukraine Distinctive Partnership, which has its 10th anniversary next year and welcome the progress that has been made in the framework of our Intensified Dialogue. We appreciate Ukraine's substantial contributions to our common security, including through participation in NATO-led operations and efforts to promote regional cooperation. We encourage Ukraine to continue to contribute to regional security. We are determined to continue to assist, through practical cooperation, in the implementation of far-reaching reform efforts, notably in the fields of national security, defense, reform of the defense-industrial sector and fighting corruption. We welcome the commencement of an Intensified Dialogue with Georgia as well as Georgia's contribution to international peacekeeping and security operations. We will continue to engage actively with Georgia in support of its reform process. We encourage Georgia to continue progress on political, economic and military reforms, including strengthening judicial reform, as well as the peaceful resolution of outstanding conflicts on its territory. We reaffirm that it is of great importance that all parties in the region should engage constructively to promote regional peace and stability.'';

Whereas, in January 2008, Ukraine forwarded to NATO Secretary General Jaap de Hoop Scheffer a letter, signed by President Victor Yushchenko, Prime Minister Yulia Tymoshenko, and Verkhovna Rada Speaker Arseny Yatensyuk, requesting that NATO integrate Ukraine into the Membership Action Plan;

Whereas, in January 2008, Georgia held a referendum on NATO and 76.22 percent of the votes supported membership;

Whereas participation in a Membership Action Plan does not guarantee future membership in the NATO Alliance; and

Whereas NATO membership requires significant national and international commitments and sacrifices and is not possible without the support of the populations of the NATO member States: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the Senate—

(A) reaffirms its previous expressions of support for continued enlargement of the North Atlantic Treaty Organization (NATO) to include qualified candidates; and

(B) supports the commitment to further enlargement of NATO to include democratic governments that are able and willing to meet the responsibilities of membership;

(2) the expansion of NATO contributes to NATO's continued effectiveness and relevance;

(3) Georgia and Ukraine are strong allies that have made important progress in the areas of defense, democratic, and human rights reform;

(4) a stronger, deeper relationship among the Government of Georgia, the Government of Ukraine, and NATO will be mutually beneficial to those countries and to NATO member States; and

(5) the United States should take the lead in supporting the awarding of a Membership Action Plan to Georgia and Ukraine as soon as possible.

Mr. LUGAR. Mr. President, I rise today to introduce the NATO Membership Action Plan Endorsement Act of 2008. This resolution is intended to express strong Senate support for Administration leadership in ensuring that NATO extends Membership Action Plan, MAP, status to Georgia and Ukraine as soon as possible.

NATO has a long track record of support for continued enlargement of NATO to democracies that are able and willing to meet the responsibilities of membership. The leaders of Georgia and Ukraine have clearly stated their desire to join NATO and both have made remarkable progress towards meeting NATO standards.