S. 3198

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 3198, a bill to amend title 46, United States Code, with respect to the navigation of submersible or semi-submersible vessels without nationality.

S. 3300

At the request of Mr. GRASSLEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3300, a bill to amend title XVIII of the Social Security Act to provide for temporary improvements to the Medicare inpatient hospital payment adjustment for low-volume hospitals and to provide for the use of the non-wage adjusted PPS rate under the Medicare-dependent hospital (MDH) program, and for other purposes.

S. 3325

At the request of Mr. SPECTER, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 3325, a bill to enhance remedies for violations of intellectual property laws, and for other purposes.

S. 3356

At the request of Mr. CHAMBLISS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3356, a bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center.

S. 3389

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3389, a bill to require, for the benefit of shareholders, the disclosure of payments to foreign governments for the extraction of natural resources, to allow such shareholders more appropriately to determine associated risks.

S. 3416

At the request of Mr. LAUTENBERG, the names of the Senator from California (Mrs. BOXER), the Senator from Minnesota (Mr. COLEMAN), the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KERRY) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 3416, a bill to amend section 40122(a) of title 49, United States Code, to improve the dispute resolution process at the Federal Aviation Administration, and for other purposes.

S. 3429

At the request of Mr. SCHUMER, the names of the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 3429, a bill to amend the Internal Revenue Code to provide for an increased mileage rate for charitable deductions.

S. 3456

At the request of Mr. ROBERTS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 3456, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 3468

At the request of Mr. SCHUMER, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 3468, a bill to amend title XVIII of the Social Security Act to continue the ability of hospitals to supply a needed workforce of nurses and allied health professionals by preserving funding for hospital operated nursing and allied health education programs.

S. 3484

At the request of Mr. SPECTER, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Minnesota (Mr. COLEMAN), the Senator from Florida (Mr. NELSON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Ms. CANTWELL) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 3484, a bill to provide for a delay in the phase out of the hospice budget neutrality adjustment factor under title XVIII of the Social Security Act.

S. 3495

At the request of Mrs. BOXER, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 3495, a bill to protect pregnant women and children from dangerous lead exposures.

S. 3503

At the request of Mr. DORGAN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3503, a bill to amend the Public Health Service Act to authorize increased Federal funding for the Organ Procurement and Transplantation Network.

S. 3507

At the request of Mr. REED, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Oregon (Mr. SMITH) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3507, a bill to provide for additional emergency unemployment compensation.

S. 3511

At the request of Mrs. CLINTON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3511, a bill to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

S. 3513

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 3513, a bill to direct the Administrator of the Environmental Protection Agency to revise regulations relating to lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil, and for other purposes.

S. RES. 660

At the request of Mr. NELSON of Florida, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Res. 660, a resolution condemning ongoing sales of arms to belligerents in Sudan, including the Government of Sudan, and calling for both a cessation of such sales and an expansion of the United Nations embargo on arms sales to Sudan.

S. RES. 661

At the request of Mr. DODD, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 661, a resolution supporting the goals and ideals of National Spina Bifida Awareness Month.

S. RES. 662

At the request of Mr. REID, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 662, a resolution raising the awareness of the need for crime prevention in communities across the country and designating the week of October 2, 2008, through October 4, 2008, as ''Celebrate Safe Communities'' week.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 3516. A bill to permit commercial vehicles at weights up to 129,000 pounds to use certain highways of the Interstate System in the State of Idaho which would provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Environment and Public Works.

Mr. CRAIG. Mr. President, I come to the floor today to introduce the Idaho Efficient Vehicle Demonstration Act of 2008. I am pleased that my colleague, Senator CRAPO, is fully supportive and an original cosponsor of this bill, and that an identical bill will be introduced today in the House of Representatives by our colleagues, Representatives MIKE SIMPSON and BILL SALI.

This is a bill that is very important to the State of Idaho. It is a bill that will improve the efficiency of freight movement within the State, provide significant economic benefits to a variety of local natural resource-based industries, and establish a record attesting to the safety of heavier, more efficient vehicles.

The State of Idaho has long recognized the need to provide a more productive means of freight transport. In light of that, the Idaho State Legislature created a pilot project in 2003 to allow vehicle combinations weighing up to 129,000 pounds on designated routes within the State highway system. As a result of this pilot project, Idaho has realized significant economic benefits and has established a strong record of safety while utilizing more efficient vehicles.

Idaho's sugar beet, potato, grain, dairy and phosphate industries reported that participation in the pilot project resulted in reduced fuel consumption and equipment maintenance and increased productivity based on estimates of five to eight percent savings in freight costs. Amalgamated Sugar Company reported 30,000 fewer truck trips, resulting in an estimated savings of just under $300,000.

This pilot project has been in effect for 5 years and no safety concerns have been raised by the participants or by the Idaho Transportation Department in their initial report last year. In fact, survey responses from pilot project participants found that safety was the same or greater due to the reduced numbers of trucks on the road. Similarly, the pilot project has not been found to create a significant change in pavement conditions when compared to previous years.

In light of this 5-year record, I believe it is appropriate and necessary to make a very small, targeted expansion of this project by adding limited stretches of Federal highway to the existing State pilot project to help connect our State and Federal roads so that the movement of goods can proceed more efficiently in the future.

This small expansion is necessary for several reasons. Idaho's neighboring States of Montana, Nevada, Utah and Wyoming do not have such stringent limits on their Federal highways due to grandfathered rights. This puts Idaho at a distinct competitive disadvantage and slows the free flow of freight between neighboring States. This bill would help to even that disparity in weight restrictions among our neighbors. It will also provide valuable data and information to the U.S. Department of Transportation as to the net beneficial effects to our infrastructure by requiring that road, bridge and accident information is gathered and reported.

This bill has the strong support of Idaho Governor Butch Otter, the Idaho Transportation Department, and the business community, including both shippers and motor carriers. The Idaho Trucking Association has specifically endorsed this proposal as have numerous shipper companies that are based in my home State.

I recognize that there are significant challenges facing the freight industry and, by association, our natural resource-based industries that rely heavily on trucks to move their freight. Changes in truck emission requirements, a seemingly perpetual driver shortage, sustained high fuel costs, and increasing insurance premiums are only a few of the challenges that face truck companies and struggling industries in Idaho. With that said, this is one step that can be taken to relieve some of the burden on our freight industry, and do so in a safe, economic and environmentally friendly fashion.

If enacted, this bill will improve safety by reducing the number of trucks on Idaho roads. It will have a positive environmental impact by reducing diesel consumption and emissions. It will provide an economic boost to the State by reducing wear and tear on Idaho highways and improving the competitiveness of our natural resource industries.

In light of the enormous task of reauthorizing our Nation's surface transportation policy next year, it is important that proposals of this nature be allowed time to be discussed and vetted at length. Ultimately, it is my hope that we might be able to make some targeted changes to Federal weight restrictions in order to achieve significant environmental and economic gains while still keeping the highest regard for safety.

I look forward to working with my colleagues in the Senate to move forward this important issue.

By Ms. SNOWE (for herself, Mr. HARKIN, Mr. INOUYE, and Mr. FEINGOLD):

S. 3517. A bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide parity under group health plans and group health insurance coverage for the provision of benefits for prosthetic devices and components and benefits for other medical and surgical services; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Today I rise with Senator TOM HARKIN of Iowa to introduce bipartisan legislation aimed at reducing disability in our Nation. As the Congress moves this week to ensure the strength of the landmark Americans with Disabilities Act, we must continue to work to ensure that every American has the means to overcome physical impairment. I am honored to be joined today by Senator HARKIN—who has long championed the ADA—as well as Senators DANIEL INOUYE, and RUSS FEINGOLD—as we act to ensure that those with group health insurance are able to access needed prosthetic care in order to lead full and independent lives.

This year over 130,000 individuals will undergo amputation procedures, often as a complication of diabetes or other chronic disease. For such individuals an appropriate prosthetic limb reduces disability and allows them to maintain employment and lead more productive lives.

Today many amputees receive prosthetics through their coverage by the VA, Medicare, Medicaid, or S–CHIP. Yet too often individuals without such coverage find that their private plan requires copayments for a needed prosthetic which they simply cannot afford, or imposes a ''lifetime cap'' which prevents them from replacing an existing prosthetic when needed.

So with an estimated two million individuals living with limb differences or loss in the United States, the impact of severely-restricted prosthetic coverage can be devastating. This is even more so for the estimated 70,000 amputees under the age of 18. Sadly, we see those children particularly affected as their growth increases the frequency with which a prosthetic requires replacement. That can quickly exceed a parent's ability to meet copayment requirements—a coverage cap may deny access to a replacement prosthetic.

So it is easy to see why 11 States—including my own State of Maine—have enacted legislation to assure reasonable coverage of prosthetics, and why more than half of the States are now examining parity for prosthetics. Studies in different States have reported that the imposition of parity can be expected to raise monthly health plan premiums by approximately 12 to 50 cents a month. That low cost helps keep amputees productive, and avoids shifting health costs to public programs—simply because the needed prosthetic could not be obtained, and the individual saw their function and productivity decline until they had to rely on public assistance.

That is so unnecessary and inappropriate. The legislation which we are introducing today—the Prosthetics Parity Act of 2008—will ensure that group health plans treat coverage of such prosthetic devices on par with other essential medical care covered by health insurance. It does not mandate coverage, but it does assure than when it is offered, it is not so restricted or capped that it does not assure an amputee of the prosthetic they require.

As we move forward to ensure greater opportunity and accommodation for Americans with disabilities, it is so timely that we ensure the appropriate access to prosthetics to help reduce disability. I call on my colleagues to join us in supporting this legislation to further the vision of greater opportunity for those with disabilities.

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. 3517

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 ''Prosthetics Parity Act of 2008''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) There are more than 1,800,000 people in the United States living with limb loss.

(2) Every year, there are more than 130,000 people in the United States who undergo amputation procedures.

(3) In addition, United States military personnel serving in Iraq and Afghanistan and around the world have sustained traumatic injuries resulting in amputation.

(4) The number of amputations in the United States is projected to increase in the years ahead due to the rising incidence of diabetes and other chronic illness.

(5) Those suffering from limb loss can and want to regain their lives as productive members of society.

(6) Prosthetic devices enable amputees to continue working and living productive lives.

(7) Insurance companies have begun to limit reimbursement of prosthetic equipment costs to unrealistic levels or not at all and often restrict coverage over an individual's lifetime, which shifts costs onto the Medicare and Medicaid programs.

(8) Eleven States have addressed this problem and have prosthetic parity legislation.

(9) Prosthetic parity legislation has been introduced and is being actively considered in 30 States.

(10) The States in which prosthetic parity laws have been enacted have found there to be minimal or no increases in insurance premiums and have reduced Medicare and Medicaid costs.

(11) Prosthetic parity legislation will not add to the size of government or to the costs associated with the Medicare and Medicaid programs.

(12) If coverage for prosthetic devices and components are offered by a group health insurance policy, then providing such coverage of prosthetic devices on par with other medical and surgical benefits will not increase the incidence of amputations or the number of individuals for which a prosthetic device would be medically necessary and appropriate.

(13) In States where prosthetic parity legislation has been enacted, amputees are able to return to a productive life, State funds have been saved, and the health insurance industry has continued to prosper.

(14) Prosthetic services allow people to return more quickly to their preexisting work.

(b) PURPOSE.—It is te purpose of this Act to require that each group health plan that provides both coverage for prosthetic devices and components and medical and surgical benefits, provide such coverage under terms and conditions that are no less favorable that the terms and conditions under which such benefits are provided for other benefits under such plan.

SEC. 3. PROSTHETICS PARITY.

(a) ERISA.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 714. PROSTHETICS PARITY.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that provides both medical and surgical benefits for prosthetic devices and components (as defined under subsection (d)(1))—

''(1) such benefits for prosthetic devices and components under the plan (or coverage) shall be provided under terms and conditions that are no less favorable than the terms and conditions applicable to substantially all medical and surgical benefits provided under the plan (or coverage);

''(2) such benefits for prosthetic devices and components under the plan (or coverage) may not be subject to separate financial requirements (as defined in subsection (d)(2)) that are applicable only with respect to such benefits, and any financial requirements applicable to such benefits shall be no more restrictive than the financial requirements applicable to substantially all medical and surgical benefits provided under the plan (or coverage); and

''(3) any treatment limitations (as defined in subsection (d)(3)) applicable to such benefits for prosthetic devices and components under the plan (or coverage) may not be more restrictive than the treatment limitations applicable to substantially all medical and surgical benefits provided under the plan (or coverage).

''(b) IN NETWORK AND OUT-OF-NETWORK STANDARDS.—

''(1) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that provides both medical and surgical benefits and benefits for prosthetic devices and components, and that provides both in-network benefits for prosthetic devices and components and out-of-network benefits for prosthetic devices and components, the requirements of this section shall apply separately with respect to benefits under the plan (or coverage) on an in-network basis and benefits provided under the plan (or coverage) on an out-of-network basis.

''(2) CLARIFICATION.—Nothing in paragraph (1) shall be construed as requiring that a group health plan (or health insurance coverage offered in connection with a group health plan) eliminate an out-of-network provider option from such plan (or coverage) pursuant to the terms of the plan (or coverage).

''(c) ADDITIONAL REQUIREMENTS.—

''(1) PRIOR AUTHORIZATION.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that requires, as a condition of coverage or payment for prosthetic devices and components under the plan (or coverage), prior authorization, such prior authorization must be required in the same manner as prior authorization is required by the plan (or coverage) as a condition of coverage or payment for all similar benefits provided under the plan (or coverage).

''(2) LIMITATION ON MANDATED BENEFITS.—Coverage for required benefits for prosthetic devices and components under this section shall be limited to coverage of the most appropriate device or component model that adequately meets the medical requirements of the patient, as determined by the treating physician of the patient involved.

''(3) COVERAGE FOR REPAIR OR REPLACEMENT.—Benefits for prosthetic devices and components required under this section shall include coverage for the repair or replacement of prosthetic devices and components, if the repair or replacement is determined appropriate by the treating physician of the patient involved.

''(4) ANNUAL OR LIFETIME DOLLAR LIMITATIONS.—A group health plan (or health insurance coverage offered in connection with a group health plan) shall not impose any annual or lifetime dollar limitation on benefits for prosthetic devices and components required to be covered under this section unless such limitation applies in the aggregate to all medical and surgical benefits provided under the plan (or coverage) and benefits for prosthetic devices components.

''(d) DEFINITIONS.—In this section:

''(1) PROSTHETIC DEVICES AND COMPONENTS.—The term 'prosthetic devices and components' means those devices and components that may be used to replace, in whole or in part, an arm or leg, as well as the services required to do so and includes external breast prostheses incident to mastectomy resulting from breast cancer.

''(2) FINANCIAL REQUIREMENTS.—The term 'financial requirements' includes deductibles, coinsurance, co-payments, other cost sharing, and limitations on the total amount that may be paid by a participant or beneficiary with respect to benefits under the plan or health insurance coverage and also includes the application of annual and lifetime limits.

''(3) TREATMENT LIMITATIONS.—The term 'treatment limitations' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following:

''Sec. 714. Prosthetics parity.''.

(b) PHSA.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

"SEC. 2707. PROSTHETICS PARITY.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that provides both medical and surgical benefits for prosthetic devices and components (as defined under subsection (d)(1))—

''(1) such benefits for prosthetic devices and components under the plan (or coverage) shall be provided under terms and conditions that are no less favorable than the terms and conditions applicable to substantially all medical and surgical benefits provided under the plan (or coverage);

''(2) such benefits for prosthetic devices and components under the plan (or coverage) may not be subject to separate financial requirements (as defined in subsection (d)(2)) that are applicable only with respect to such benefits, and any financial requirements applicable to such benefits shall be no more restrictive than the financial requirements applicable to substantially all medical and surgical benefits provided under the plan (or coverage); and

''(3) any treatment limitations (as defined in subsection (d)(3)) applicable to such benefits for prosthetic devices and components under the plan (or coverage) may not be more restrictive than the treatment limitations applicable to substantially all medical and surgical benefits provided under the plan (or coverage).

''(b) IN NETWORK AND OUT-OF-NETWORK STANDARDS.—

''(1) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that provides both medical and surgical benefits and benefits for prosthetic devices and components, and that provides both in-network benefits for prosthetic devices and components and out-of-network benefits for prosthetic devices and components, the requirements of this section shall apply separately with respect to benefits under the plan (or coverage) on an in-network basis and benefits provided under the plan (or coverage) on an out-of-network basis.

''(2) CLARIFICATION.—Nothing in paragraph (1) shall be construed as requiring that a group health plan (or health insurance coverage offered in connection with a group health plan) eliminate an out-of-network provider option from such plan (or coverage) pursuant to the terms of the plan (or coverage).

''(c) ADDITIONAL REQUIREMENTS.—

''(1) PRIOR AUTHORIZATION.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that requires, as a condition of coverage or payment for prosthetic devices

and components under the plan (or coverage), prior authorization, such prior authorization must be required in the same manner as prior authorization is required by the plan (or coverage) as a condition of coverage or payment for all similar benefits provided under the plan (or coverage).

''(2) LIMITATION ON MANDATED BENEFITS.—Coverage for required benefits for prosthetic devices and components under this section shall be limited to coverage of the most appropriate device or component model that adequately meets the medical requirements of the patient, as determined by the treating physician of the patient involved.

''(3) COVERAGE FOR REPAIR OR REPLACEMENT.—Benefits for prosthetic devices and components required under this section shall include coverage for the repair or replacement of prosthetic devices and components, if the repair or replacement is determined appropriate by the treating physician of the patient involved.

''(4) ANNUAL OR LIFETIME DOLLAR LIMITATIONS.—A group health plan (or health insurance coverage offered in connection with a group health plan) shall not impose any annual or lifetime dollar limitation on benefits for prosthetic devices and components required to be covered under this section unless such limitation applies in the aggregate to all medical and surgical benefits provided under the plan (or coverage) and benefits for prosthetic devices components.

''(d) DEFINITIONS.—In this section:

''(1) PROSTHETIC DEVICES AND COMPONENTS.—The term 'prosthetic devices and components' means those devices and components that may be used to replace, in whole or in part, an arm or leg, as well as the services required to do so and includes external breast prostheses incident to mastectomy resulting from breast cancer.

''(2) FINANCIAL REQUIREMENTS.—The term 'financial requirements' includes deductibles, coinsurance, co-payments, other cost sharing, and limitations on the total amount that may be paid by an enrollee with respect to benefits under the plan or health insurance coverage and also includes the application of annual and lifetime limits.

''(3) TREATMENT LIMITATIONS.—The term 'treatment limitations' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans (and health insurance coverage offered in connection with group health plans) for plan years beginning on or after the date of the enactment of this Act.

SEC. 4. FEDERAL ADMINISTRATIVE RESPONSIBILITIES.

(a) ASSISTANCE TO ENROLLEES.—The Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall provide assistance to enrollees under plans or coverage to which the amendment made by section 3 apply with any questions or problems with respect to compliance with the requirements of such amendment.

(b) AUDITS.—The Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall provide for the conduct of random audits of group health plans (and health insurance coverage offered in connection with such plans) to ensure that such plans (or coverage) are in compliance with the amendments made by section (3).

(c) GAO STUDY.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study that evaluates the effect of the implementation of the amendments made by this Act on the cost of the health insurance coverage, on access to health insurance coverage (including the availability of in-network providers), on the quality of health care, on benefits and coverage for prosthetics devices and components, on any additional cost or savings to group health plans, on State prosthetic devices and components benefit mandate laws, on the business community and the Federal Government, and on other issues as determined appropriate by the Comptroller General.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall prepare and submit to the appropriate committee of Congress a report containing the results of the study conducted under paragraph (1).

(d) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall promulgate final regulations to carry out this Act and the amendments made by this Act.

By Mr. BINGAMAN (for himself and Mr. CRAPO):

S. 3518. A bill to amend the Internal Revenue Code of 1986 to modify the limitations on the deduction of interest by financial institutions which hold tax-exempt bonds, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, one of the credit crunch's most unfair—but least-discussed—impacts is its severe curtailment of municipalities' ability to raise capital for critical infrastructure projects. Because municipalities did not engage in the financial ''innovation'' that led to this situation, they are merely innocent bystanders swept up in a national crisis. Congress must take swift action to mitigate the credit crunch's impact on U.S. municipalities. To do so, I rise today to introduce the Municipal Bond Market Support Act of 2008. By relaxing outdated restrictions that prevent banks from acquiring municipal debt, the Act will significantly enhance demand for municipal bonds, thus aiding municipalities across the Nation—particularly those in small and rural communities—in financing essential infrastructure projects. I thank my friend from Idaho, Mr. CRAPO, a colleague on the Finance Committee, for joining me in introducing this bipartisan legislation.

Federal policy has long recognized the critical role of municipal bonds in enabling communities to undertake critical investments. But the liquidity crisis has dried up available capital for bonds, both municipal and corporate, at a time when the municipal bond market is already reeling from other setbacks. The auction-rate security market's collapse, which forced municipal issuers to refinance or convert more than $80 billion of their total $166 billion in such securities, has already cost municipalities more than $1 billion, thus pushing new municipal bond issuance out of reach for many municipalities. Meanwhile, when the Nation's two largest bond insurers were downgraded earlier this year, the underlying municipal bonds saw a corresponding downgrade—a penalty for merely being ''wrapped'' in the downgraded firm's insurance.

Taken together, these forces have driven yields on benchmark, 30-year tax-exempt debt to their highest levels since July 2004. These high rates have dramatically increased costs for municipalities facing interest payments on outstanding floating-rate municipal bonds, while making it more costly for municipalities to issue new debt. In the first half of 2008, long-term municipal issuance dropped 4.1 percent over the prior year, and a further drop is predicted in the second half; for new issuances, the interest costs have vastly increased. Given the credit crunch's severity, full recovery is probably a long way off. The timing could not be less opportune—the financial slowdown will cause municipal budget deficits to balloon, just when the need for infrastructure enhancements could not be more apparent.

Our bill, which largely mirrors a companion already introduced in the House by Chairman FRANK and Chairman NEAL of the House Ways and Means Select Revenue Measures Subcommittee, would stimulate demand—and therefore lower borrowing costs for issuing municipalities—by relaxing restrictions on banks' ability to participate in the municipal bond market.

To understand the proposed changes, it is useful to briefly review the tax code's current rules regarding banks' holding of municipal debt. Prior to 1986, banks were generally permitted to deduct the full interest costs they incurred unless a borrowing was incurred or continued to purchase or hold such bonds. Consequently, banks made up a significant share of the demand for municipal debt. But the 1986 tax reform eliminated this deduction for banks by requiring a pro-rata interest expense disallowance, with a limited ''qualified small issuer'' exception that permits banks to deduct 80 percent of the cost of purchasing and carrying bonds of governmental entities that issue $10 million or less in municipal bonds in any calendar year. This exception was added because small issuers' infrequent and small borrowing amounts make it too costly for them to sell debt in the national capital markets, leaving private placements with local banks the most feasible and cost-effective alternative.

To increase demand for municipal debt, the bill makes two modifications to these limitations. First, it would raise the bank qualified limit for small issuers from $10 million to $30 million, and then index the new limit for inflation. Municipalities that issue between $10 million and $30 million will thus be able to raise capital through private placements. Because private placements generally carry no underwriting fees and require no offering document, the up-front issuing costs to municipalities are far lower than issuing debt on the public markets. More critically, interest payments are far lower: Interest on such ''bank qualified'' debt averages 40 basis points, 0.40 percent, less than interest on nonbank qualified debt.

Failing to raise the bank-qualified level from the amount set in 1986 has real consequences for American communities. For instance, many small hospitals and healthcare facilities, even in small population States, cannot take advantage of today's small-issuer exception because they borrow through statewide authorities that issue bonds on behalf of multiple institutions, thereby exceeding the $10 million limit. In my home state, the New Mexico Hospital Equipment Loan Council tells me that if the $10 million limit had instead been $30 million, then many hospitals in our state's rural communities would have been able to secure funding to acquire additional hospital equipment, among them, Sierra Vista Hospital in Truth or Consequences; the Prairie Meadows assisted living facility in Clovis; and the Las Cruces Mental Health Center in Las Cruces. For each of these entities, the prospective borrower was instead forced to seek alternative, higher-cost capital options—or could not secure funding to complete the transaction.

As another example, the City of Las Cruces would benefit from this bill. The city has had five debt issues in the last 5 years that exceeded $10 million. The financial advisor under contract to the City estimates that the difference in rates, with a higher limit on bank qualified debt, would be about 20 basis points—a savings that would be passed on to the taxpayers and rate payers in our community.

Second, as concerns municipalities that issue more than $30 million in debt annually, the bill would allow financial institutions to hold up to 2 percent of their total assets in such debt, without disallowing a proportional amount of their interest expense deduction. This change is intended to restore bank demand and provide some stability by bringing this group of institutional investors back into the municipal market. Nonfinancial companies already benefit from this safe harbor, so in this regard, the bill creates parity. Many larger municipal infrastructure projects have costs in excess of $30 million, and bank investment can only help these critical projects succeed.

Finally, it bears mentioning that this bill offers at least two collateral benefits. First, enabling local governments to undertake additional infrastructure investments will help to stimulate our challenged economy. Second, by enabling banks to acquire municipal bonds—the safest class of security—the bill will enhance the stability of banks at a time that they face considerable financial pressure.

I am pleased that this bill has been endorsed by a number of organizations, including the National League of Cities; U.S. Conference of Mayors; National Association of Counties; Government Finance Officers Association; International City/County Management Association; National Association of State Auditors, Comptrollers and Treasurers; National Association of State Treasurers; Council of Infrastructure Financing Authorities; Education Finance Council; and National Association of Health and Educational Facilities Finance Authorities.

I hope my colleagues will join with Senator CRAPO and me in working to enhance liquidity in the municipal bond market. Our bill will go a long way toward ensuring that our cities, towns, counties, utility districts, and school districts can secure affordable financing to undertake the infrastructure projects that our communities sorely need.

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. 3518

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 ''Municipal Bond Market Support Act of 2008''.

SEC. 2. MODIFICATION OF SMALL ISSUER EXCEPTION TO TAX-EXEMPT INTEREST EXPENSE ALLOCATION RULES FOR FINANCIAL INSTITUTIONS.

(a) INCREASE IN LIMITATION.—Subparagraphs (C)(i), (D)(i), and (D)(iii)(II) of section 265(b)(3) of the Internal Revenue Code of 1986 are each amended by striking ''$10,000,000'' and inserting ''$30,000,000''.

(b) REPEAL OF AGGREGATION RULES APPLICABLE TO SMALL ISSUER DETERMINATION.—Paragraph (3) of section 265(b) of such Code is amended by striking subparagraphs (E) and (F).

(c) ELECTION TO APPLY LIMITATION AT BORROWER LEVEL.—Paragraph (3) of section 265(b) of such Code, as amended by subsection (b), is amended by adding at the end the following new subparagraph:

''(E) ELECTION TO APPLY LIMITATION ON AMOUNT OF OBLIGATIONS AT BORROWER LEVEL.—

''(i) IN GENERAL.—An issuer, the proceeds of the obligations of which are to be used to make or finance eligible loans, may elect to apply subparagraphs (C) and (D) by treating each borrower as the issuer of a separate issue.

''(ii) ELIGIBLE LOAN.—For purposes of this subparagraph—

''(I) IN GENERAL.—The term 'eligible loan' means one or more loans to a qualified borrower the proceeds of which are used by the borrower and the outstanding balance of which in the aggregate does not exceed $30,000,000.

''(II) QUALIFIED BORROWER.—The term 'qualified borrower' means a borrower which is an organization described in section 501(c)(3) and exempt from taxation under section 501(a) or a State or political subdivision thereof.

''(iii) MANNER OF ELECTION.—The election described in clause (i) may be made by an issuer for any calendar year at any time prior to its first issuance during such year of obligations the proceeds of which will be used to make or finance one or more eligible loans.''.

(d) INFLATION ADJUSTMENT.—Paragraph (3) of section 265(b) of such Code, as amended by subsections (b) and (c), is amended by adding at the end the following new subparagraph:

''(F) INFLATION ADJUSTMENT.—In the case of any calendar year after 2009, the $30,000,000 amounts contained in subparagraphs (C)(i), (D)(i), (D)(iii)(II), and (E)(ii)(I) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2008' 'for calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $100,000.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008.

SEC. 3. DE MINIMIS SAFE HARBOR EXCEPTION FOR TAX-EXEMPT INTEREST EXPENSE OF FINANCIAL INSTITUTIONS AND BROKERS.

(a) FINANCIAL INSTITUTIONS.—Subsection (b) of section 265 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) DE MINIMIS EXCEPTION.—Paragraph (1) shall not apply to any financial institution if the portion of the taxpayer's holdings of tax-exempt securities is less than 2 percent of the taxpayer's assets.''.

(b) BROKERS.—Subsection (a) of section 265 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) DE MINIMIS EXCEPTION.—Paragraph (2) shall not apply to any broker (as defined in section 6045(c)(1)) if the portion of the taxpayer's holdings of tax-exempt securities is less than 2 percent of the taxpayer's assets.''.

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

By Mr. DURBIN (for himself, Mrs. FEINSTEIN, Mrs. MCCASKILL, and Mr. WYDEN):

S. 3519. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, today I am introducing the Puppy Uniform Protection and Safety Act, or PUPS Act.

In recent years, media reports have highlighted the cruel treatment of dogs raised by irresponsible breeders in large-scale commercial operations. The facilities operated by the most negligent owners are often referred to as puppy mills, because they churn out dogs the way a factory would—with little or no respect for the animals' quality of life.

Let me be clear, there are many responsible dog breeders across the country who care about and take great pains to properly look after the animals in their care. Those breeders are not the target of this legislation.

Unfortunately, the less scrupulous ''puppy mills'' threaten the reputation of the entire industry. The dogs bred or raised in puppy mills are often housed in cramped, dirty, wire cages. To maximize profit, a breeder may stack cages on top of each other or keep the cages outdoors where dogs are exposed to the elements. The dogs may never be given a chance to exercise or even walk on solid ground. Some animals rescued from puppy mills show signs of malnutrition and dehydration, having been denied a sufficient supply of food and

water. Puppies raised in these settings don't always have regular veterinary, and the breeding females are made to have litter after litter of puppies.

Not surprisingly, this treatment has an effect on the physical and mental health of the animals raised in these facilities.

Veterinarians in Illinois have shared with me heartbreaking tales of families who unknowingly purchased dogs that had been raised in puppy mills. Those dogs turn out to have serious health and behavioral problems. By the time these conditions are diagnosed, the families have welcomed the new puppy into the family and developed a strong emotional attachment. In some cases, the puppies could be treated, but often at great expense to their new owners. These families face very difficult decisions.

Today, people can go on-line and research puppies available for purchase with the simple click of a mouse. You can't blame people for using the convenience of shopping online, but some puppy mill operators advertise on the internet so that they can bypass the pet store. That way, the breeder can avoid the Federal licensing requirements of the Animal Welfare Act, which apply only to wholesale breeders. That means that finding your puppy on-line may well increase the chance that you'll be buying from a puppy mill.

The PUPS Act I am introducing today, along with Senators FEINSTEIN, MCCASKILL, and WYDEN, would amend the Animal Welfare Act to require that breeders obtain a license from the USDA if they raise more than 50 dogs in a 12-month period and sell directly to the public.

These licenses are inexpensive and the application process is simple. But USDA licensing would allow the agency to ensure that large and mid-level breeders comply with minimum Federal standards. The PUPS Act also requires all commercial breeders to give dogs in their care at least two daily exercise breaks, allowing the dogs to enjoy at least 60 minutes outside of their crates or enclosures.

The good news is that the public is growing more aware of the existence of puppy mills. Recent investigations of the deplorable conditions at several large puppy mills along with the interest shown by celebrities, including Chicago resident Oprah Winfrey, have brought new attention to the cause. As a result, many Americans seeking companion animals are doing their homework. They are choosing to adopt from local shelters or finding and visiting responsible breeders. It is my hope that extending and improving oversight of this industry through the PUPS Act will help Americans feel confident about the health and well-being of the dog that they welcome into their family.

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. 3519

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 ''Puppy Uniform Protection and Safety Act''.

SEC. 2. REGULATION OF HIGH-VOLUME SELLERS OF PUPPIES.

(a) RETAIL PET STORE DEFINED.—Section 2 of the Animal Welfare Act (7 U.S.C. 2132) is amended by adding at the end the following new subsection:

''(p) The term 'retail pet store' means a person that—

''(1) sells an animal directly to the public for use as a pet; and

''(2) does not breed or raise more than 50 dogs for use as pets during any one-year period.''.

(b) LICENSES.—Section 3 of the Animal Welfare Act (7 U.S.C. 2133) is amended in the second proviso—

(1) by striking ''retail pet store or other person who'' and inserting ''retail pet store, or other person who (1) does not breed or raise more than 50 dogs for use as pets during any one-year period, and (2)''; and

(2) by striking ''research facility'' and inserting ''research facility,''.

(c) HUMANE STANDARDS.—Section 13 of the Animal Welfare Act (7 U.S.C. 2143) is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(2) by redesignating the second subsection (f) as subsection (g); and

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

''(j)(1) Subject to paragraph (2), a dealer shall provide each dog held by such dealer that is of the age of 12 weeks or older with a minimum of two exercise periods during each day for a total of not less than one hour of exercise during such day. Such exercise shall include removing the dog from the dog's primary enclosure and allowing the dog to walk for the entire exercise period, but shall not include use of a treadmill, catmill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine.

''(2) Paragraph (1) shall not apply to a dog certified by a doctor of veterinary medicine, on a form designated by and submitted to the Secretary, as being medically precluded from exercise.''.

SEC. 3. EFFECT ON STATE LAW.

The amendments made by this Act shall not be construed to preempt any law or regulation of a State or a political subdivision of a State containing requirements that are greater than the requirements of the amendments made by this Act.

By Ms. SNOWE:

S. 3522. A bill to establish a Federal Board of Certification to enhance the transparency, credibility, and stability of financial markets, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. SNOWE. Mr. President, I rise today to offer legislation that will increase the trustworthiness of our Nation's mortgage security market by creating the Federal Board of Certification for mortgage securities.

The recent collapse of Lehman Brothers, and the Federal Reserve's bailout of American International Group, Fannie Mae, Freddie Mac and Bear Stearns, along the huge losses suffered throughout the financial industry, demonstrates a catastrophic failure to accurately assess the dangers of imprudently made subprime mortgages to the American public and our financial markets. In hindsight, it appears that it was the inability to gauge risk in mortgage-backed securities that caused much of this financial turmoil. For markets to operate properly, it is imperative that they have effective metrics for calculating the level of risk securities pose to investors.

The secondary mortgage market has been a largely unregulated playground where poorly underwritten, low-quality loans were sold as high-quality investment products. Although mortgage backed securities can be a positive market force, which increases the available pool of credit for borrowers, without an accurate picture of the risk involved in each mortgage security, buyers have no idea whether they are buying a high-risk investment or a safe, secure investment. My legislation would work to curb the excesses of the secondary market, combat future attempts at deception, and protect investors by making scrutinized mortgage investments more reliable and trustworthy.

The inability of major corporations to properly assess the risk of the mortgage securities they were trading is a problem whose effects have not been confined to Wall Street. To put it simply: when big banks sneeze, the rest of America gets a cold. By 2009, more than a trillion dollars of the subprime mortgages originated during the housing boom will reset to higher interest rates. Currently, according to the Mortgage Bankers Association, 43 percent of subprime adjustable rate mortgages are already in foreclosure. In my home State of Maine, we are struggling with falling home prices and a record number of foreclosures. Some Maine borrowers, with rising monthly payments, are unable to refinance out of their predatory loans. Small business owners, many already hurt by the economic downturn, are also finding credit tight. The bad economic climate caused by the subprime credit crunch is roiling the stock market causing Americans to loose billions in their IRAs and retirement funds.

We need to fix this crisis before it gets any worse and make sure it never happens again. Francis Bacon said that ''knowledge is power.'' My bill would give investors the knowledge to make intelligent calculations of risk and as a result, it would give them the power to decide how much risk they could collectively handle.

Turning to specifics, my bill creates the Federal Board of Certification, which would certify that the mortgages within a security instrument meet the underlying standards they claim in regards to documentation, loan to value ratios, debt service to income ratios, and borrowers' credit

standards. The purpose of the certification process is to increase the transparency, predictability, and reliability of securitized mortgage products. Certification would aid in creating settled investor expectations and increase transparency by ensuring that the mortgages within a mortgage security conform to the claims made by the mortgage product's sellers.

The proposed Federal Board of Certification would not override any current regulations and would not, in any way, stifle any attempts by private business to rate mortgage securities. This legislation would, however, create incentives for improving industry rating practices. Open publication of the Board's certification criteria would augment the efforts of private ratings agencies by providing incentives for increased transparency in the ratings process. The Board's certification would also serve as a check on the industry to ensure that ratings agencies carefully scrutinize the content of mortgage products before issuing evaluations of mortgage backed securities.

Significantly, the Federal Board of Certification would also be voluntary and funded by an excise tax. Users could choose to pay the costs for the Board to rate their security, or they could elect not to submit their product to the Board.

We must quickly restore confidence in the U.S. mortgage securities if we are to stabilize our housing markets and enable families to refinance their expensive loans. To do this, we must certify the quality and content of our mortgage securities and enable those markets working again to create liquidity and lending. This is why it is urgent to create the Federal Board of Certification for mortgage securities. This legislation would create a ''good housekeeping seal of approval'' for the mortgage security industry and certify that the mortgage products are in fact what they claim to be. Accordingly, I call on Congress to take up and pass this common-sense amendment as expeditiously as possible.

I encourage my colleagues to strongly support the creation of the Federal Board of Certification. This legislation will restore trust in U.S. financial markets and mortgage securities which will help American businesses and ultimately, most crucially, American families.

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. 3522

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 ''Federal Board of Certification Act of 2008''.

SEC. 2. PURPOSE.

It is the purpose of this Act to establish a Federal Board of Certification, which shall certify that the mortgages within a security instrument meet the underlying standards they claim to meet with regards to mortgage characteristics including but not limited to: documentation, loan to value ratios, debt service to income ratios, and borrower credit standards and geographic concentration. The purpose of this certification process is to increase the transparency, predictability and reliability of securitized mortgage products.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term ''Board'' means the Federal Board of Certification established under this Act;

(2) the term ''mortgage security'' means an investment instrument that represents ownership of an undivided interest in a group of mortgages;

(3) the term ''insured depository institution'' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1803); and

(4) the term ''Federal financial institutions regulatory agency'' has the same meaning as in section 1003 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3302).

SEC. 4. VOLUNTARY PARTICIPATION.

Market participants, including firms that package mortgage loans into mortgage securities, may elect to have their mortgage securities evaluated by the Board.

SEC. 5. STANDARDS.

The Board is authorized to promulgate regulations establishing enumerated security standards which the Board shall use to certify mortgage securities. The Board shall promulgate standards which shall certify that the mortgages within a security instrument meet the underlying standards they claim to meet with regards to documentation, loan to value ratios, debt service to income rations and borrower credit standards. The standards should protect settled investor expectations, and increase the transparency, predictability and reliability of securitized mortgage products.

SEC. 6. COMPOSITION.

(a) ESTABLISHMENT; COMPOSITION.—There is established the Federal Board of Certification, which shall consist of—

(1) the Comptroller of the Currency;

(2) the Secretary of Housing and Urban Development;

(3) a Governor of the Board of Governors of the Federal Reserve System designated by the Chairman of the Board;

(4) the Undersecretary of the Treasury for Domestic Finance; and

(5) the Chairman of the Securities and Exchange Commission.

(b) CHAIRPERSON.—The members of the Board shall select the first chairperson of the Board. Thereafter the position of chairperson shall rotate among the members of the Board.

(c) TERM OF OFFICE.—The term of each chairperson of the Board shall be 2 years.

(d) DESIGNATION OF OFFICERS AND EMPLOYEES.—The members of the Board may, from time to time, designate other officers or employees of their respective agencies to carry out their duties on the Board.

(e) COMPENSATION AND EXPENSES.—Each member of the Board shall serve without additional compensation, but shall be entitled to reasonable expenses incurred in carrying out official duties as such a member.

SEC. 7. EXPENSES.

The costs and expenses of the Board, including the salaries of its employees, shall be paid for by excise fees collected from applicants for security certification from the Board, according to fee scales set by the Board.

SEC. 8. BOARD RESPONSIBILITIES.

(a) ESTABLISHMENT OF PRINCIPLES AND STANDARDS.—The Board shall establish, by rule, uniform principles and standards and report forms for the regular examination of mortgage securities.

(b) DEVELOPMENT OF UNIFORM REPORTING SYSTEM.—The Board shall develop uniform reporting systems for use by the Board in ascertaining mortgage security risk. The Board shall assess, and publicly publish, how it evaluates and certifies the composition of mortgage securities.

(c) AFFECT ON FEDERAL REGULATORY AGENCY RESEARCH AND DEVELOPMENT OF NEW FINANCIAL INSTITUTIONS SUPERVISORY AGENCIES.—Nothing in this Act shall be construed to limit or discourage Federal regulatory agency research and development of new financial institutions supervisory methods and tools, nor to preclude the field testing of any innovation devised by any Federal regulatory agency.

(d) ANNUAL REPORT.—Not later than April 1 of each year, the Board shall prepare and submit to Congress an annual report covering its activities during the preceding year.

(e) REPORTING SCHEDULE.—The Board shall determine whether it wants to evaluate mortgage securities at issuance, on a regular basis, or upon request.

SEC. 9. BOARD AUTHORITY.

(a) AUTHORITY OF CHAIRPERSON.—The chairperson of the Board is authorized to carry out and to delegate the authority to carry out the internal administration of the Board, including the appointment and supervision of employees and the distribution of business among members, employees, and administrative units.

(b) USE OF PERSONNEL, SERVICES, AND FACILITIES OF FEDERAL FINANCIAL INSTITUTIONS REGULATORY AGENCIES, AND FEDERAL RESERVE BANKS.—In addition to any other authority conferred upon it by this Act, in carrying out its functions under this Act, the Board may utilize, with their consent and to the extent practical, the personnel, services, and facilities of the Federal financial institutions regulatory agencies, and Federal Reserve banks, with or without reimbursement therefor.

(c) COMPENSATION, AUTHORITY, AND DUTIES OF OFFICERS AND EMPLOYEES; EXPERTS AND CONSULTANTS.—The Board may—

(1) subject to the provisions of title 5, United States Code, relating to the competitive service, classification, and General Schedule pay rates, appoint and fix the compensation of such officers and employees as are necessary to carry out the provisions of this Act, and to prescribe the authority and duties of such officers and employees; and

(2) obtain the services of such experts and consultants as are necessary to carry out this Act.

SEC. 10. BOARD ACCESS TO INFORMATION.

For the purpose of carrying out this Act, the Board shall have access to all books, accounts, records, reports, files, memorandums, papers, things, and property belonging to or in use by Federal financial institutions regulatory agencies, including reports of examination of financial institutions, their holding companies, or mortgage lending entities from whatever source, together with work papers and correspondence files related to such reports, whether or not a part of the report, and all without any deletions.

SEC. 11. REGULATORY REVIEW.

(a) IN GENERAL.—Not less frequently than once every 10 years, the Board shall conduct a review of all regulations prescribed by the Board, in order to identify outdated or otherwise unnecessary regulatory requirements imposed on insured depository institutions.

(b) PROCESS.—In conducting the review under subsection (a), the Board shall—

(1) categorize the regulations described in subsection (a) by type; and

(2) at regular intervals, provide notice and solicit public comment on a particular category or categories of regulations, requesting commentators to identify areas of the regulations that are outdated, unnecessary, or unduly burdensome.

(c) COMPLETE REVIEW.—The Board shall ensure that the notice and comment period described in subsection (b)(2) is conducted with respect to all regulations described in subsection (a), not less frequently than once every 10 years.

(d) REGULATORY RESPONSE.—The Board shall—

(1) publish in the Federal Register a summary of the comments received under this section, identifying significant issues raised and providing comment on such issues; and

(2) eliminate unnecessary regulations to the extent that such action is appropriate.

(e) REPORT TO CONGRESS.—Not later than 30 days after carrying out subsection (d)(1) of this section, the Board shall submit to the Congress a report, which shall include a summary of any significant issues raised by public comments received by the Board under this section and the relative merits of such issues.

SEC. 12. LIABILITY.

Any publication, transmission, or webpage containing an advertisement for or invitation to buy a mortgage security shall include the following notice, in conspicuous type: ''Certification by the Federal Board of Certification can in no way be considered a guarantee of the mortgage security. Certification is merely a judgment by the Federal Board of Certification of the degree of risk offered by the security in question. The Federal Board of Certification is not liable for any actions taken in reliance on such judgment of risk.''.

By Mr. ENZI:

S. 3523. A bill to provide 8 steps for energy sufficiency, and for other purposes; to the Committee on Finance.

Mr. ENZI. Mr. President, when I was home over the August recess, I traveled over 6,000 miles across Wyoming. I visited dozens of different cities in my home State, all of which have a variety of concerns and needs. I found, however, one common theme throughout every town and in every meeting I took. That theme was the need to do something about the high cost of energy.

High energy prices are hurting everyone, but they are especially impacting the people of Wyoming. People in Wyoming are often forced to commute long distances to get to work. Some have to drive miles for groceries and general services that are common in larger cities. We need to do something to make America energy sufficient and today I am introducing my plan to make that happen.

My bill is titled Eight Steps to Energy Sufficiency, and it follows a similar model I have used before. It breaks down the deficiencies in our Nation's energy policy into eight separate areas and provides a solution for those eight areas. It is a comprehensive approach, but it is broken down in a way that any one of the steps can be passed on its own merits.

First step—use less energy. The problem that we are facing today is a supply and demand issue. We have too much demand for energy and not enough energy supply. My bill takes the approach that we can use less by aiding in the development of technology that will make vehicles more efficient.

Second step—find more American energy. Traditional energy sources make up 85 percent of our energy portfolio today, and there is no way we can transition to renewable energy over night. Because that is the case, we should be focusing our efforts on developing as much American energy as we can so that we can stop sending money to countries that are not necessarily friendly to the U.S. My bill does this by opening up the Outer Continental Shelf to energy development and ending the senseless ban on oil shale development. These two actions will go a long way toward making America more energy sufficient.

Third step—speed up the process. We can't get refineries built in the U.S., even though we need them and so my bill includes a provision to help streamline the permitting process for refineries. In addition to that, it takes a look at the NEPA process in an effort to see how we can limit senseless litigation that is slowing the production of energy on already leased lands.

Fourth step—innovation. I am a huge believer in American ingenuity. Every year, I hold an inventor's conference because I believe our community of inventors will be key in solving our energy crisis. My bill recognizes this and helps move forward the development of hydrogen technologies. It also studies cellulosic ethanol to determine if we are doing all that we can to help move non-corn based ethanol forward.

The fifth step of my plan deals with incentives. We need to incentivize the production of energy and we need to let people know that the Federal Government is in it for the long haul by providing incentives that last for more than a year. My plan would reauthorize the wind production tax credit for 5 years and it would renew the solar production tax credit for 8 years. It would repeal the Federal Government's theft of States' fair share of mineral royalties so that States would be encouraged to allow for production on their lands. It is important that we help people who are doing their part, and making these important credits available is one way to do just that.

The sixth step of my plan to strengthen America's energy supply deals with our nation's most abundant energy source: coal. Wyoming is the Nation's largest coal producer, and any realistic effort to make America's energy supply more robust has to recognize that coal will play a major role in making that happen. My bill provides funding for research and development to help develop and deploy carbon capture and sequestration technologies. It promotes using coal to make diesel fuel and allows the Air Force to enter into long term fuels contracts so that our military has a secure source of jet fuel.

Nuclear energy must also play a role in making America energy sufficient, and the seventh step of my plan encourages the development of nuclear energy. The bill recognizes the important role Yucca Mountain could play, and it offers up tax credits to help build new nuclear reactors. Wyoming is the Nation's largest producer of uranium, and because nuclear is a clean and efficient energy source, we should be doing all that we can to move it forward.

Finally, the eighth step in my plan involves opening up a small area of Alaska's coastal plain to energy production. By opening up a portion of the Arctic National Wildlife Refuge that is roughly the size of the Natrona County International Airport in Casper, Wyoming, we can produce about a million barrels of American oil each day. The Energy Information Administration recently sent a letter suggesting that the addition of 1 million barrels of oil a day to the market could drop the price as much as $20 dollars per barrel, and we should act on this matter expeditiously.

My bill is an eight step plan. I broke down my ideas for energy sufficiency into eight separate steps with the hope that each piece can be passed by Congress as stand-alone legislation. In Washington, bills that are smaller and more specific are much easier to pass than huge pieces of ''comprehensive'' legislation because those big bills can often gain opposition very quickly, and before you know it they will not pass. Whenever we try to push through big energy packages, nearly every Senator objects to some aspect of it, and that means we are not able get enough people in support of the bill to pass it. By breaking down my plan into sections, we have eight sensible solutions for Congress to consider, and if enacted, any one of them would ease the burden of high prices faced by consumers.

I hope my colleagues will take a look at my package and will work with me to move forward with this important legislation. All summer, I heard about the importance of moving forward with energy legislation, and I believe my approach is the best way to make America energy sufficient.

By Mr. REID (for Mr. BIDEN):

S. 3524. A bill to improve the Office for State and Local Law Enforcement, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. BIDEN. Mr. President, since September 11, 2001, our Nation has taken significant steps to improve our national security. However, to improve our ability to prevent and respond to a future terrorist attack we need to fundamentally change the working relationship between our Federal, State, local, and tribal law enforcement agencies. The Homeland Security and Law

Enforcement Improvements Act of 2008 will do this by making State, local, and tribal law enforcement agencies full partners with Federal agencies in homeland security policymaking and by ensuring that these agencies have the resources they need to prevent and respond to terrorist attacks or other major incidents.

As chairman of the Judiciary Subcommittee on Crime and Drugs, I regularly talk to police chiefs and sheriffs throughout this country. These men and women are on the front lines of protecting our communities from a host of dangers in these difficult times. They know where our vulnerabilities are and what it will take to keep our families and neighborhoods safe, but, to put it simply, we haven't been listening. Policymakers haven't been listening to the people on the ground, leaving a critical gap in homeland security prevention, preparation, and incident response capabilities.

The Homeland Security and Law Enforcement Improvements Act of 2008 makes a number of important improvements to this situation that I believe will strengthen our ability to prevent and, if necessary, effectively respond to a major terrorist incident.

First, the act will ensure that state and local law enforcement agencies are full partners in both crime fighting and homeland security by giving the Assistant Secretary for State and Local Law Enforcement the appropriate budget and program management authority.

Second, the act will ensure that state and local law enforcement agencies have the resources needed to prevent and respond to terrorist acts by fully funding the Law Enforcement Terrorism Prevention Program, LETP, as a separate initiative. The LETPP is the only funding resource in the Department of Homeland Security dedicated solely to meeting the unique needs of law enforcement as they try to protect our communities from terrorism.

Third, the act ensures that first responders in local law enforcement have the resources they need to effectively react to a terrorist incident by establishing the Commercial Equipment Direct Assistance Program, CEDAP, as an authorized program. The CEDAP provides funding that allows law enforcement first responders to identify and select specialized equipment and technology that can help them protect the communities they serve.

Fourth, the act will ensure that we have a swift and coordinated response in the event of a major incident by establishing Law Enforcement Deployment Teams that can react immediately to major incidents throughout the country.

Fifth, the act will create an Information Sharing Resource Center to facilitate information sharing between Federal, State, local, and tribal law enforcement agencies, intelligence officials, and Federal agencies so that every stakeholder has the information necessary to protect our country from terrorist attacks.

Finally, the Act strengthens our ability to prevent and disrupt plans for attacks against America hatched overseas by establishing a Foreign Liaison Officers Against Terrorism, FLOAT, program. FLOAT will allow American state and local law enforcement officers to serve outside the U.S. as liaison officers—working closely with their foreign law enforcement counterparts to share information and gain a better understanding of how terrorists work abroad.

Each of these initiatives: the LETPP, CEDAP, the Law Enforcement Deployment Teams, the Information Sharing Resource Center, and FLOAT will be under the direction and control of the Assistant Secretary, who will report directly to the Secretary of the Department of Homeland Security.

I am honored to introduce this legislation with the support of the U.S. Conference of Mayors, the National Association of Police Organizations, the National Sheriffs Association and other law enforcement groups throughout this country who toil daily to keep us safe from crime and terrorism.

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. 3524

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 ''Homeland Security and Law Enforcement Improvements Act of 2008''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''Department'' means the Department of Homeland Security; and

(2) the term ''Secretary'' means the Secretary of Homeland Security.

SEC. 3. OFFICE FOR STATE AND LOCAL LAW ENFORCEMENT.

Section 2006 of the Homeland Security Act of 2002 (6 U.S.C. 607) is amended by striking subsection (b) and inserting the following:

''(b) OFFICE FOR STATE AND LOCAL LAW ENFORCEMENT.—

''(1) ESTABLISHMENT.—There is established in the Office of the Secretary an Office for State and Local Law Enforcement, which shall be headed by an Assistant Secretary for State and Local Law Enforcement.

''(2) QUALIFICATIONS.—The Assistant Secretary for State and Local Law Enforcement shall have an appropriate background with experience in law enforcement, intelligence, and other antiterrorist functions.

''(3) ASSIGNMENT OF PERSONNEL.—The Secretary may assign to the Office for State and Local Law Enforcement permanent staff and other appropriate personnel detailed from other components of the Department to carry out the responsibilities under this subsection.

''(4) RESPONSIBILITIES.—The Assistant Secretary for State and Local Law Enforcement shall—

''(A) lead the coordination of Department-wide policies relating to the role of State and local law enforcement in preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters within the United States;

''(B) serve as a liaison between State, local, and tribal law enforcement agencies and the Department;

''(C) work with the Office of Intelligence and Analysis to ensure the intelligence and information sharing requirements of State, local, and tribal law enforcement agencies are being addressed;

''(D) work with the Administrator to ensure that homeland security grants to State, local, and tribal government agencies, including grants under sections 2003 and 2004 and subsection (a) of this section, the Commercial Equipment Direct Assistance Program, and grants to support fusion centers and other law enforcement-oriented programs, are adequately focused on terrorism prevention activities;

''(E) coordinate, in cooperation with the Federal Emergency Management Agency and the Office of Intelligence and Analysis, information sharing and fusion center training, technical assistance, and other information sharing activities to ensure needs of State, local, and tribal law enforcement agencies and fusion centers are being met, including the development of a Law Enforcement Information Sharing Resource Center under paragraph (6);

''(F) carry out, in coordination with the Administrator, the National Law Enforcement Deployment Team Program established under paragraph (5); and

''(G) coordinate with the Federal Emergency Management Agency, the Department of Justice, the National Institute of Justice, law enforcement organizations, and other appropriate entities to support the development, promulgation, and updating, as necessary, of national voluntary consensus standards for training and personal protective equipment to be used in a tactical environment by law enforcement officers.

''(5) NATIONAL LAW ENFORCEMENT DEPLOYMENT TEAM PROGRAM.—

''(A) ESTABLISHMENT.—The Assistant Secretary for State and Local Law Enforcement shall establish a National Law Enforcement Deployment Team Program to develop and implement a series of Law Enforcement Deployment Teams comprised of State and local law enforcement personnel capable of providing immediate support in response to the threat or occurrence of a natural or man-made incident.

''(B) ACTIVITIES.—In carrying out the National Law Enforcement Deployment Team Program, the Assistant Secretary for State and Local Law Enforcement shall—

''(i) consult with State and local law enforcement and public safety agencies and other relevant stakeholders as to the capabilities required by a Law Enforcement Deployment Team;

''(ii) develop and implement a model Law Enforcement Deployment Team located in a region of the Federal Emergency Management Agency selected by the Assistant Secretary;

''(iii) exercise and train the Law Enforcement Deployment Teams;

''(iv) create model policies and procedures, templates, and general policies and procedures and document best practices that can be applied to the development of Law Enforcement Deployment Teams in each region of the Federal Emergency Management Agency;

''(v) develop an implementation strategy to support the development, overall management, equipment, infrastructure, and training needs of a National Law Enforcement Deployment Team Program, including the development of a technical assistance and training program; and

''(vi) not later than 6 months after the date of enactment of the Homeland Security and Law Enforcement Improvements Act of 2008, and before implementation of the National Law Enforcement Deployment Team Program in any region of the Federal Emergency Management Agency other than the region selected under clause (ii), submit to the Committee on Homeland Security and Government Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives a report on the National Law Enforcement Deployment Team Program, which shall include the implementation strategy described in clause (v).

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph—

''(i) $5,000,000 for each of fiscal years 2009 and 2010; and

''(ii) such sums as are necessary for each of fiscal years 2011 through 2015.

''(6) LAW ENFORCEMENT INFORMATION SHARING RESOURCE CENTER.—

''(A) ESTABLISHMENT.—There is established within the Office for State and Local Law Enforcement, the Law Enforcement Information Sharing Resource Center to provide technical assistance relating to information sharing and intelligence with and between State, local, and tribal law enforcement agencies and Federal agencies.

''(B) ACTIVITIES.—In carrying out the Law Enforcement Information Sharing Resource Center, the Assistant Secretary for State and Local Law Enforcement shall—

''(i) develop a single repository within the Department to house all relevant guidance, templates, examples, best practices, data sets, analysis tools, and other fusion center and information sharing related items;

''(ii) consult with State and local law enforcement agencies in the development of the Law Enforcement Information Sharing Resource Center;

''(iii) consolidate access to Department resources within the Law Enforcement Information Sharing Resource Center;

''(iv) provide technical assistance to law enforcement and public safety agencies; and

''(v) coordinate, in coordination with the Federal Emergency Management Agency and the Office of Intelligence and Analysis, intelligence, information sharing, and fusion center related training, technical assistance, exercise, and other services provided to State and local law enforcement and other agencies developing or operating fusion centers and intelligence units.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph—

''(i) $3,000,000 for fiscal year 2009;

''(ii) $3,500,000 for fiscal year 2010; and

''(iii) such sums as are necessary for each of fiscal years 2011 through 2015.

''(7) FOREIGN LIAISON OFFICERS AGAINST TERRORISM PROGRAMS.—

''(A) ESTABLISHMENT.—There is established within the Office of State and Local Law Enforcement, the Foreign Liaison Officers Against Terrorism Program.

''(B) DUTIES.—In carrying out the Foreign Liaison Officers Against Terrorism Program the Assistant Secretary for State and Local Law Enforcement shall—

''(i) identify foreign cities the government of which desires a State, local, or tribal law enforcement agency to assign an officer to the foreign city, to share information with law enforcement agencies of State, local, and tribal governments; and

''(ii) assign each foreign city identified under clause (i) to a law enforcement agency participating in the Foreign Liaison Officers Against Terrorism Program, to—

''(I) obtain information relevant to law enforcement agencies of State, local, and tribal governments from each such city for information sharing purposes; and

''(II) share information obtained under subclause (I) with other law enforcement agencies participating in the Foreign Liaison Officers Against Terrorism Program.

''(C) USE OF GRANT FUNDS.—A grant awarded under section 2003 may be used for the costs of participation in the Foreign Liaison Officers Against Terrorism Program established under subparagraph (A).''.

SEC. 4. LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.

(a) IN GENERAL.—Section 2006(a) of the Homeland Security Act of 2002 (6 U.S.C. 607(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) GRANTS.—The Assistant Secretary for State and Local Law Enforcement may make grants to States and local governments for law enforcement terrorism prevention activities.

''(B) PROGRAM.—The Secretary shall maintain the grant program under this subsection as a separate program of the Department.''; and

(2) by adding at the end the following:

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $500,000,000 for each of fiscal years 2009 through 2015, of which not less than 10 percent may be used by the Assistant Secretary for discretionary grants for national best practices and programs of proven effectiveness, including for—

''(A) national, regional and multi-jurisdictional projects;

''(B) development of model programs for replication;

''(C) guidelines and standards for preventing terrorism;

''(D) national demonstration projects that employ innovative or promising approaches; and

''(E) evaluation of programs to ensure the effectiveness of the programs.''.

(b) REPORTING.—The Assistant Secretary for State and Local Law Enforcement of the Department shall submit to Congress and make publicly available an annual report detailing the goals and recommendations for the Nation's terrorism prevention strategy.

SEC. 5. COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM.

(a) IN GENERAL.—Title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

''Subtitle C—Other Assistance

''SEC. 2041. COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM.

''(a) ESTABLISHMENT.—There is established within the Office of State and Local Law Enforcement, the Commercial Equipment Direct Assistance Program (in this section referred to as the 'program') to make counterterrorism technology, equipment, and information available to local law enforcement agencies.

''(b) ACTIVITIES.—In carrying out the program, the Assistant Secretary for State and Local Law Enforcement shall—

''(1) publish a comprehensive list of available technologies, equipment, and information available under the program;

''(2) consult with local law enforcement agencies and other appropriate individuals and entities, as determined by the Assistant Secretary for State and Local Law Enforcement;

''(3) accept applications from the heads of State and local law enforcement agencies that wish to acquire technologies, equipment, or information under the program to improve the homeland security capabilities of those agencies; and

''(4) transfer the approved technology, equipment, or information and provide the appropriate training to the State or local law enforcement agency to implement such technology, equipment, or information.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $75,000,000 for each of fiscal years 2009 and 2010; and

''(2) such sums as are necessary for each of fiscal years 2011 through 2015.''.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 3525. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the ''Star-Spangled Banner'', and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CARDIN. Mr. President, I rise today to introduce the Star-Spangled Banner Bicentennial Commemorative Coin Act. I am pleased that my colleague, the senior Senator from Maryland, is a cosponsor. This legislation will honor our National Anthem and the Battle for Baltimore, which was a key turning point of the War of 1812, by creating a commemorative U.S. Mint coin.

The War of 1812 confirmed American independence from Great Britain in the eyes of the world. Before the war, the British has been routinely imposing on American sovereignty. They had impressed American merchant seamen into the British Royal Navy, enforced illegal and unfair trade rules with the United States, and allegedly offered assistance to American Indian tribes which were attaching frontier settlements. In response,, the United States declared war on Great Britain on June 18, 1812, to protest these violations of ''free trade and sailors rights,'' as well as the violations on land.

After 2½ years of conflict, the British Royal Navy sailed up the Chesapeake Bay with combined military and naval forces, and in August 1814 attacked Washington, DC, burning to the ground the U.S. Capitol, the White House, and much of the rest of the capital city. However, the American defenders stopped the British as they attempted to capture Baltimore and New Orleans.

As the British Royal Navy sailed up the Patapsco River on its way to Baltimore, American forces held the British fleet at Fort McHenry, located just outside of the city. After 25 hours of bombardment, the British failed to take the Fort and were forced to depart. American lawyer Francis Scott Key, who was being held on board an American flag-of-truce vessel, beheld by the dawn's early light an American flag still flying atop Fort McHenry. He immortalized the event in a song which later became known as ''The Star-Spangled Banner.''

The flag to which Key referred was a 30′ x 42′ foot flag made specifically for Fort McHenry. The commanding officer desired a flag so large that the

British would have no trouble seeing it from a distance. This proved to be the case as Key visited the British fleet on September 7, 1814, to secure the release of Dr. William Beanes, Dr. Beanes was released, but Key and Beanes were detained on an American Flag-of-truce vessel until the end of the bombardment. It was on September 14, 1814, by the dawn's early light, that Key saw the great banner that inspired him to write the song that ultimately became our National Anthem.

The Star-Spangled Banner Bicentennial Commemorative Coin will honor this symbol of our Nation and our National Anthem. The coin will be minted in 2012 in coordination with the 200th Anniversary of the War of 1812. I hope my colleagues will join me in supporting this measure in this fitting tribute to a seminal event in American history.

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. 3525

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 ''Star-Spangled Banner Bicentennial Commemorative Coin Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) During the War of 1812, on September 7, 1814, Francis Scott Key visited the British fleet in the Chesapeake Bay to secure the release of Dr. William Beanes, who had been captured after the burning of Washington, DC.

(2) The release was completed, but Key was held by the British during the shelling of Fort McHenry, one of the forts defending Baltimore.

(3) On the morning of September 14, 1814, Key peered through clearing smoke to see an enormous American flag flying proudly after a 25-hour British bombardment of Fort McHenry.

(4) He was so delighted to see the flag still flying over the fort that he began a song to commemorate the occasion, with a note that it should be sung to the popular British melody ''To Anacreon in Heaven''.

(5) In 1916, President Woodrow Wilson ordered that it be played at military and naval occasions.

(6) In 1931, the ''Star-Spangled Banner'' became our National Anthem.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue not more than 350,000 $1 coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the battle for Baltimore that formed the basis for the ''Star-Spangled Banner''.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2012''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Maryland War of 1812 Bicentennial Commission and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only one facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only during the calendar year beginning on January 1, 2012.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7 with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to the Maryland War of 1812 Bicentennial Commission for the purpose of supporting bicentennial activities, educational outreach activities (including supporting scholarly research and the development of exhibits), and preservation and improvement activities pertaining to the sites and structures relating to the War of 1812.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Maryland War of 1812 Bicentennial Commission as may be related to the expenditures of amounts paid under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

By Mr. AKAKA (for himself, Ms. SNOWE, Mr. FEINGOLD, Ms. LANDRIEU, Mr. JOHNSON, Ms. MURKOWSKI, Mr. THUNE, Mr. STEVENS and Mr. ROCKEFELLER):

S. 3527. A bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I am introducing legislation that would secure more timely health care funding for the millions of veterans who rely on the Veterans Health Administration for their health care.

I am pleased to be joined by Senators SNOWE, FEINGOLD, LANDRIEU, JOHNSON, MURKOWSKI, STEVENS, and THUNE in introducing this important bill.

Not all Americans realize that VA's health care system is the largest in the Nation.

They do know, to be sure, that many veterans are injured while serving our country and, unfortunately, some of these injuries require a lifetime of care. Millions of veterans rely on VA for health care every year, and every year that number grows.

Few Americans realize that the VA health care system must rely on an annual appropriation. While Congress has provided much-needed funding increases to veterans' health care in recent years, VA health care funding can be untimely and unpredictable, making it difficult for VA to manage its overall health care program effectively.

A survey recently commissioned by the Disabled American Veterans found that 83 percent of respondents favor requiring Congress to determine the budget for veterans' health care a year in advance. This bill would do just that.

During my time on the Veterans' Affairs Committee, I have heard former Secretaries of Veterans Affairs state plainly that the current process is no way to fund the Nation's largest health care system. We need to provide a more secure and predictable funding system for veterans health care. Our legislation will do exactly that.

This legislation would require that veterans' health care be funded through the advance appropriations process. Under that process, programs are funded 2 years in advance, rather than a year at a time.

Unlike the funding provided to Medicare and Medicaid, veterans' health care would not be funded as an entitlement—Congress would still be able to review and manage the funding, as necessary. But with advance appropriations, VA would be able to plan more efficiently, and better use taxpayer-dollars to care for veterans.

Uncertain and untimely funding can limit VA health care's effectiveness, while they strive to meet the needs of veterans on a daily basis, as costs grow rapidly.

What I am proposing today is not new. Congress already uses advance appropriations for programs that require funding in a timely manner, such as HUD Section 8 housing vouchers and the Low Income Heating Energy Assistance Program.

To this extent, I submit that veterans' health care is just as deserving of secured and predictable funding.

To increase transparency in this process, the bill I am introducing would require an annual GAO audit and public report to Congress on VA's funding forecasts.

This process of continuous open review of VA appropriations would help VA funds go even further for veterans and taxpayers.

Advance funding for veterans' health care has the strong support of the Partnership for Veterans Health Care Budget Reform, a coalition which includes the following veteran service organizations: AMVETS, Blinded Veterans Association, Disabled American Veterans, Jewish War Veterans, Military Order of the Purple Heart, Paralyzed Veterans of America, The American Legion, Veterans of Foreign Wars, and Vietnam Veterans of America.

My friend and counterpart in the House of Representatives, House Veterans' Affairs Committee Chairman ROBERT FILNER, is introducing a companion bill for advance funding as well.

We are united in our determination to set down a marker for future action on veterans' health care through this bill, and place advance appropriations for veterans' health care on the National agenda.

I urge all of our colleagues to join as supporters of more secure, timely funding for veterans' health care.

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. 3527

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 ''Veterans Health Care Budget Reform Act of 2008''.

SEC. 2. TWO-FISCAL YEAR BUDGET AUTHORITY FOR CERTAIN MEDICAL CARE ACCOUNTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) TWO-FISCAL YEAR BUDGET AUTHORITY.—

(1) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 113 the following new section:

''§ 113A. Two-fiscal year budget authority for certain medical care accounts

''(a) IN GENERAL.—Beginning with fiscal year 2010, new discretionary budget authority provided in an appropriations Act for the appropriations accounts of the Department specified in subsection (b) shall be made available for the fiscal year involved and shall include new discretionary budget authority first available after the end of such fiscal year for the subsequent fiscal year.

''(b) MEDICAL CARE ACCOUNTS.—The medical care accounts of the Department specified in this subsection are the medical care accounts of the Veterans Health Administration as follows:

''(1) Medical Services.

''(2) Medical Administration.

''(3) Medical Facilities.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 113 the following new item:

''113A. Two-fiscal year budget authority for certain medical care accounts.''.

SEC. 3. COMPTROLLER GENERAL OF THE UNITED STATES STUDY ON ADEQUACY AND ACCURACY OF BASELINE MODEL PROJECTIONS OF THE DEPARTMENT OF VETERANS AFFAIRS FOR HEALTH CARE EXPENDITURES.

(a) STUDY OF ADEQUACY AND ACCURACY OF BASELINE MODEL PROJECTIONS.—The Comptroller General of the United States shall conduct a study of the adequacy and accuracy of the budget projections made by the Enrollee Health Care Projection Model, or its equivalent, as utilized for the purpose of estimating and projecting health care expenditures of the Department of Veterans Affairs (in this section referred to as the ''Model'') with respect to the fiscal year involved and the subsequent four fiscal years.

(b) REPORTS.—

(1) IN GENERAL.—Not later than the date of each year in 2010, 2011, and 2012, on which the President submits the budget request for the next fiscal year under section 1105 of title 31, United States Code, the Comptroller General shall submit to the appropriate committees of Congress and to the Secretary a report.

(2) ELEMENTS.—Each report under this paragraph shall include, for the fiscal year beginning in the year in which such report is submitted, the following:

(A) A statement whether the amount requested in the budget of the President for expenditures of the Department for health care in such fiscal year is consistent with anticipated expenditures of the Department for health care in such fiscal year as determined utilizing the Model.

(B) The basis for such statement.

(C) Such additional information as the Comptroller General determines appropriate.

(3) AVAILABILITY TO THE PUBLIC.—Each report submitted under this subsection shall also be made available to the public.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committees on Veterans' Affairs, Appropriations, and the Budget of the Senate; and

(B) the Committees on Veterans' Affairs, Appropriations, and the Budget of the House of Representatives.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 665—DESIGNATING OCTOBER 3, 2008, AS ''NATURAL ALTERNATIVE FUEL VEHICLE DAY''

Mr. BYRD (for himself, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Ms. CANTWELL, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KERRY, Mr. LIEBERMAN, Mr. NELSON, of Nebraska, Mr. PRYOR, Mr. REID, Mr. ROCKEFELLER, Mr. SALAZAR, Ms. STABENOW, Mr. WYDEN, Mr. BURR, Mr. DOMENICI, Mr. ENSIGN, Mr. HAGEL, and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 665

Whereas the United States should reduce the dependence of the Nation on foreign oil and enhance the energy security of the Nation by creating a transportation sector that is less dependent on oil;

Whereas the United States should improve the air quality of the Nation by reducing emissions from the millions of motor vehicles that operate in the United States;

Whereas the United States should foster national expertise and technological advancement in cleaner, more energy-efficient alternative fuel and advanced technology vehicles;

Whereas a robust domestic industry for alternative fuels and alternative fuel and advanced technology vehicles will create jobs and increase the competitiveness of the United States in the international community;

Whereas the people of the United States need more options for clean and energy-efficient transportation;

Whereas the mainstream adoption of alternative fuel and advanced technology vehicles will produce benefits at the local, national, and international levels;

Whereas consumers and businesses require a better understanding of the benefits of alternative fuel and advanced technology vehicles;

Whereas first responders require proper and comprehensive training to become fully prepared for any precautionary measures that they may need to take during incidents and extrications that involve alternative fuel and advanced technology vehicles;

Whereas the Federal Government can lead the way toward a cleaner and more efficient transportation sector by choosing alternative fuel and advanced technology vehicles for the fleets of the Federal Government; and

Whereas Federal support for the adoption of alternative fuel and advanced technology vehicles can accelerate greater energy independence for the United States, improve the environmental security of the Nation, and address global climate change: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 3, 2008, as ''National Alternative Fuel Vehicle Day'';

(2) proclaims National Alternative Fuel Vehicle Day as a day to promote programs and activities that will lead to the greater use of cleaner, more efficient transportation that uses new sources of energy; and

(3) urges Americans—

(A) to increase the personal and commercial use of cleaner and energy-efficient alternative fuel and advanced technology vehicles;

(B) to promote public sector adoption of cleaner and energy-efficient alternative fuel and advanced technology vehicles; and

(C) to encourage the enactment of Federal policies to reduce the dependence of the United States on foreign oil through the advancement and adoption of alternative, advanced, and emerging vehicle and fuel technologies.

SENATE RESOLUTION 666—RECOGNIZING AND HONORING THE 50TH ANNIVERSARY OF THE FOUNDING OF AARP

Mr. ROBERTS (for himself, Mr. SALAZAR, Ms. COLLINS, Mr. LUGAR, Mrs.