

was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1758

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1758, a bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes.

S. 1760

At the request of Mr. BROWN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1760, a bill to amend the Public Health Service Act with respect to the Healthy Start Initiative.

S. 1998

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1998, a bill to reduce child marriage, and for other purposes.

S. 2059

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2125

At the request of Mr. KOHL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2125, a bill to improve public awareness in the United States among older individuals and their families and caregivers about the impending Digital Television Transition through the establishment of a Federal interagency taskforce between the Federal Communications Commission, the Administration on Aging, the National Telecommunications and Information Administration, and the outside advice of appropriate members of the aging network and industry groups.

S. 2144

At the request of Mr. COLEMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2144, a bill to require the Secretary of Energy to conduct a study of feasibility relating to the construction and operation of pipelines and carbon dioxide sequestration facilities, and for other purposes.

S. 2170

At the request of Mrs. HUTCHISON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2170, a bill to amend the Internal Revenue

Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 2219

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2219, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program.

S. 2262

At the request of Mr. DOMENICI, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 2262, a bill to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes.

S. 2408

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2408, a bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program.

S. 2433

At the request of Mr. FEINGOLD, his name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than \$1 per day.

S. 2566

At the request of Mr. ISAKSON, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 2566, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

S. 2580

At the request of Mr. BROWN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2580, a bill to amend the Higher Education Act of 1965 to improve the participation in higher education of, and to increase opportunities in employment for, residents of rural areas.

S. 2593

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2593, a bill to establish a program at the Forest Service and the Department of the Interior to carry out collaborative ecological restoration treatments for priority forest landscapes on public land, and for other purposes.

S. 2617

At the request of Mr. AKAKA, the name of the Senator from Michigan

(Ms. STABENOW) was added as a cosponsor of S. 2617, a bill to increase, effective as of December 1, 2008, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 2625

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2625, a bill to ensure that deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts, be excluded from consideration as annual income when determining eligibility for low-income housing programs.

S. RES. 439

At the request of Mr. LUGAR, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. Res. 439, a resolution expressing the strong support of the Senate for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Georgia and Ukraine.

S. RES. 444

At the request of Mr. DURBIN, his name was added as a cosponsor of S. Res. 444, a resolution expressing the sense of the Senate regarding the strong alliance that has been forged between the United States and the Republic of Korea and congratulating Myung-Bak Lee on his election to the presidency of the Republic of Korea.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. LIEBERMAN, Mr. SESSIONS, Mr. FEINGOLD, Mr. ISAKSON, Mr. ALEXANDER, Mr. VOINOVICH, Mr. LUGAR, Mr. CHAMBLISS, Mrs. HUTCHISON, Mr. MARTINEZ, Mr. ENZI, Mr. CORKER, and Ms. SNOWE):

S. 2627. A bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government; to the Committee on the Budget.

Mr. DOMENICI. Mr. President, on behalf of Senator LIEBERMAN, the distinguished chairman of the Homeland Security and Governmental Affairs Committee, I rise to introduce the Biennial Budgeting and Appropriations Act, a bill to convert the annual budget and appropriations process to a 2-year cycle and to enhance oversight of Federal programs.

Mr. President, our most recent experience with the fiscal year 2008 Omnibus Consolidated Appropriations Act shows the need for a biennial appropriations and budget process. That one bill clearly demonstrated Congress is incapable of completing the budget, authorizing, and appropriations process on an annual basis and unfortunately, this is not the first time.

Congress should now act to streamline the system by moving to a 2-year, or biennial, budget process. This is the most important reform we can enact to streamline the budget process, to make the Senate a more deliberative and effective institution, and to make us more accountable to the American people.

Moving to a biennial budget and appropriations process enjoys very broad support. President George W. Bush has supported a biennial budgeting process. Presidents Clinton, Reagan, and Bush also proposed a biennial appropriations and budget cycle. Leon Panetta, who served as White House Chief of Staff, OMB Director, and House Budget Committee chairman, has advocated a biennial budget since the late 1970s. Former OMB and CBO Director Alice Rivlin has called for a biennial budget the past two decades. Vice President Gore's National Performance Review and the 1993 Joint Committee on the Reorganization of Congress both recommended a biennial appropriations and budget cycle.

A biennial budget will dramatically improve the current budget process. The current annual budget process is redundant, inefficient, and destined for failure each year. Look at what we struggle to complete each year under the current annual process. The annual budget process consumes 3 years: 1 year for the administration to prepare the President's budget, another year for the Congress to put the budget into law, and the final year to actually execute the budget.

Today, I want to focus just on the congressional budget process, the process of annually passing a budget resolution, authorization legislation, and multiple appropriation bills. The record clearly shows that last year's experience was nothing new. Under the annual process, we consistently fail to complete action on multiple appropriations bills, to authorize programs, and to meet our deadlines.

While we have made a number of improvements in the budget process, the current annual process is redundant and inefficient. The Senate has the same debate, amendments and votes on the same issue three or four times a year—once on the budget resolution, again on the authorization bill, and finally on the appropriations bill.

Several years ago, I asked the Congressional Research Service, CRS, to update and expand upon an analysis of the amount of time we spend on the budget. CRS looked at all votes on appropriations, revenue, reconciliation, and debt limit measures as well as budget resolutions. CRS then examined any other vote dealing with budgetary levels, Budget Act waivers, or votes pertaining to the budget process. Beginning with 1980, budget related votes started dominating the work of the Senate. In 1996, 73 percent of the votes the Senate took were related to the budget.

If we cannot adequately focus on our duties because we are constantly de-

bating the budget throughout the authorizing, budgeting, and appropriations process, just imagine how confused the American public is about what we are doing. The result is that the public does not understand what we are doing and it breeds cynicism about our Government.

Under the legislation we are introducing today, the President would submit a 2-year budget and Congress would consider a 2-year budget resolution and 2-year appropriation bills during the first session of a Congress. The second session of the Congress would be devoted to consideration of authorization bills and for oversight of Government agencies.

Most of the arguments against a biennial budget process will come from those who claim we cannot predict or plan on a 2-year basis. For most of the budget, we do not actually budget on an annual basis. Our entitlement and revenue laws are under permanent law, and Congress does not change these laws on an annual basis. The only component of the budget that is set in law annually are the appropriated, or discretionary, accounts.

The most predictable category of the budget are these appropriated, or discretionary, accounts of the Federal Government. Much of this spending is associated with international activities or emergencies. Because most of this funding cannot be predicted on an annual basis, a biennial budget is no less deficient than the current annual process. My bill does not preclude supplemental appropriations necessary to meet these emergency or unanticipated requirements.

In 1993 I had the honor to serve as co-chairman on a joint committee that studied the operations of the Congress. Senator BYRD testified before that committee that the increasing demands put on us as Senators has led to our "fractured attention." We simply are too busy to adequately focus on the people's business. This legislation is designed to free up time and focus our attention, particularly with respect to the oversight of Federal programs and activities.

Frankly, the limited oversight we are now doing is not as good as it should be. Our authorizing committees are increasingly crowded out of the legislative process. Under a biennial budget, the second year of the biennium will be exclusively devoted to examining Federal programs and developing authorization legislation. The calendar will be free of the budget and appropriations process, giving these committees the time and opportunity to provide oversight, review, and legislate changes to Federal programs. Oversight and the authorization should be an ongoing process, but a biennial appropriations process will provide greater opportunity for legislators to concentrate on programs and policies in the second year.

A biennial budget cannot make the difficult decisions that must be made

in budgeting, but it can provide the tools necessary to make much better decisions. Under the current annual budget process, we are constantly spending the taxpayers' money instead of focusing on how best and most efficiently we should spend the taxpayers' money. By moving to a biennial budget cycle, we can plan, budget, and appropriate more effectively, strengthen oversight and watchdog functions, and improve the efficiency of government agencies.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2627

*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 "Biennial Budgeting and Appropriations Act".

#### SEC. 2. REVISION OF TIMETABLE.

Section 300 of the Congressional Budget Act of 1974 (2 U.S.C. 631) is amended to read as follows:

##### "TIMETABLE

"SEC. 300. (a) IN GENERAL.—Except as provided by subsection (b), the timetable with respect to the congressional budget process for any Congress (beginning with the One Hundred Eleventh Congress) is as follows:

##### "First Session

On or before:	Action to be completed:
First Monday in February.	President submits budget recommendations.
February 15 ...	Congressional Budget Office submits report to Budget Committees.
Not later than 6 weeks after budget submission.	Committees submit views and estimates to Budget Committees.
April 1 .....	Budget Committees report concurrent resolution on the biennial budget.
May 15 .....	Congress completes action on concurrent resolution on the biennial budget.
May 15 .....	Biennial appropriation bills may be considered in the House.
June 10 .....	House Appropriations Committee reports last biennial appropriation bill.
June 30 .....	House completes action on biennial appropriation bills.
August 1 .....	Congress completes action on reconciliation legislation.
October 1 .....	Biennium begins.

##### Second Session

On or before:	Action to be completed:
February 15 ...	President submits budget review.
Not later than 6 weeks after President submits budget review.	Congressional Budget Office submits report to Budget Committees.
The last day of the session.	Congress completes action on bills and resolutions authorizing new budget authority for the succeeding biennium.

"(b) SPECIAL RULE.—In the case of any first session of Congress that begins in any year

immediately following a leap year and during which the term of a President (except a President who succeeds himself or herself) begins, the following dates shall supersede those set forth in subsection (a):

“First Session

On or before:	Action to be completed:
First Monday in April.	President submits budget recommendations.
April 20 .....	Committees submit views and estimates to Budget Committees.
May 15 .....	Budget Committees report concurrent resolution on the biennial budget.
June 1 .....	Congress completes action on concurrent resolution on the biennial budget.
July 1 .....	Biennial appropriation bills may be considered in the House.
July 20 .....	House completes action on biennial appropriation bills.
August 1 .....	Congress completes action on reconciliation legislation.
October 1 .....	Biennium begins.”

**SEC. 3. AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.**

(a) **DECLARATION OF PURPOSE.**—Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621(2)) is amended by striking “each year” and inserting “biennially”.

(b) **DEFINITIONS.**—

(1) **BUDGET RESOLUTION.**—Section 3(4) of such Act (2 U.S.C. 622(4)) is amended by striking “fiscal year” each place it appears and inserting “biennium”.

(2) **BIENNIUM.**—Section 3 of such Act (2 U.S.C. 622) is further amended by adding at the end the following new paragraph:

“(1) The term ‘biennium’ means the period of 2 consecutive fiscal years beginning on October 1 of any odd-numbered year.”

(c) **BIENNIAL CONCURRENT RESOLUTION ON THE BUDGET.**—

(1) **SECTION HEADING.**—The section heading of section 301 of such Act is amended by striking “annual” and inserting “biennial”.

(2) **CONTENTS OF RESOLUTION.**—Section 301(a) of such Act (2 U.S.C. 632(a)) is amended—

(A) in the matter preceding paragraph (1) by—

(i) striking “April 15 of each year” and inserting “May 15 of each odd-numbered year”;

(ii) striking “the fiscal year beginning on October 1 of such year” the first place it appears and inserting “the biennium beginning on October 1 of such year”; and

(iii) striking “the fiscal year beginning on October 1 of such year” the second place it appears and inserting “each fiscal year in such period”;

(B) in paragraph (6), by striking “for the fiscal year” and inserting “for each fiscal year in the biennium”; and

(C) in paragraph (7), by striking “for the fiscal year” and inserting “for each fiscal year in the biennium”.

(3) **ADDITIONAL MATTERS.**—Section 301(b)(3) of such Act (2 U.S.C. 632(b)) is amended by striking “for such fiscal year” and inserting “for either fiscal year in such biennium”.

(4) **VIEWS OF OTHER COMMITTEES.**—Section 301(d) of such Act (2 U.S.C. 632(d)) is amended by inserting “(or, if applicable, as provided by section 300(b))” after “United States Code”.

(5) **HEARINGS.**—Section 301(e)(1) of such Act (2 U.S.C. 632(e)) is amended by—

(A) striking “fiscal year” and inserting “biennium”; and

(B) inserting after the second sentence the following: “On or before April 1 of each odd-

numbered year (or, if applicable, as provided by section 300(b)), the Committee on the Budget of each House shall report to its House the concurrent resolution on the budget referred to in subsection (a) for the biennium beginning on October 1 of that year.”

(6) **GOALS FOR REDUCING UNEMPLOYMENT.**—Section 301(f) of such Act (2 U.S.C. 632(f)) is amended by striking “fiscal year” each place it appears and inserting “biennium”.

(7) **ECONOMIC ASSUMPTIONS.**—Section 301(g)(1) of such Act (2 U.S.C. 632(g)(1)) is amended by striking “for a fiscal year” and inserting “for a biennium”.

(8) **TABLE OF CONTENTS.**—The item relating to section 301 in the table of contents set forth in section 1(b) of such Act is amended by striking “Annual” and inserting “Biennial”.

(d) **COMMITTEE ALLOCATIONS.**—Section 302 of such Act (2 U.S.C. 633) is amended—

(1) in subsection (a)

(A) in paragraph (1), by—

(i) striking “for the first fiscal year of the resolution,” and inserting “for each fiscal year in the biennium”;;

(ii) striking “for that period of fiscal years” and inserting “for all fiscal years covered by the resolution”; and

(iii) striking “for the fiscal year of that resolution” and inserting “for each fiscal year in the biennium”; and

(B) in paragraph (5), by striking “April 15” and inserting “May 15 or June 1 (under section 300(b))”;

(2) in subsection (b), by striking “budget year” and inserting “biennium”;

(3) in subsection (c) by striking “for a fiscal year” each place it appears and inserting “for each fiscal year in the biennium”;

(4) in subsection (f)(1), by striking “for a fiscal year” and inserting “for a biennium”;

(5) in subsection (f)(1), by striking “the first fiscal year” and inserting “each fiscal year of the biennium”;

(6) in subsection (f)(2)(A), by—

(A) striking “the first fiscal year” and inserting “each fiscal year of the biennium”; and

(B) striking “the total of fiscal years” and inserting “the total of all fiscal years covered by the resolution”; and

(7) in subsection (g)(1)(A), by striking “April” and inserting “May”.

(e) **SECTION 303 POINT OF ORDER.**—

(1) **IN GENERAL.**—Section 303(a) of such Act (2 U.S.C. 634(a)) is amended by—

(A) striking “the first fiscal year” and inserting “each fiscal year of the biennium”; and

(B) striking “that fiscal year” each place it appears and inserting “that biennium”.

(2) **EXCEPTIONS IN THE HOUSE.**—Section 303(b)(1) of such Act (2 U.S.C. 634(b)) is amended—

(A) in subparagraph (A), by striking “the budget year” and inserting “the biennium”; and

(B) in subparagraph (B), by striking “the fiscal year” and inserting “the biennium”.

(3) **APPLICATION TO THE SENATE.**—Section 303(c)(1) of such Act (2 U.S.C. 634(c)) is amended by—

(A) striking “fiscal year” and inserting “biennium”; and

(B) striking “that year” and inserting “each fiscal year of that biennium”.

(f) **PERMISSIBLE REVISIONS OF CONCURRENT RESOLUTIONS ON THE BUDGET.**—Section 304(a) of such Act (2 U.S.C. 635) is amended—

(1) by striking “fiscal year” the first two places it appears and inserting “biennium”; and

(2) by striking “for such fiscal year” and inserting “for such biennium”.

(g) **PROCEDURES FOR CONSIDERATION OF BUDGET RESOLUTIONS.**—Section 305 of such Act (2 U.S.C. 636(3)) is amended—

(1) in subsection (a)(3), by striking “fiscal year” and inserting “biennium”; and

(2) in subsection (b)(3), by striking “fiscal year” and inserting “biennium”.

(h) **COMPLETION OF HOUSE ACTION ON APPROPRIATION BILLS.**—Section 307 of such Act (2 U.S.C. 638) is amended—

(1) by striking “each year” and inserting “each odd-numbered year”;

(2) by striking “annual” and inserting “biennial”;

(3) by striking “fiscal year” and inserting “biennium”; and

(4) by striking “that year” and inserting “each odd-numbered year”.

(i) **COMPLETION OF ACTION ON REGULAR APPROPRIATION BILLS.**—Section 309 of such Act (2 U.S.C. 640) is amended—

(1) by inserting “of any odd-numbered calendar year” after “July”;

(2) by striking “annual” and inserting “biennial”; and

(3) by striking “fiscal year” and inserting “biennium”.

(j) **RECONCILIATION PROCESS.**—Section 310(a) of such Act (2 U.S.C. 641(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “any fiscal year” and inserting “any biennium”; and

(2) in paragraph (1) by striking “such fiscal year” each place it appears and inserting “any fiscal year covered by such resolution”.

(k) **SECTION 311 POINT OF ORDER.**—

(1) **IN THE HOUSE.**—Section 311(a)(1) of such Act (2 U.S.C. 642(a)) is amended—

(A) by striking “for a fiscal year” and inserting “for a biennium”;

(B) by striking “the first fiscal year” each place it appears and inserting “either fiscal year of the biennium”; and

(C) by striking “that first fiscal year” and inserting “each fiscal year in the biennium”.

(2) **IN THE SENATE.**—Section 311(a)(2) of such Act is amended—

(A) in subparagraph (A), by striking “for the first fiscal year” and inserting “for either fiscal year of the biennium”; and

(B) in subparagraph (B)—

(i) by striking “that first fiscal year” the first place it appears and inserting “each fiscal year in the biennium”; and

(ii) by striking “that first fiscal year and the ensuing fiscal years” and inserting “all fiscal years”.

(3) **SOCIAL SECURITY LEVELS.**—Section 311(a)(3) of such Act is amended by—

(A) striking “for the first fiscal year” and inserting “each fiscal year in the biennium”; and

(B) striking “that fiscal year and the ensuing fiscal years” and inserting “all fiscal years”.

(l) **MDA POINT OF ORDER.**—Section 312(c) of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended—

(1) by striking “for a fiscal year” and inserting “for a biennium”;

(2) in paragraph (1), by striking “the first fiscal year” and inserting “either fiscal year in the biennium”;

(3) in paragraph (2), by striking “that fiscal year” and inserting “either fiscal year in the biennium”; and

(4) in the matter following paragraph (2), by striking “that fiscal year” and inserting “the applicable fiscal year”.

**SEC. 4. AMENDMENTS TO TITLE 31, UNITED STATES CODE.**

(a) **DEFINITION.**—Section 1101 of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

“(3) ‘biennium’ has the meaning given to such term in paragraph (11) of section 3 of

the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(1)).”

(b) BUDGET CONTENTS AND SUBMISSION TO THE CONGRESS.—

(1) SCHEDULE.—The matter preceding paragraph (1) in section 1105(a) of title 31, United States Code, is amended to read as follows:

“(a) On or before the first Monday in February of each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974), beginning with the One Hundred Eleventh Congress, the President shall transmit to the Congress, the budget for the biennium beginning on October 1 of such calendar year. The budget of the United States Government transmitted under this subsection shall include a budget message and summary and supporting information. The President shall include in each budget the following:”

(2) EXPENDITURES.—Section 1105(a)(5) of title 31, United States Code, is amended by striking “the fiscal year for which the budget is submitted and the 4 fiscal years after that year” and inserting “each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 fiscal years”.

(3) RECEIPTS.—Section 1105(a)(6) of title 31, United States Code, is amended by striking “the fiscal year for which the budget is submitted and the 4 fiscal years after that year” and inserting “each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 years”.

(4) BALANCE STATEMENTS.—Section 1105(a)(9)(C) of title 31, United States Code, is amended by striking “the fiscal year” and inserting “each fiscal year in the biennium”.

(5) FUNCTIONS AND ACTIVITIES.—Section 1105(a)(12) of title 31, United States Code, is amended in subparagraph (A), by striking “the fiscal year” and inserting “each fiscal year in the biennium”.

(6) ALLOWANCES.—Section 1105(a)(13) of title 31, United States Code, is amended by striking “the fiscal year” and inserting “each fiscal year in the biennium”.

(7) ALLOWANCES FOR UNCONTROLLED EXPENDITURES.—Section 1105(a)(14) of title 31, United States Code, is amended by striking “that year” and inserting “each fiscal year in the biennium for which the budget is submitted”.

(8) TAX EXPENDITURES.—Section 1105(a)(16) of title 31, United States Code, is amended by striking “the fiscal year” and inserting “each fiscal year in the biennium”.

(9) FUTURE YEARS.—Section 1105(a)(17) of title 31, United States Code, is amended—

(A) by striking “the fiscal year following the fiscal year” and inserting “each fiscal year in the biennium following the biennium”;

(B) by striking “that following fiscal year” and inserting “each such fiscal year”; and

(C) by striking “fiscal year before the fiscal year” and inserting “biennium before the biennium”.

(10) PRIOR YEAR OUTLAYS.—Section 1105(a)(18) of title 31, United States Code, is amended—

(A) by striking “the prior fiscal year” and inserting “each of the 2 most recently completed fiscal years”; and

(B) by striking “for that year” and inserting “with respect to those fiscal years”; and

(C) by striking “in that year” and inserting “in those fiscal years”.

(11) PRIOR YEAR RECEIPTS.—Section 1105(a)(19) of title 31, United States Code, is amended—

(A) by striking “the prior fiscal year” and inserting “each of the 2 most recently completed fiscal years”; and

(B) by striking “for that year” and inserting “with respect to those fiscal years”; and

(C) by striking “in that year” each place it appears and inserting “in those fiscal years”.

(c) ESTIMATED EXPENDITURES OF LEGISLATIVE AND JUDICIAL BRANCHES.—Section 1105(b) of title 31, United States Code, is amended by striking “each year” and inserting “each even-numbered year”.

(d) RECOMMENDATIONS TO MEET ESTIMATED DEFICIENCIES.—Section 1105(c) of title 31, United States Code, is amended—

(1) by striking “the fiscal year for” the first place it appears and inserting “each fiscal year in the biennium for”; and

(2) by striking “the fiscal year for” the second place it appears and inserting “each fiscal year of the biennium, as the case may be, for”; and

(3) by striking “for that year” and inserting “for each fiscal year of the biennium”.

(e) CAPITAL INVESTMENT ANALYSIS.—Section 1105(e)(1) of title 31, United States Code, is amended by striking “ensuing fiscal year” and inserting “biennium to which such budget relates”.

(f) SUPPLEMENTAL BUDGET ESTIMATES AND CHANGES.—

(1) IN GENERAL.—Section 1106(a) of title 31, United States Code, is amended—

(A) in the matter preceding paragraph (1), by—

(i) inserting after “Before July 16 of each year” the following: “and February 15 of each even-numbered year”; and

(ii) striking “fiscal year” and inserting “biennium”;

(B) in paragraph (1), by striking “that fiscal year” and inserting “each fiscal year in such biennium”;

(C) in paragraph (2), by striking “fiscal year” and inserting “biennium”; and

(D) in paragraph (3), by striking “fiscal year” and inserting “biennium”.

(2) CHANGES.—Section 1106(b) of title 31, United States Code, is amended by—

(A) striking “the fiscal year” and inserting “each fiscal year in the biennium”;

(B) inserting after “Before July 16 of each year” the following: “and February 15 of each even-numbered year”; and

(C) striking “submitted before July 16” and inserting “required by this subsection”.

(g) CURRENT PROGRAMS AND ACTIVITIES ESTIMATES.—

(1) IN GENERAL.—Section 1109(a) of title 31, United States Code, is amended—

(A) by striking “On or before the first Monday after January 3 of each year (on or before February 5 in 1986)” and inserting “At the same time the budget required by section 1105 is submitted for a biennium”; and

(B) by striking “the following fiscal year” and inserting “each fiscal year of such period”.

(2) JOINT ECONOMIC COMMITTEE.—Section 1109(b) of title 31, United States Code, is amended by striking “March 1 of each year” and inserting “within 6 weeks of the President’s budget submission for each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974)”.

(h) YEAR-AHEAD REQUESTS FOR AUTHORIZING LEGISLATION.—Section 1110 of title 31, United States Code, is amended by—

(1) striking “May 16” and inserting “March 31”; and

(2) striking “year before the year in which the fiscal year begins” and inserting “calendar year preceding the calendar year in which the biennium begins”.

## SEC. 5. TWO-YEAR APPROPRIATIONS; TITLE AND STYLE OF APPROPRIATIONS ACTS.

Section 105 of title 1, United States Code, is amended to read as follows:

### “§ 105. Title and style of appropriations Acts

“(a) The style and title of all Acts making appropriations for the support of the Government shall be as follows: ‘An Act making appropriations (here insert the object) for each

fiscal year in the biennium of fiscal years (here insert the fiscal years of the biennium).’

“(b) All Acts making regular appropriations for the support of the Government shall be enacted for a biennium and shall specify the amount of appropriations provided for each fiscal year in such period.

“(c) For purposes of this section, the term ‘biennium’ has the same meaning as in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(1)).”.

## SEC. 6. MULTIYEAR AUTHORIZATIONS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

### “AUTHORIZATIONS OF APPROPRIATIONS

“SEC. 316. (a) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider—

“(1) any bill, joint resolution, amendment, motion, or conference report that authorizes appropriations for a period of less than 2 fiscal years, unless the program, project, or activity for which the appropriations are authorized will require no further appropriations and will be completed or terminated after the appropriations have been expended; and

“(2) in any odd-numbered year, any authorization or revenue bill or joint resolution until Congress completes action on the biennial budget resolution, all regular biennial appropriations bills, and all reconciliation bills.

“(b) APPLICABILITY.—In the Senate, subsection (a) shall not apply to—

“(1) any measure that is privileged for consideration pursuant to a rule or statute; and

“(2) any matter considered in Executive Session; or

“(3) an appropriations measure or reconciliation bill.”.

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 315 the following new item:

“Sec. 316. Authorizations of appropriations”.

## SEC. 7. GOVERNMENT PLANS ON A BIENNIAL BASIS.

(a) STRATEGIC PLANS.—Section 306 of title 5, United States Code, is amended—

(1) in subsection (a), by striking “September 30, 1997” and inserting “September 30, 2009”; and

(2) in subsection (b)—

(A) by striking “five years forward” and inserting “6 years forward”; and

(B) by striking “at least every three years” and inserting “at least every 4 years”; and

(C) by striking beginning with “, except that” through “four years”; and

(3) in subsection (c), by inserting a comma after “section” the second place it appears and adding “including a strategic plan submitted by September 30, 2009 meeting the requirements of subsection (a)”.

(b) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Paragraph (28) of section 1105(a) of title 31, United States Code, is amended by striking “beginning with fiscal year 1999, a” and inserting “beginning with fiscal year 2010, a biennial”.

(c) PERFORMANCE PLANS.—Section 1115 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter before paragraph (1)—

(i) by striking “section 1105(a)(29)” and inserting “section 1105(a)(28)”; and

(ii) by striking “an annual” and inserting “a biennial”;

(B) in paragraph (1) by inserting after "program activity" the following: "for both years 1 and 2 of the biennial plan";

(C) in paragraph (5) by striking "and" after the semicolon,

(D) in paragraph (6) by striking the period and inserting a semicolon; and inserting "and" after the inserted semicolon; and

(E) by adding after paragraph (6) the following:

"(7) cover a 2-year period beginning with the first fiscal year of the next biennial budget cycle.";

(2) in subsection (d) by striking "annual" and inserting "biennial"; and

(3) in paragraph (6) of subsection (f) by striking "annual" and inserting "biennial".

(d) **MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.**—Section 9703 of title 31, United States Code, relating to managerial accountability, is amended—

(1) in subsection (a)—

(A) in the first sentence by striking "annual"; and

(B) by striking "section 1105(a)(29)" and inserting "section 1105(a)(28)";

(2) in subsection (e)—

(A) in the first sentence by striking "one or" before "years";

(B) in the second sentence by striking "a subsequent year" and inserting "a subsequent 2-year period"; and

(C) in the third sentence by striking "three" and inserting "4".

(e) **PILOT PROJECTS FOR PERFORMANCE BUDGETING.**—Section 1119 of title 31, United States Code, is amended—

(1) in paragraph (1) of subsection (d), by striking "annual" and inserting "biennial"; and

(2) in subsection (e), by striking "annual" and inserting "biennial".

(f) **STRATEGIC PLANS.**—Section 2802 of title 39, United States Code, is amended—

(1) is subsection (a), by striking "September 30, 1997" and inserting "September 30, 2009";

(2) by striking "five years forward" and inserting "6 years forward";

(3) in subsection (b), by striking "at least every three years" and inserting "at least every 4 years"; and

(4) in subsection (c), by inserting a comma after "section" the second place it appears and inserting "including a strategic plan submitted by September 30, 2009 meeting the requirements of subsection (a)".

(g) **PERFORMANCE PLANS.**—Section 2803(a) of title 39, United States Code, is amended—

(1) in the matter before paragraph (1), by striking "an annual" and inserting "a biennial";

(2) in paragraph (1), by inserting after "program activity" the following: "for both years 1 and 2 of the biennial plan";

(3) in paragraph (5), by striking "and" after the semicolon;

(4) in paragraph (6), by striking the period and inserting "; and"; and

(5) by adding after paragraph (6) the following:

"(7) cover a 2-year period beginning with the first fiscal year of the next biennial budget cycle.";

(h) **COMMITTEE VIEWS OF PLANS AND REPORTS.**—Section 301(d) of the Congressional Budget Act (2 U.S.C. 632(d)) is amended by adding at the end "Each committee of the Senate or the House of Representatives shall review the strategic plans, performance plans, and performance reports, required under section 306 of title 5, United States Code, and sections 1115 and 1116 of title 31, United States Code, of all agencies under the jurisdiction of the committee. Each committee may provide its views on such plans or reports to the Committee on the Budget of the applicable House."

(i) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall take effect on March 1, 2009.

(2) **AGENCY ACTIONS.**—Effective on and after the date of enactment of this Act, each agency shall take such actions as necessary to prepare and submit any plan or report in accordance with the amendments made by this Act.

#### SEC. 8. BIENNIAL APPROPRIATIONS BILLS.

(a) **IN GENERAL.**—Title III of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.) is amended by adding at the end the following:

##### "CONSIDERATION OF BIENNIAL APPROPRIATIONS BILLS

"SEC. 317. It shall not be in order in the House of Representatives or the Senate in any odd-numbered year to consider any regular bill providing new budget authority or a limitation on obligations under the jurisdiction of any of the subcommittees of the Committees on Appropriations for only the first fiscal year of a biennium, unless the program, project, or activity for which the new budget authority or obligation limitation is provided will require no additional authority beyond 1 year and will be completed or terminated after the amount provided has been expended."

(b) **AMENDMENT TO TABLE OF CONTENTS.**—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 316 the following new item:

"Sec. 317. Consideration of biennial appropriations bills".

#### SEC. 9. REPORT ON TWO-YEAR FISCAL PERIOD.

Not later than 180 days after the date of enactment of this Act, the Director of OMB shall—

(1) determine the impact and feasibility of changing the definition of a fiscal year and the budget process based on that definition to a 2-year fiscal period with a biennial budget process based on the 2-year period; and

(2) report the findings of the study to the Committees on the Budget of the House of Representatives and the Senate.

#### SEC. 10. EFFECTIVE DATE.

Except as provided in section 7, this Act and the amendments made by this Act shall take effect on January 1, 2009, and shall apply to budget resolutions and appropriations for the biennium beginning with fiscal year 2010.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2629. A bill to amend title XIX of the Social Security Act to provide Medicaid coverage of drugs prescribed for certain research study child participants; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce Nino's Act, to provide for the continuance of successful treatment for children who are required to leave National Institutes of Health, NIH, research studies. The NIH provides the greatest medical research in the world on innumerable diseases, including cancer, Alzheimer's, Parkinson's. The NIH also conducts excellent research on diseases that affect children. To conduct that research many brave children must partake in research studies including observational, or natural history, studies and clinical trials to test experimental therapies. This participa-

tion is critical to understanding diseases and ultimately finding cures at the NIH.

To participate in the trials and studies, children and their families often make considerable sacrifices. Families will travel great distances to receive treatment that may provide relief from the child's illness. In many cases, parents and doctors will have tried many treatments for the child's disease about which little may be known or understood. The NIH studies represent an opportunity for both the medical community to learn more about the disease and the child to be studied and potentially treated by the best researchers in the world.

When the experimental treatments are successful, it is cause for great celebration for the child. The joy, however, can end quickly as the studies come to end but the children who have been part of them continue to be stricken by these terrible illnesses.

Nino's Act seeks to transition children out of the NIH studies as they end so they don't experience a gap in their important treatment. This legislation continues the successful treatment initiated in NIH studies by providing access to the same prescription drugs for children who are required to leave NIH clinical studies due to the studies ending, researcher leaving, or other reason. Often drugs that are used successfully in these studies have not yet been approved by the Food and Drug Administration or have not been approved for treatment of the child's specific disease. As such, it is nearly impossible for children to get access or insurance coverage for these drugs. This bill makes that access possible by requiring Medicaid to cover the cost of treatment in the event that the children's health insurance does not.

On occasion, insurers will cover the cost of the treatment for these children if they have adequate insurance and the FDA has approved the drug for off-label uses. More often than not, however, children do not have health insurance, or have insufficient insurance to obtain these drugs. As a result, children suffer their diseases without relief from the treatment as established in the clinical NIH studies. To ensure that these children have access to successful care post-study, Nino's Act requires Medicaid to cover the cost of treatment for these children. While Medicaid access is traditionally based on income, due to the importance of these drugs to the child's well-being the income component will be waived. To ensure Medicaid is not unnecessarily covering medication, Nino's Act requires the physicians participating in the research to certify the treatment as successful and essential.

This important issue was introduced to me by Lori Todaro of Newville, PA. Lori's son Nino suffers from Undifferentiated Auto-Inflammatory Periodic Fever Syndrome. This disease takes a devastating toll on those who suffer from it. The auto-inflammatory

disease can cause joint inflammation arthritis, Crohns, colitis, irritable bowel syndrome, and cyclical high fevers. Treatment for Periodic Fever Syndrome is experimental at best; Lori and Nino have visited a number of doctors and tried many medications in an effort to control the disease.

In 2003, Nino was fortunate to be selected to take part in an observational study at NIH in Bethesda, Maryland for Undifferentiated Auto-inflammatory Periodic Fever Syndrome. During the course of the study, Nino was given a new medication and his condition greatly improved. Before he participated in the study he was being fitted for wheelchairs and was home schooled because his symptoms were so disruptive and unpredictable. The NIH treatment allowed him to resume a normal life and enabled him to attend school and play soccer. While Nino's treatment was successful he could not remain part of the study indefinitely and was encouraged to seek coverage for his treatments through his private insurer. Initially, the Todaro's insurer would not agree to cover the cost of the experimental drug and only after an intense lobbying effort by Lori, did the insurer agree to cover Nino's prescriptions.

Nino's story is a successful one, but also serves to highlight the issue that children and their families are facing as they transition out of NIH studies. For many, NIH trials are a source of hope for relief from the worst diseases known to man. The excellent doctors and research teams at NIH make invaluable contributions to our understanding of complex and debilitating diseases. This legislation seeks to amplify the NIH's contributions by allowing America's sickest children to continue their successful treatment under Medicaid coverage. I encourage my colleagues to work with Senator CASEY and me to move this legislation forward promptly.

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. 2629

*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 "Nino's Act".

#### SEC. 2. MEDICAID COVERAGE OF DRUGS PRESCRIBED FOR RESEARCH STUDY CHILD PARTICIPANTS.

(a) MANDATORY COVERAGE IF STATE PROVIDES DRUG COVERAGE.—

(1) STATE PLAN REQUIREMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69), by striking "and" at the end;

(B) in paragraph (70), by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (70) the following new paragraph:

"(71) in the case of a State plan that provides medical assistance for prescribed drugs under section 1905(a)(12), provide for such

medical assistance to include coverage for any drug, biological product, or insulin prescribed for a child (including any such drug, product, or insulin that is self-administered) who—

"(A) is eligible for medical assistance under the State plan (including a child who is eligible only on the basis of paragraph (10)(A)(i)(VIII));

"(B) is a current or former participant in a research study conducted or funded (in whole or in part) by the National Institutes of Health; and

"(C) satisfies the requirements of subparagraphs (B), (C), and (D) of subsection (dd)(1)."

(2) MANDATORY COVERAGE OF DRUGS OF RESEARCH STUDY CHILD PARTICIPANTS WHO ARE NOT OTHERWISE ELIGIBLE FOR MEDICAID IF THE STATE OFFERS DRUG COVERAGE.—

(A) IN GENERAL.—Section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396b(a)(10)(A)(i)) is amended—

(i) in subclause (VI), by striking "or" at the end;

(ii) in subclause (VII), by adding "or" at the end; and

(iii) by adding at the end the following new subclause:

"(VIII) who are research study child participants described in subsection (dd)(1), but only if the medical assistance made available by the State includes prescribed drugs under section 1905(a)(12)."

(B) GROUP DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

"(dd)(1) Research study child participants described in this subsection are individuals who—

"(A) are not otherwise eligible for medical assistance under the State plan;

"(B) have not attained age 19;

"(C) have been certified by a physician participating in a research study conducted or funded (in whole or in part) by the National Institutes of Health to be current or former participants in such trial or study who have a specific disease or condition that—

"(i) is or has been successfully treated under such trial or study with a prescribed use of a drug, biological product, or insulin that is not approved under the Federal Food, Drug, and Cosmetic Act; and

"(ii) is likely to continue to be successfully treated with such drug, product, or insulin; and

"(D) do not have other health coverage for such drug, product, or insulin.

"(2) A State shall redetermine not less than every 2 years the eligibility of an individual for medical assistance who is eligible solely on the basis of subsection (a)(10)(A)(i)(VIII).

"(3) For purposes of this subsection and paragraphs (10)(A)(i)(VIII) and (71) of subsection (a), the term 'research study' means a clinical study, including an observational (or natural history) study, or a clinical trial, to test an experimental therapy."

(C) MEDICAL ASSISTANCE LIMITED TO COVERAGE OF THE RESEARCH OR OBSERVATIONAL TRIAL DRUGS, BIOLOGICAL PRODUCT, OR INSULIN.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—

(i) by striking "and (XIV)" and inserting "(XIV)"; and

(ii) by inserting ", and (XV) the medical assistance made available to a research study child participant described in subsection (dd)(1) who is eligible for medical assistance solely on the basis of subparagraph (A)(10)(i)(VIII) shall be limited to medical assistance for a drug, biological product, or insulin that is prescribed for the participant as a result of participation in such trial or

study (including any such drug, product, or insulin that is self-administered)" before the semicolon.

(D) CONFORMING AMENDMENT.—Section 1903(f)(4) of such Act (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A) by inserting "1902(a)(10)(A)(i)(VIII)," after "1902(a)(10)(A)(i)(VII)."

(b) PRESUMPTIVE ELIGIBILITY.—Section 1920B of the Social Security Act (42 U.S.C. 1396r-1b) is amended—

(1) in the section heading, by inserting "OR RESEARCH STUDY CHILD PARTICIPANTS" after "PATIENTS";

(2) in subsection (a), by inserting "or a child who is eligible for medical assistance under the State plan (including a child who is eligible only on the basis of section 1902(a)(10)(A)(i)(VIII) but subject to the limitation on medical assistance for such a child under clause (XV) of the matter following section 1902(a)(10)(G)), is a current or former participant in a research study conducted or funded (in whole or in part) by the National Institutes of Health, and satisfies the requirements of subparagraphs (B), (C), and (D) of section 1902(dd)(1)" after "patients";

(3) in subsection (b)(1)(A), by inserting "or subsection (a)" after "1902(aa)"; and

(4) in subsection (d), in the flush language following paragraph (2), by striking "for purposes of clause (4) of the first sentence of section 1905(b)" and inserting "for purposes of the first sentence of section 1905(b) (and, in the case of medical assistance furnished to an individual described in section 1902(aa), for purposes of clause (4) of such sentence)".

(c) NOTICE OF MEDICAID COVERAGE FOR RESEARCH STUDY CHILD PARTICIPANTS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Director of the Institutes of Health and State Medicaid Directors, shall—

(A) develop a written notice for child participants in research studies (as defined in section 1902(dd)(3) of the Social Security Act, as added by subsection (a)(2)(B)) conducted or funded (in whole or in part) by the National Institutes of Health who are likely to be eligible for medical assistance for a drug, biological product, or insulin prescribed for such participants as a result of participation in such a study (including any such drug, product, or insulin that is self-administered) in accordance with paragraph (10)(A)(i)(VIII) or (71) of section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) (as added by subsection (a)), of the availability of such assistance; and

(B) establish procedures for making such notice available to the child participants through physicians participating in such research studies or such other means as the Secretary determines appropriate.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2008 and each fiscal year thereafter such sums as may be necessary to carry out this subsection.

(d) EFFECTIVE DATE.—The amendments made by this section apply to medical assistance for items and services furnished on or after the date of enactment of this Act, without regard to whether final regulations to carry out such amendments have been promulgated.

Mr. CASEY. Mr. President, I rise today to speak about a critical health issue affecting thousands of our children every day but about which few people have ever even heard. All across this country, thousands of children suffer from rare genetic diseases called "orphan diseases," thus named because



of the relatively small number of people these diseases strike.

An orphan disease is defined as affecting fewer than 200,000 people. The National Institutes of Health, NIH, estimate that there are approximately 6,000 of these orphan diseases, affecting about 25 million Americans on the whole. Most of these rare diseases are genetic and many affect children.

Last spring, I met with a group of mothers who shared their struggles and frustrations in getting ongoing and consistent treatment for their children, each of whom suffers from an orphan disease. Many of these parents had been able to enroll their children in clinical trials at the NIH and had found experimental treatments for their children that had proven extremely successful. The doctors at NIH do miraculous work in finding treatments for children with rare genetic diseases. But oftentimes, when the trial ends, these children and parents are left on their own, with no access to the previously free and effective treatment that their children were getting.

Imagine if you can, for one moment, the predicament of these children and their parents? After months and sometimes years of first not knowing what was ailing their sick children, desperately seeking help, then finally getting a diagnosis, only to find out that there was no FDA approved treatment. Then after searching for some kind of treatment and then finally, finally finding—and being admitted to—a clinical trial on medication that miraculously gave their children the ability to function like other kids—to be able to play soccer and go to school and have friends over and just have the energy to be a child. For all of us who are parents, you can imagine the joy of seeing your child finally alleviated from the suffering he or she has been going through, finally able to enjoy him- or herself and do all the things that children are supposed to do.

Then imagine, if you can, what it would be like to suddenly have that taken away. The clinical trial ends, or funding for the trial ends. Suddenly, you no longer have access to this drug that your child needs to be able to function, to do their homework, eat well and have fun. If it is a drug that has not been approved by the Food and Drug Administration or specifically approved for a child's particular disease, then insurance companies typically will not cover it because the treatment is considered "experimental." In some cases, a drug has been approved for other uses than the orphan disease, known as "off-label" use. If a family has enough insurance, and there is off-label FDA approval, sometimes families can get coverage of the drugs. If not, the resulting cost to families is astronomical—ranging anywhere from \$10,000 to \$30,000 per month.

This is what happened to Nino Todaro, a young boy from Newville, Pennsylvania, and that is why Senator SPECTER and I are today introducing

Nino's Act. Nino suffers from Periodic Fever Syndrome, an unpredictable genetic condition that can cause uncontrolled inflammation throughout the body. When this disease acts up, Nino has days where he cannot do much more than lie on the couch. Left untreated, this condition could leave Nino unable to walk and even be life-threatening. Fortunately Nino found help through an NIH clinical trial, but funding ran out last year. The drug that returned Nino to a joyous soccer-playing kid was approved for arthritis and Crohn's disease, but not Periodic Fever Syndrome. Facing costs of \$12,000 a month, and initial rejections from their insurance company, Nino's parents turned to Congress.

Nino's Act will allow children to transition out of successful treatment in NIH studies without a gap in treatment. There are thousands of children like Nino across this country who desperately need the continuity of ongoing successful treatment for their rare disorders. These are children who have been very ill, sometimes incapacitated, and have been able to resume normal childhoods through successful drug treatment. Parents advocating for their children understandably refuse to accept that their children have no choice but to regress because their insurance company will not cover humongous medical bills that no middle class family could even begin to absorb.

No parent should ever have to face a situation in which the care they need for their seriously ill child is too expensive or held up by regulatory red tape. It is unthinkable to me that any ill child in this country, the richest nation on earth, with all our medical advancements, should ever be denied medical treatment that is available and proven successful. Our bill will give these children and their parents peace of mind that when a study ends, their children's successful ongoing treatment will not be threatened. To address this, Nino's Act will require Medicaid to cover the cost of treatment of in the event that a child's health insurance does not.

This is the least we can do for these children and families. No child for whom treatment is available should have to forego that treatment to the serious detriment of their health. That is just plain wrong. Senator SPECTER and I share the belief that ensuring ongoing treatment for children with rare disorders is something this Congress should get behind. I urge my colleagues to support Nino's Act and I will work hard for its passage. My hope is it will go a long way toward ensuring that children with orphan diseases can get the successful treatment they deserve, freeing them and their families to focus on what is truly important—keeping them well, and living out happy and productive lives.

By Mr. KENNEDY (for himself,  
Mr. STEVENS, Mr. KERRY, and  
Ms. MURKOWSKI):

S. 2630. A bill to amend the Public Health Service Act to establish a Federal grant program to provide increased health care coverage to and access for uninsured and underinsured workers and families in the commercial fishing industry, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. 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. 2630

*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 "Commercial Fishing Industry Health Care Coverage Act of 2008".

#### SEC. 2. GRANTS FOR QUALIFIED COMMERCIAL FISHING INDUSTRY HEALTH CARE COVERAGE DEMONSTRATION PROGRAMS.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by adding at the end the following new section:

#### "SEC. 320B. GRANTS FOR QUALIFIED COMMERCIAL FISHING INDUSTRY HEALTH CARE COVERAGE DEMONSTRATION PROGRAMS.

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—The Secretary, through the Health Resources and Services Administration, shall establish a grant program (in this section referred to as the 'grant program') for the purpose of assisting commercial fishing States to establish, or strengthen existing, programs to expand health care coverage and access for uninsured or underinsured workers and their families in the commercial fishing industry.

"(2) TYPES OF GRANTS.—Under the grant program, the Secretary shall provide—

"(A) program planning grants under subsection (b) for commercial fishing States and organizations within such States; and

"(B) implementation and administration grants under subsection (c) for no more than 15 commercial fishing States.

"(3) APPLICATION REQUIRED.—No grant may be awarded under this section except pursuant to an application that is made in such form and manner, and containing such information, as the Secretary may require.

"(b) PROGRAM PLANNING GRANTS.—

"(1) IN GENERAL.—Under the grant program the Secretary may award grants to one or more commercial fishing States (or to organizations with a history of active involvement in the commercial fishing industry in such a State, including knowledge of economic and social aspects of such industry), not to exceed \$200,000 for each year and for no more than two years, to conduct initial research and planning for the development of a qualified health care coverage program in the State. Any grantee under this subsection shall—

"(A) conduct a demographic survey of the State's commercial fishing industry and such industry's health care needs; and

"(B) develop a strategic plan, including a detailed financial plan, for implementation of a qualified health care coverage program within the State.

"(2) CONSULTATION WITH STATES.—Before awarding a grant under this subsection to an organization, the Secretary shall consult with States where the organization is located in order to assist in a determination as to whether the organization—

“(A) has the necessary familiarity with and knowledge of the commercial fishing industry in the State to fulfill the purposes of the grant; and

“(B) has a history of fraudulent or abusive practices that would disqualify the organization from carrying out the grant.

“(3) ACTIONS FOLLOWING COMPLETION OF PLANNING GRANTS.—Based on the research findings, financial plan, and other recommendations developed by the State or organization under paragraph (1), a State may submit an application for program implementation and administration grants under subsection (c).

“(c) IMPLEMENTATION AND PROGRAM ADMINISTRATION GRANTS.—

“(1) IN GENERAL.—Under the grant program, subject to the succeeding provisions of this subsection, the Secretary may award the following grants to commercial fishing States:

“(A) INITIAL IMPLEMENTATION GRANTS.—A grant, not to exceed \$2,000,000 for each year and for no more than two years, for initial implementation of a qualified health care coverage program.

“(B) PROGRAM ADMINISTRATION GRANTS.—A grant, not to exceed \$3,000,000 for each year and for no more than five years, for administration of a qualified health care coverage program.

“(C) CONTINUED ADMINISTRATION GRANTS.—A grant, not to exceed \$3,000,000 for each year, for continued administration of a qualified health care coverage program in a State that has been awarded administration grants for 5 years under subparagraph (B) and that has satisfactorily administered such program using the funds provided by such grants for at least 5 years, if the economic conditions of the fishing industry in the program's service area (or the condition of fish stocks that are important to the fishing industry in such area) jeopardize the ability of the program to continue providing affordable health care coverage.

A grant may be made for a qualified health care coverage program under subparagraph (A) or (B) regardless of whether or not the program was developed with a program planning grant under subsection (b) or was implemented under a grant under subparagraph (A), respectively, and regardless of whether the program was developed or initially implemented before the date of the enactment of this section.

“(2) ELIGIBILITY REQUIREMENTS.—The Secretary may not award a grant under this subsection to a commercial fishing State for implementation or administration of a health care coverage program unless—

“(A) the State demonstrates that the program—

“(i) is a qualified health care coverage program and enrolls fishing industry members and their families if they were uninsured or underinsured; and

“(ii) requires Federal funding for its operation; and

“(B) the State provides assurances satisfactory to the Secretary that—

“(i) if the program is an expansion of an existing health care coverage program, the State will use the grant funding to expand the enrolled population of uninsured or underinsured commercial fishing industry members and their families, or modify coverage to comply with qualified health care coverage, under the program and to supplement, and not supplant, State provided funding for such program; or

“(ii) if the program is a new qualified health care coverage program, the State will ensure the program's continued success through the implementation of appropriate financial and consumer protection regulations, controls, licensing, or oversight poli-

cies, including (as determined by the State) any of the following:

“(I) Protection against insolvency, fraud and abuse.

“(II) State-based stop-loss protection.

“(III) Reinsurance.

“(IV) Receivership/liquidation protection against insolvency for individuals.

“(V) Another demonstration of State financial commitment.

“(3) REQUIREMENT OF MATCHING FUNDS.—

“(A) IN GENERAL.—A grant may be made under this subsection only if the State agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than \$1 for each \$2 of Federal funds provided in the grant.

“(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

“(4) CONTRACTING AUTHORITY.—

“(A) IN GENERAL.—A commercial fishing State may enter into a contract with one or more eligible non-profit organizations or companies for the purpose of conducting activities under an implementation or administration grant under this subsection and may not enter into such a contract with an organization or company which is not eligible under subparagraph (C).

“(B) SUBCONTRACTING ARRANGEMENTS.—A contractor described in subparagraph (A) may subcontract with one or more eligible non-profit organizations or companies for the purpose of conducting activities under such an implementation or administration grant, if the State approves such subcontracting arrangements.

“(C) ELIGIBILITY STANDARDS.—The Secretary shall issue regulations establishing eligibility standards for organizations and companies under this paragraph. Such standards shall include requirements that States review whether prospective contractors or subcontractors under this paragraph—

“(i) have a history of fraudulent or abusive practices that would disqualify them from participating in a contract or subcontract;

“(ii) have the capability and experience to assist in the management of a qualified health care coverage program; and

“(iii) in the case of commercial fishing organizations, have an appropriate level of familiarity with, and knowledge of, the commercial fishing industry.

“(d) DEFINITIONS.—For purposes of this section:

“(1) COMMERCIAL FISHING STATE.—The term ‘commercial fishing State’ means a State (as defined in section 2(f)) with a significant commercial fishing population or a significant commercial fishing industry. The Secretary shall accept a State's self-certification that it is a commercial fishing State if the State demonstrates to the Secretary that—

“(A) such self-certification is based on consultation by the State with local organizations familiar with the commercial fishing industry in the State; and

“(B) the State has a significant commercial fishing population or a significant commercial fishing industry.

“(2) COMMERCIAL FISHING INDUSTRY MEMBER.—The term ‘commercial fishing industry member’ means a fisherman, crewmember, boat owner, captain, shore side business owner, employee of a company that provides shore side support, harvester, or other indi-

vidual performing commercial fishing industry-related work, if more than half of such individual's income derives from such work at the time the individual enrolls in a qualified health care coverage program.

“(3) QUALIFIED HEALTH CARE COVERAGE PROGRAM.—The term ‘qualified health care coverage program’ means a program that provides qualified health care coverage to commercial fishing industry members and their families consistent with the following:

“(A) Eligibility for enrollment of such members and families is only restricted by capacity, based on a first come, first served basis when space is limited, and health status related factors (as defined in section 2702), age, and gender may not be used as a basis for determining eligibility.

“(B) The program does not include any pre-existing condition exclusion (as defined in section 2701) or any coverage elimination rider that permanently excludes from coverage an existing medical condition.

“(C) Premium rates under the program are computed based on a community rate, and may be adjusted only for income and family size.

“(4) QUALIFIED HEALTH CARE COVERAGE.—The term ‘qualified health care coverage’ means coverage that meets any of the following conditions:

“(A) FEHBP COVERAGE.—The coverage is actuarially equivalent to the coverage provided under the health benefits plan, under chapter 89 of title 5, United States Code, which has the largest enrollment, either in the United States or in the State involved.

“(B) STATE EMPLOYEES COVERAGE.—The coverage is actuarially equivalent to the coverage provided under the health benefits plan, that is offered by the State to State government employees, which has the largest enrollment of such plans in the State.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for the purpose of carrying out this section—

“(1) \$5,000,000 for fiscal year 2009;

“(2) \$5,000,000 for fiscal year 2010;

“(3) \$10,000,000 for fiscal year 2011;

“(4) \$10,000,000 for fiscal year 2012; and

“(5) \$20,000,000 for fiscal year 2013.”.

Mr. STEVENS. Mr. President, I come to the floor to support the Commercial Fishing Industry Healthcare Coverage Act of 2008. My good friend Senator KENNEDY and I, along with Senators KERRY and MURKOWSKI, are introducing this bill to improve healthcare options for our Nation's fishermen and fishing families.

Few things are more Alaskan than fishing. Long before Alaska was even a U.S. territory, our people were fishing for their livelihood. The first Alaskans, Alaska Natives depended on subsistence fishing, as many do today. Russian settlers built salteries to preserve their catch through our long, harsh winters. In the 1800s, the first canneries were built in Sitka and Klawock, marking the birth of Alaska's modern commercial fishing industry.

Today, Alaska's seafood industry is the State's largest private employer and a fundamental part of Alaskan culture. All around our State, from Ketchikan, at the Southern end of the panhandle, to Kotzebue, above the Arctic Circle, fishermen brave the elements so all Americans may enjoy the bounty of Alaskan waters. Their work is vital to the economies of numerous communities in our State.



While Alaskans have fishing in their blood, skyrocketing costs have made it increasingly difficult for these hard-working men and women to earn a living. One of the major challenges our commercial fishermen face is obtaining affordable healthcare.

The problem is not unique to my State. Lack of health coverage is a dilemma for fishermen in other coastal States. Surveys conducted in different parts of the country show fishing families are significantly more likely to be uninsured than other Americans.

The commercial fishing industry produces billions of dollars for the U.S. economy each year. Despite their contributions, the seasonal and dangerous nature of their profession bars many commercial fishermen from obtaining health insurance; most work for themselves or for small employers. Fishermen are forced to pay high premiums and deductibles, which can effectively put health insurance out of reach.

In my State, fishermen face additional complications when looking for affordable health insurance. A study by the United Fishermen of Alaska found that our fishermen are more likely to work and live in communities without a hospital. Also, fewer private insurance companies offer individual or small business medical coverage in Alaska than in other States. And, most fishermen simply cannot afford the rates charged by these providers.

That lack of basic health services impacts everyone in our fishing fleet, from our older fishermen, who may be most in need of health coverage, to the younger generation of fishermen, who find the lack of affordable healthcare a barrier to entering the profession.

As one fisherman from Juneau put it:

I've applied with two different major health insurance providers, and both have declined me coverage because of my occupation . . . living and working without health insurance is like living on borrowed time. I constantly feel I am pushing my luck, and a single illness or injury could mean bankruptcy for me.

With the high cost of individual health insurance and the lack of proximity to healthcare facilities in Alaska families are less likely to seek preventive care, resulting in medical emergencies that could have been avoided. When uninsured fishermen end up in emergency rooms with serious diseases and injuries, taxpayers often absorb the costs.

Our bill is inspired by the successful fishermen's healthcare plan adopted by Senator KENNEDY's home State of Massachusetts, which has proven that health insurance can be made affordable for fishing families. This legislation will establish a grant program to help States and fishing organizations create and administer group health insurance programs for fishermen and fishing families.

Americans are consuming more and more seafood as they discover its great taste and considerable health benefits. We cannot forget where these fish come

from. They come from the labor of men and women working up and down the coasts of this country, many struggling to earn a living and preserve a tradition that has spanned generations.

This measure would help put affordable medical care within their reach. I encourage my fellow Senators to support the bill.

By Mrs. FEINSTEIN (for herself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COLEMAN, Ms. COLLINS, Mr. CORNYN, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. VOINOVICH, and Mr. WHITEHOUSE):

S. 2631. A bill to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today with my good friend and colleague, Senator MCCONNELL, to introduce the Aung San Suu Kyi Congressional Gold Medal Act of 2008.

We are proud to be joined by 73 of our colleagues in sponsoring this measure to award the Congressional Gold Medal to a woman who has inspired us all with her commitment to nonviolence, democracy, human rights, and the rule of law for the people of Burma. On December 17, 2007, the House voted 400-0 to award Suu Kyi this honor and we urge the Senate to promptly follow suit.

Last September we witnessed the largest democratic demonstrations in Burma in almost 20 years. Tens of thousands of Burmese citizens took to the streets in peaceful demonstrations to speak out against the country's oppressive military regime, and to cry out for democracy.

I watched these courageous people with a deep sense of admiration and respect.

Led by respected Buddhist monks, the people of the "Saffron Revolution" called on the military junta to release all political prisoners, including Nobel Peace Prize Laureate Aung San Suu Kyi, and engage in a true dialogue on national reconciliation. Yet, as it had in the past, the military junta responded to the recent peaceful protests with violence and bloodshed. Soldiers used brutal force to break up the protests, beating and sometimes killing innocent civilians.

No amount of force, however, can crush the spirit of Aung San Suu Kyi and her peaceful quest for democracy and human rights. Indeed, she is a woman of unrivaled courage. In the face of threats, intimidation, harassment, and an assassination attempt, she has never wavered from her principles and continues to support national reconciliation for all the people of Burma.

By introducing this legislation, we seek not only to honor a remarkable woman who embodies the values and standards of the Congressional Gold Medal, but also to raise our voices once again in support of her cause which is our cause: a free and democratic Burma.

By now, her story is well known. Aung San Suu Kyi was born on June 19, 1945, in Rangoon to Aung San, commander of the Burma Independence Army, and Ma Khin Kyi. In August 1988, Suu Kyi, in her first political action, sent an open letter to the military-controlled government, asking for free, open and multi-party elections. The following month, she founded the National League for Democracy, which remains dedicated to a policy of nonviolence and civil disobedience. Suu Kyi was named its general-secretary.

Recognizing the threat Suu Kyi posed to their grip on power, the Burmese junta had her placed under house arrest and held without charges or trial. Yet, despite the best efforts of the military junta to suppress the growing democratic movement, in 1990 the National League for Democracy won 82 percent of the seats in parliamentary elections. But the junta annulled the election results and refused to release Suu Kyi.

Since then, the Burmese regime—now called the State Peace and Development Council—has refused to engage in a national dialogue with Suu Kyi and the democratic opposition, and intensified its campaign of oppression and abuse. In 2003, pro-government thugs attempted to assassinate Suu Kyi and other members of the National League for Democracy as they rode in a motorcade in the northern city of Depayin.

Last May, the military junta renewed her house arrest for another year. In fact, for most of the past 18 years, she has remained imprisoned or under house arrest, alone without

minimal contact with the outside world.

Yet, as in 1990, the regime has once again failed to stamp out Suu Kyi's message of democracy, human rights, non-violence and the rule of law. She continues to inspire not only the people of Burma but the entire world. Indeed, Suu Kyi's commitment to freedom and democracy has been widely recognized.

In 1990, Suu Kyi was awarded the Sakharov Prize for Freedom of Thought by the European Parliament. The prize honors efforts on behalf of human rights and fundamental freedoms, and in opposition to injustice and oppression. It is named for the late Andrei Sakharov, the Soviet dissident and Nobel Peace Prize winner.

In 1991, Suu Kyi was awarded the Nobel Peace Prize for her commitment to nonviolence and support for freedom and democracy for Burma. She was not allowed to attend the ceremony. In its recommendation, the Nobel Committee wrote:

In the good fight for peace and reconciliation, we are dependent on persons who set examples, persons who can symbolize what we are seeking and mobilize the best in us. Aung San Suu Kyi is just such a person. She unites deep commitment and tenacity with a vision in which the end and the means form a single unit. Its most important elements are: democracy, respect for human rights, reconciliation between groups, non-violence, and personal and collective discipline.

Suu Kyi donated her \$1.3 million in prize money to establish a health and education fund for Burma. She is the world's only imprisoned Nobel Peace Prize recipient.

In 2000, Suu Kyi was awarded the Presidential Medal of Freedom, the Nation's highest civilian award, by President Bill Clinton.

Last year, 45 U.S. Senators signed a letter to United Nations Secretary General Ban Ki-Moon urging him to get personally involved in pressing for Suu Kyi's release.

In letter addressed to the State Peace and Development Council, a distinguished group of 59 former heads of state—including former Filipino president Corazon Aquino, former Czech president Vaclav Havel, former British prime minister John Major and former Presidents Bill Clinton, Jimmy Carter, and George H.W. Bush—called for the regime to release Aung San Suu Kyi. They correctly noted that "Aung San Suu Kyi is not calling for revolution in Burma, but rather peaceful, nonviolent dialogue between the military, National League for Democracy, and Burma's ethnic groups."

It is only fitting, that Congress join this international chorus in support of Aung San Suu Kyi and award her the Congressional Gold Medal.

As a U.S. Senator, I have worked hard to raise awareness about the situation in Burma and pass legislation to put pressure on the military junta to release Suu Kyi and begin a true dialogue on national reconciliation. In 1997, former Senator Bill Cohen and I

authored legislation requiring the President to ban new U.S. investment in Burma if he determined that the Government of Burma had physically harmed, rearrested or exiled Aung San Suu Kyi or committed large-scale repression or violence against the Democratic opposition. President Clinton issued the Executive Order in 1997 and the ban remains on the books today.

In 2003, after the regime attempted to assassinate Aung San Suu Kyi, Senator McConnell and I introduced the Burmese Freedom and Democracy Act of 2003 which placed a complete ban on imports from Burma. It allowed that ban to be renewed one year at a time for up to 3 years. It was signed into law and has been renewed one year at a time for each of the past 4 years.

Last year, the women of the United States Senate came together to form the Women's Caucus on Burma to express our solidarity with Suu Kyi, call for her immediate release, urge the United Nations to pass a binding resolution on Burma. At our inaugural event, we were pleased to be joined by First Lady Laura Bush who added her own voice to those calling for peace and democracy in Burma. Our message is clear: We will not remain silent, we will not stand still until Aung San Suu Kyi and all political prisoners are released and democratic government is restored in Burma.

This legislation is but one small step on the path to that goal. I remain hopeful that the military regime will heed the will of its people and the international community and we will be able to present Aung San Suu Kyi with this honor in person.

I urge my colleagues to support this legislation.

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. 2631

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

#### SECTION 1. FINDINGS.

The Congress finds as follows:

(1) Aung San Suu Kyi was born on June 19, 1945, in Rangoon, Burma, to Aung San, commander of the Burma Independence Army, and Ma Khin Kyi.

(2) On August 15, 1988, Ms. Suu Kyi, in her first political action, sent an open letter to the military controlled government asking for free, open, and multi-party elections.

(3) On September 24, 1988, the National League for Democracy (NLD) was formed, with Ms. Suu Kyi as the general-secretary, and it was, and remains, dedicated to a policy of non-violence and civil disobedience.

(4) Ms. Suu Kyi was subsequently placed under house arrest, where she remained for the next 6 years—without being charged or put on trial—and has been imprisoned twice more; she currently remains under house arrest.

(5) Despite her detention, the National League for Democracy won an open election with an overwhelming 82 percent of the vote—which the military junta nullified.

(6) While under house arrest, she has bravely refused offers to leave the country to con-

tinue to promote freedom and democracy in Burma.

(7) For her efforts on behalf of the Burmese people, she has been awarded the Sakharov Prize for Freedom of Thought in 1990, the Presidential Medal of Freedom in 2000, and the Nobel Peace Prize in 1991.

(8) Ms. Suu Kyi continues to fight on behalf of the Burmese people, even donating her \$1.3 million from her Nobel Prize to establish a health and education fund for Burma.

(9) She is the world's only imprisoned Nobel Peace Prize recipient, spending more than 12 of the past 17 years under house arrest.

(10) Despite an assassination attempt against her life, her prolonged illegal imprisonment, the constant public vilification of her character, and her inability to see her children or to see her husband before his death, Ms. Suu Kyi remains committed to peaceful dialogue with her captors, Burma's military regime, and Burma's ethnic nationalities towards bringing democracy, human rights, and national reconciliation to Burma.

#### SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design, to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

#### SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

#### SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

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

#### SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

By Mr. BOND:

S. 2632. A bill to ensure that the Sex Offender Registration and Notification Act is applied retroactively; to the Committee on the Judiciary.

Mr. BOND. Mr. President, today, I introduce legislation to close a series of statutory loopholes setting free convicted sex offenders who failed to register and notify their communities of

their status as required by Federal law. I was outraged recently to learn this was going on and I am sure you will agree that we must end this injustice. I urge my colleagues to join me in support of this legislation.

Under the Sex Offender Registration and Notification Act, SORNA, passed as part of the Adam Walsh Child Protection and Safety Act of 2006, sex offenders are required to register with local authorities and notify those authorities when they move or change jobs. However, judges in Michigan and Pennsylvania have freed sex offenders arrested for failing to register because of doubts over whether the statute applies to sex offenses committed prior to SORNA's implementation. A Missouri judge freed a noncomplying sex offender questioning whether provisions extending Federal jurisdiction operated retroactively.

In the Missouri case, a Federal judge released convicted sex-offender Terry L. Rich after his arrest for failure to register as a sex offender upon moving to Kansas City 20 months ago. Mr. Rich arrived after a prison stint in Iowa for failing to register there based on his previous convictions for felony sexual abuse of a child, kidnapping, indecency, child molestation and felony sexual battery of a young girl. SORNA extends Federal jurisdiction to State sex offenders by applying to those who "travel" in interstate commerce, and Mr. Rich seemed to qualify by moving from Iowa to Missouri in March 2006. However, the judge ruled that since Mr. Rich "traveled" prior to SORNA's enactment in July 2006, he was not covered by the law's present tense "travel" requirement.

The Pennsylvania court freed persons hiding convictions of sexual assault, rape, statutory rape, indecent assault and corruption of the morals of a 6-year-old girl. The Michigan court freed a sex offender who failed to register after convictions of first-degree rape and sodomy.

The bill I propose closes the loopholes cited by the Missouri, Michigan, and Pennsylvania courts to ensure that SORNA's registration requirement applies to sex offenders irrespective of the date of their offense or date of interstate travel. These are simple fixes to the code, but vital to ensure that no more convicted sex offenders can hide in our neighborhoods.

By Mr. REID:

S. 2636. A bill to provide needed housing reform; read the first time.

S. 2636

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foreclosure Prevention Act of 2008".

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

Sec. 1. Short title; table of contents.

#### TITLE I—MODIFICATIONS ON USE OF QUALIFIED MORTGAGE BONDS

Sec. 101. Modifications on use of qualified mortgage bonds; temporary increased volume cap for certain housing bonds.

#### TITLE II—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

Sec. 201. Emergency assistance for the redevelopment of abandoned and foreclosed homes.

#### TITLE III—HOUSING COUNSELING RESOURCES

Sec. 301. Housing counseling resources.

#### TITLE IV—HELPING FAMILIES SAVE THEIR HOME IN BANKRUPTCY ACT

Sec. 401. Short title.

##### Subtitle A—Minimizing Foreclosures

Sec. 411. Special rules for modification of loans secured by residences.

Sec. 412. Waiver of counseling requirement when homes are in foreclosure.

##### Subtitle B—Providing Other Debtor Protections

Sec. 421. Combating excessive fees.

Sec. 422. Maintaining debtors' legal claims.

Sec. 423. Resolving disputes.

Sec. 424. Enacting a homestead floor for debtors over 55 years of age.

Sec. 425. Disallowing claims from violations of consumer protection laws.

#### TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

Sec. 501. Short title.

Sec. 502. Enhanced mortgage loan disclosures.

#### TITLE VI—INCENTIVES FOR BUSINESS

Sec. 601. Carryback of certain net operating losses allowed for 5 years; temporary suspension of 90 percent AMT limit.

#### TITLE I—MODIFICATIONS ON USE OF QUALIFIED MORTGAGE BONDS

SEC. 101. MODIFICATIONS ON USE OF QUALIFIED MORTGAGE BONDS; TEMPORARY INCREASED VOLUME CAP FOR CERTAIN HOUSING BONDS.

(a) USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR SUBPRIME REFINANCING LOANS.—Section 143(k) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(12) SPECIAL RULES FOR SUBPRIME REFINANCINGS.—

"(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.

"(B) SPECIAL RULES.—In applying this paragraph to any case in which the proceeds of a qualified mortgage issue are used for any refinancing described in subparagraph (A)—

"(i) subsection (a)(2)(D)(i) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

"(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

"(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

"(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan originated after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

"(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.".

(b) INCREASED VOLUME CAP FOR CERTAIN BONDS.—

(1) IN GENERAL.—Subsection (d) of section 146 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(5) INCREASE AND SET ASIDE FOR HOUSING BONDS FOR 2008.—

"(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to \$10,000,000,000 multiplied by a fraction—

"(i) the numerator of which is the population of such State (as reported in the most recent decennial census), and

"(ii) the denominator of which is the total population of all States (as reported in the most recent decennial census).

"(B) SET ASIDE.—

"(i) IN GENERAL.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified purposes.

"(ii) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

"(I) the issuance of exempt facility bonds used solely to provide qualified residential rental projects, or

"(II) a qualified mortgage issue (determined by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i))."

(2) CARRYFORWARD OF UNUSED LIMITATIONS.—Subsection (f) of section 146 of such Code is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULES FOR INCREASED VOLUME CAP UNDER SUBSECTION (d)(5).—

"(A) IN GENERAL.—No amount which is attributable to the increase under subsection (d)(5) may be used—

"(i) for a carryforward purpose other than a qualified purpose (as defined in subsection (d)(5)), and

"(ii) to issue any bond after calendar year 2010.

"(B) ORDERING RULES.—For purposes of subparagraph (A), any carryforward of an issuing authority's volume cap for calendar year 2008 shall be treated as attributable to such increase to the extent of such increase."

(c) ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Clause (ii) of section 57(a)(5)(C) of the Internal Revenue Code of 1986 is amended by striking "shall not include" and all that follows and inserting "shall not include—

"(I) any qualified 501(c)(3) bond (as defined in section 145), or

"(II) any qualified mortgage bond (as defined in section 143(a)) or qualified veterans' mortgage bond (as defined in section 143(b)) issued after the date of the enactment of this subclause and before January 1, 2011."

(2) CONFORMING AMENDMENT.—The heading for section 57(a)(5)(C)(ii) is amended by striking "QUALIFIED 501(c)(3) BONDS" and inserting "CERTAIN BONDS".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this title.

#### TITLE II—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

SEC. 201. EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES.

(a) DIRECT APPROPRIATIONS.—There shall be appropriated out of any money in the Treasury not otherwise appropriated for the

fiscal year 2008, \$4,000,000,000, to remain available until expended, for assistance to States and units of general local government (as such terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) for the redevelopment of abandoned and foreclosed homes.

(b) **ALLOCATION OF APPROPRIATED AMOUNTS.**—

(1) **IN GENERAL.**—The amounts appropriated or otherwise made available to States and units of general local government under this section shall be allocated based on a funding formula established by the Secretary of Housing and Urban Development.

(2) **FORMULA TO BE DEvised SWIFTLY.**—The funding formula required under paragraph (1) shall be established not later than 60 days after the date of enactment of this title.

(3) **CRITERIA.**—The funding formula required under paragraph (1) shall ensure that any amounts appropriated or otherwise made available under this section are allocated to States and units of general local government with the greatest need, as such need is determined in the discretion of the Secretary based on the following factors:

(A) The number and percentage of home foreclosures in each State or unit of general local government.

(B) The number and percentage of homes financed by a subprime mortgage related loan in each State or unit of general local government.

(C) The number and percentage of homes in default or delinquency in each State or unit of general local government.

(4) **DISTRIBUTION.**—Amounts appropriated or otherwise made available to States and units of general local government under this section shall be distributed according to the funding formula required under paragraph (1) not later than 30 days after the establishment of such formula.

(c) **USE OF FUNDS.**—

(1) **IN GENERAL.**—Any State or unit of general local government that receives amounts pursuant to this section shall, not later than 18 months after the receipt of such amounts, use such amounts to redevelop abandoned and foreclosed homes.

(2) **PRIORITY.**—Any State or unit of general local government that receives amounts pursuant to this section shall in distributing such amounts give priority emphasis and consideration to those metropolitan areas, metropolitan cities, urban areas, rural areas, low- and moderate-income areas, and other areas with the greatest need, including those—

(A) with the greatest percentage of home foreclosures;

(B) with the highest percentage of homes financed by a subprime mortgage related loan; or

(C) identified by the State or unit of general local government as likely to face a significant rise in the rate of home foreclosures.

(3) **ELIGIBLE USES.**—

(A) **IN GENERAL.**—Amounts made available under this section may be used to—

(i) make grants, loans, and other financing mechanisms to community development financial institutions (as such term is defined under section 103(5) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(5))), national intermediaries, and nonprofit housing or community development organizations and others to purchase and rehabilitate homes that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes;

(ii) establish financing mechanisms for redevelopment of foreclosed upon homes, including such mechanisms as soft-second, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;

(iii) purchase and rehabilitate homes that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes;

(iv) establish land banks for homes that have been foreclosed upon; and

(v) demolish blighted structures.

(B) **LIMITATION.**—Any funds used under this section for the purchase of an abandoned or foreclosed upon home shall be at a cost equal to or less than the appraised value of the home based on the most up-to-date appraisal, as such appraisal is defined by the Secretary.

(d) **RULE OF CONSTRUCTION.**—Amounts appropriated or otherwise made available to States and units of general local government under this section shall be treated as though such funds were community development block grant funds under title I of the Housing and Community Development Act of 1974.

(e) **WAIVER AUTHORITY.**—

(1) **IN GENERAL.**—In administering any amounts appropriated or otherwise made available under this section, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of such funds (except for requirements related to fair housing, non-discrimination, labor standards, and the environment), in order to expedite or facilitate the use of such funds.

(2) **LOW AND MODERATE INCOME REQUIREMENT.**—Notwithstanding the authority of the Secretary under paragraph (1), all of the funds appropriated or otherwise made available under this section shall be used with respect to persons whose income does not exceed 120 percent of area median income.

(f) **EMERGENCY DESIGNATION.**—The amounts appropriated under this title are designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

### TITLE III—HOUSING COUNSELING RESOURCES

#### SEC. 301. HOUSING COUNSELING RESOURCES.

There shall be appropriated out of any money in the Treasury not otherwise appropriated, for an additional amount for the “Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation” \$200,000,000,000, to remain available until September 30, 2008, for foreclosure mitigation activities under the terms and conditions contained in the second paragraph under the heading “Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation” of Public Law 110-161.

### TITLE IV—HELPING FAMILIES SAVE THEIR HOME IN BANKRUPTCY ACT

#### SEC. 401. SHORT TITLE.

This title may be cited as the “Helping Families Save Their Homes in Bankruptcy Act of 2008”.

#### Subtitle A—Minimizing Foreclosures

#### SEC. 411. SPECIAL RULES FOR MODIFICATION OF LOANS SECURED BY RESIDENCES.

(a) **IN GENERAL.**—Section 1322(b) of title 11, United States Code, is amended—

(1) in paragraph (10), by striking “and” at the end;

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following:

“(11) notwithstanding paragraph (2) and otherwise applicable nonbankruptcy law—

“(A) modify an allowed secured claim secured by the debtor’s principal residence, as described in subparagraph (B), if, after de-

duction from the debtor’s current monthly income of the expenses permitted for debtors described in section 1325(b)(3) of this title (other than amounts contractually due to creditors holding such allowed secured claims and additional payments necessary to maintain possession of that residence), the debtor has insufficient remaining income to retain possession of the residence by curing a default and maintaining payments while the case is pending, as provided under paragraph (5); and

“(B) provide for payment of such claim—

“(i) for a period not to exceed 30 years (reduced by the period for which the loan has been outstanding) from the date of the order for relief under this chapter; and

“(ii) at a rate of interest accruing after such date calculated at a fixed annual percentage rate, in an amount equal to the most recently published annual yield on conventional mortgages published by the Board of Governors of the Federal Reserve System, as of the applicable time set forth in the rules of the Board, plus a reasonable premium for risk; and”.

(b) **CONFORMING AMENDMENT.**—Section 1325(a)(5) of title 11, United States Code, is amended by inserting before “with respect” the following: “except as otherwise provided in section 1322(b)(11) of this title.”.

#### SEC. 412. WAIVER OF COUNSELING REQUIREMENT WHEN HOMES ARE IN FORECLOSURE.

Section 109(h) of title 11, United States Code, is amended by adding at the end the following:

“(5) Paragraph (1) shall not apply with respect to a debtor who files with the court a certification that a foreclosure sale of the debtor’s principal residence has been scheduled.”.

#### Subtitle B—Providing Other Debtor Protections

#### SEC. 421. COMBATING EXCESSIVE FEES.

Section 1322(c) of title 11, the United States Code, is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(3) to the extent that an allowed secured claim is secured by the debtor’s principal residence, the value of which is greater than the amount of such claim, fees, costs, or charges arising during the pendency of the case may be added to secured debt provided for by the plan only if—

“(A) notice of such fees, costs or charges is filed with the court before the expiration of the earlier of—

“(i) 1 year after the time at which they are incurred; or

“(ii) 60 days before the conclusion of the case; and

“(B) such fees, costs, or charges are lawful, reasonable, and provided for in the underlying contract;

“(4) the failure of a party to give notice described in paragraph (3) shall be deemed a waiver of any claim for fees, costs, or charges described in paragraph (3) for all purposes, and any attempt to collect such fees, costs, or charges shall constitute a violation of section 524(a)(2) of this title or, if the violation occurs before the date of discharge, of section 362(a) of this title; and

“(5) a plan may provide for the waiver of any prepayment penalty on a claim secured by the principal residence of the debtor.”.

#### SEC. 422. MAINTAINING DEBTORS’ LEGAL CLAIMS.

Section 554(e) of title 11, United States Code, is amended by adding at the end the following:

“(e) In any action in State or Federal court with respect to a claim or defense asserted by an individual debtor in such action that was not scheduled under section 521(a)(1) of this title, the trustee shall be allowed a reasonable time to request joinder or substitution as the real party in interest. If the trustee does not request joinder or substitution in such action, the debtor may proceed as the real party in interest, and no such action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest or on the ground that the debtor’s claims were not properly scheduled in a case under this title.”.

#### SEC. 423. RESOLVING DISPUTES.

Section 1334 of title 28, United States Code, is amended by adding at the end the following: “Notwithstanding any agreement for arbitration that is subject to chapter 1 of title 9, in any core proceeding under section 157(b) of this title involving an individual debtor whose debts are primarily consumer debts, the court may hear and determine the proceeding, and enter appropriate orders and judgments, in lieu of referral to arbitration.”.

#### SEC. 424. ENACTING A HOMESTEAD FLOOR FOR DEBTORS OVER 55 YEARS OF AGE.

(a) IN GENERAL.—Section 522(b)(3) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end and inserting the following:

“(D) if the debtor, as of the date of the filing of the petition, is 55 years old or older, the debtor’s aggregate interest, not to exceed \$75,000 in value, in real property or personal property that the debtor or a dependent of the debtor uses as a principal residence, or in a cooperative that owns property that the debtor or a dependent of the debtor uses as a principal residence.”.

(b) EXEMPTION AUTHORITY.—Section 522(d)(1) of title 11, United States Code, is amended by inserting “or, if the debtor is 55 years of age or older, \$75,000 in value,” before “in real property”.

#### SEC. 425. DISALLOWING CLAIMS FROM VIOLATIONS OF CONSUMER PROTECTION LAWS.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(10) the claim is subject to any remedy for damages or rescission due to failure to comply with any applicable requirement under the Truth in Lending Act (15 U.S.C. 1601 et seq.), or any other provision of applicable State or Federal consumer protection law that was in force when the noncompliance took place, notwithstanding the prior entry of a foreclosure judgment.”.

#### TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

##### SEC. 501. SHORT TITLE.

This title may be cited as the “Mortgage Disclosure Improvement Act of 2008”.

##### SEC. 502. ENHANCED MORTGAGE LOAN DISCLOSURES.

(a) TRUTH IN LENDING ACT DISCLOSURES.—Section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)) is amended—

(1) by inserting “(A)” before “In the”; and

(2) by striking “a residential mortgage transaction, as defined in section 103(w)” and inserting “any extension of credit that is secured by the dwelling of a consumer”;

(3) by striking “shall be made in accordance” and all that follows through “extended, or”;

(4) by striking “If the” and all that follows through the end of the paragraph and inserting the following:

“(B) In the case of an extension of credit that is secured by the dwelling of a consumer, in addition to the other disclosures required by subsection (a), the disclosures provided under this paragraph shall—

“(i) state in conspicuous type size and format, the following: ‘You are not required to complete this agreement merely because you have received these disclosures or signed a loan application.’; and

“(ii) be furnished to the borrower not later than 7 business days before the date of consummation of the transaction, and at the time of consummation of the transaction, subject to subparagraph (D).

“(C) In the case of an extension of credit that is secured by the dwelling of a consumer, under which the annual rate of interest is variable, or with respect to which the regular payments may otherwise be variable, in addition to the other disclosures required by subsection (a), the disclosures provided under this paragraph shall—

“(i) label the payment schedule as follows: ‘Payment Schedule: Payments Will Vary Based on Interest Rate Changes’; and

“(ii) state the maximum amount of the regular required payments on the loan, based on the maximum interest rate allowed, introduced with the following language in conspicuous type size and format: ‘Your payment can go as high as \_\_\_\_\_’, the blank to be filled in with the maximum possible payment amount.

“(D) In any case in which the disclosure statement provided 7 business days before the date of consummation of the transaction contains an annual percentage rate of interest that is no longer accurate, as determined under section 107(c), the creditor shall furnish an additional, corrected statement to the borrower, not later than 3 business days before the date of consummation of the transaction.”.

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) in paragraph (2)(A)(iii), by striking “not less than \$200 or greater than \$2,000” and inserting “\$5,000, such amount to be adjusted annually based on the consumer price index, to maintain current value”; and

(2) in the penultimate sentence of the undesignated matter following paragraph (4)—

(A) by striking “only for” and inserting “for”; and

(B) by striking “section 125 or” and inserting “section 122, section 125.”;

(C) by inserting “or section 128(b),” after “128(a),”; and

(D) by inserting “or section 128(b)” before the period.

#### TITLE VI—INCENTIVES FOR BUSINESS

##### SEC. 601. CARRYBACK OF CERTAIN NET OPERATING LOSSES ALLOWED FOR 5 YEARS; TEMPORARY SUSPENSION OF 90 PERCENT AMT LIMIT.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

“(H) 5-YEAR CARRYBACK OF CERTAIN LOSSES.—

“(i) TAXABLE YEARS ENDING DURING 2001 AND 2002.—In the case of a net operating loss for any taxable year ending during 2001 or 2002, subparagraph (A)(i) shall be applied by substituting ‘5’ for ‘2’ and subparagraph (F) shall not apply.

“(ii) TAXABLE YEARS BEGINNING OR ENDING DURING 2006, 2007, AND 2008.—In the case of a net operating loss with respect to any eligible taxpayer (within the meaning of section 168(k)(1)(B)) for any taxable year beginning or ending during 2006, 2007, or 2008—

“(I) subparagraph (A)(i) shall be applied by substituting ‘5’ for ‘2’.

“(II) subparagraph (E)(ii) shall be applied by substituting ‘4’ for ‘2’, and

“(III) subparagraph (F) shall not apply.”.

##### (b) TEMPORARY SUSPENSION OF 90 PERCENT LIMIT ON CERTAIN NOL CARRYBACKS AND CARRYOVERS.—

(1) IN GENERAL.—Section 56(d) of the of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) ADDITIONAL ADJUSTMENTS.—For purposes of paragraph (1)(A), in the case of an eligible taxpayer (within the meaning of section 168(k)(1)(B)), the amount described in clause (I) of paragraph (1)(A)(ii) shall be increased by the amount of the net operating loss deduction allowable for the taxable year under section 172 attributable to the sum of—

“(A) carrybacks of net operating losses from taxable years beginning or ending during 2006, 2007, and 2008, and

“(B) carryovers of net operating losses to taxable years beginning or ending during 2006, 2007, or 2008.”.

(2) CONFORMING AMENDMENT.—Subclause (I) of section 56(d)(1)(A)(i) of such Code is amended by inserting “amount of such” before “deduction described in clause (ii)(I)”.

(c) ANTI-ABUSE RULES.—The Secretary of Treasury or the Secretary’s designee shall prescribe such rules as are necessary to prevent the abuse of the purposes of the amendments made by this section, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

##### (d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by subsection (a) shall apply to net operating losses arising in taxable years beginning or ending in 2006, 2007, or 2008.

(B) ELECTION.—In the case of an eligible taxpayer (within the meaning of section 168(k)(1)(B) of the Internal Revenue Code of 1986) with a net operating loss for a taxable year beginning or ending during 2006 or 2007—

(i) any election made under section 172(b)(3) of the Internal Revenue Code of 1986 may (notwithstanding such section) be revoked before November 1, 2008, and

(ii) any election made under section 172(j) of such Code shall (notwithstanding such section) be treated as timely made if made before November 1, 2008.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to taxable years ending after December 31, 1995.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 450—DESIGNATING JULY 26, 2008, AS “NATIONAL DAY OF THE COWBOY”

Mr. ENZI (for himself, Mr. BARRASSO, Mr. ALLARD, Mr. CRAIG, Mr. CRAPO, Mr. DOMENICI, Mr. DORGAN, Mr. ENSIGN, Mr. BINGAMAN, Mr. INHOFE, Mrs. MURRAY, Mr. REID, Mr. SALAZAR, Mr. STEVENS, Mr. MARTINEZ, and Mr. JOHNSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 450

Whereas pioneering men and women, recognized as “cowboys”, helped establish the American West;