

before the end of any 12-month period of enrollment to prevent undue hardship.

“(c) **SUBSIDIES REQUIREMENT.**—The average amount of all subsidies provided to eligible participants enrolled in the program established under this section for each 12-month period during which the program is conducted shall not exceed the amount equal to the average of the per capita expenditures for providing Indians items or services from all Indian Health Programs for the most recent fiscal year for which data is available.

“(d) **SPECIAL RULES.**—

“(1) **TREATMENT.**—The amount of a subsidy provided to an eligible participant in the program shall not be counted as income or assets for purposes of determining eligibility for benefits under any Federal public assistance program.

“(2) **BUDGET NEUTRALITY.**—In conducting the program under this section, the Secretary shall ensure that the aggregate payments made to carry out the program do not exceed the amount of Federal expenditures which would have been made for the provision of health care items and services to eligible participants if the program had not been implemented.

“(e) **IMPLEMENTATION; REPORTS TO CONGRESS.**—

“(1) **IMPLEMENTATION.**—

“(A) **INITIAL PERIOD.**—The program established under this section shall begin not later than the date that is 1 year after the date of enactment of this section and shall be conducted for a period of at least 5 years.

“(B) **EXTENSIONS.**—The Secretary may extend the program for such additional periods as the Secretary determines appropriate, unless the Secretary determines that the program is unsuccessful in achieving the purposes described in subsection (a), taking into account cost-effectiveness, quality of care, and such other criteria as the Secretary may specify.

“(2) **REPORTS TO CONGRESS.**—During the initial 5-year period in which the program is conducted, and during any period thereafter in which the program is extended, the Secretary shall periodically submit reports to Congress regarding the progress of program. Each report shall include information concerning the populations participating in the program, participant satisfaction (determined by indicators of satisfaction with security, affordability, access, choice, and quality) as compared with items and services that the participant would have received from Indian Health Programs, and the impact of the program on access to, and the availability of, high quality health care services for Indians.

“(f) **QUALIFIED HEALTH INSURANCE.**—

“(1) **IN GENERAL.**—In this section, the term ‘qualified health insurance’ means insurance which constitutes medical care as defined in section 213(d) of the Internal Revenue Code of 1986 without regard to—

“(A) paragraph (1)(C) thereof, and

“(B) so much of paragraph (1)(D) thereof as relates to qualified long-term care insurance contracts.

“(2) **EXCLUSION OF CERTAIN OTHER CONTRACTS.**—Such term shall not include insurance if a substantial portion of its benefits are excepted benefits (as defined in section 9832(c) of such Code).”.

SA 4035. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of the Indian Health Care Improvement Act (as amended by section 101), insert the following:

“**SEC. 8 . . . REQUIREMENT.**

“Not less than 85 percent of amounts made available to carry out this Act shall be used to provide the medical services authorized by this Act.

SA 4036. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 121, strike line 15 and insert the following:

“(c) **PRIORITIZATION.**—Before providing any hospice care, assisted living service, long-term care service, or home- or community-based service pursuant to this section, the Secretary shall give priority to the provision of basic medical services to Indians.

“(d) **DEFINITIONS.**—For the purposes of this section,

SA 4037. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 121, strike line 15 and insert the following:

“(c) **EFFECTIVE DATE.**—

“(1) **EFFECTIVE DATE.**—This section takes effect on the date on which the Secretary makes the certification described in paragraph (2).

“(2) **CERTIFICATION.**—The certification referred to in paragraph (1) is a certification by the Secretary to Congress that—

“(A) the service availability, rationing, and wait times for existing health services within the Service are—

“(i) acceptable to Indians; and

“(ii) comparable to the service availability and wait times experienced by other residents of the United States; and

“(B) the provision of services under this section will not divert resources from or negatively affect the provision of basic medical and dental services by the Service.

“(d) **DEFINITIONS.**—For the purposes of this section,

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on Public Lands and Forests.

The hearing will be held on February 27, 2008, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 832, to provide for the sale of approximately 25 acres of public land to the Turnabout Ranch, Escalante, Utah, at fair market value; S. 2229, to withdraw certain Federal land in the Wyoming Range from leasing and provide an opportunity to retire certain leases in the Wyoming Range; S. 2379, to authorize the Secretary of the Interior to cancel certain grazing leases on land in Cascade-Siskiyou National Monument that are voluntarily waived by the lessees, to provide for the exchange of cer-

tain Monument land in exchange for private land, to designate certain Monument land as wilderness, and for other purposes; S. 2508 and H.R. 903, to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes; S. 2601 and H.R. 1285, to provide for the conveyance of a parcel of National Forest System land in Kittitas County, Washington, to facilitate the construction of a new fire and rescue station, and for other purposes; H.R. 523, to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district; H.R. 838, to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Kira Finkler at (202) 224-5523 or Rachel Pasternack at (202) 224-0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 13, 2008, at 9:30 a.m., in open session in order to receive testimony on improvements implemented and planned by the Department of Defense and the Department of Veterans Affairs for the care, management, and transition of wounded and ill servicemembers.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 13, 2008, at 10 a.m., in order to conduct a mark up of an original bill entitled ‘Industrial Bank Holding Company Act of 2008’.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during

the session of the Senate in order to conduct a hearing on Wednesday, February 13, 2008, at 9:45 a.m., in room SD366 of the Dirksen Senate Office Building. At this hearing, the committee will hear testimony regarding the President's fiscal year 2009 budget request for the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 13, 2008, at 10 a.m. in room 215 of the Dirksen Senate Office Building, to hear testimony on "Selling to Seniors: The Need for Accountability and Oversight of Marketing and Sales by Medicare Private Plans, Part Two."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 13, 2008, at 10 a.m. in order to hold a hearing on the President's foreign affairs budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 13, 2008, at 2:30 p.m. in order to hold a committee coffee with His Excellency Salam Fayyad, Prime Minister of the Palestinian National Authority.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, February 13, 2008, at 10 a.m. in order to conduct a hearing entitled "The Defense Department's Homeland Security Role: How the Military Can and Should Contribute."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct a hearing entitled "Examining the State Secrets Privilege: Protecting National Security While Preserving Accountability" on Wednesday, February 13, 2008, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

Witness list

Carl Nichols, Deputy Assistant Attorney General, U.S. Department of

Justice, Civil Division, Washington, DC; The Honorable Patricia M. Wald, Former Chief Judge, U.S. Court of Appeals for the D.C. Circuit, Washington, DC; Louis Fisher, Specialist in Constitutional Law, Law Library of the Library of Congress, Washington, DC; Robert M. Chesney, Associate Professor, Wake Forest University School of Law, Winston-Salem, NC; and Michael Vatis, Partner, Steptoe & Johnson LLP, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, February 13, in order to conduct a hearing on the FY 2009 Budget for Veterans Programs. The Committee will meet in room 418 of the Russell Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 13, 2008, at 2:30 p.m. in order to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Wednesday, February 13, 2008 from 10:30 a.m.–12:30 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families, be authorized to meet during the session of the Senate, in order to conduct a hearing on the Family and Medical Leave Act on Wednesday, February 13, 2008. The hearing will commence at 3 p.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BOND. Madam President, first, I ask unanimous consent that Senator McCain's legislative fellow, Navy Commander Scott Butler, be granted floor privileges during the second session of the 110th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIRPORT AND AIRWAY EXTENSION ACT OF 2008

Mrs. MURRAY. Madam President, I ask unanimous consent that the Sen-

ate proceed to the immediate consideration of H.R. 5270, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5270) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROCKEFELLER. Madam President, I rise today to support a short-term extension of the Federal Aviation Administration's contract authority and its collection and expenditure authority through to June 30, 2008. Because of the urgent need to extend the current aviation taxes and related budget provisions, I am supporting this legislation.

But I am becoming convinced that Congress cannot pass S. 1300, the Aviation Investment and Modernization Act, authored by then-Senator Lott and myself. I believe that Congress should pass a long-term extension of the existing aviation taxes in order to give the FAA the funding stability it needs while Congress moves forward with a comprehensive review of how the agency is funded. I cannot support the current funding regime, as it will not provide the agency with the resources it needs to build the Next Generation Air Traffic Control System. In lieu of a long-term extension, I would have preferred an extension until the end of this fiscal year, September 30, 2008, as it would have given the FAA and our Nation's airports a greater degree of reassurance that they will receive the full \$3.5 billion in airport funding that Congress approved last year.

The short-term extension before us today is not only crucial to the ongoing functioning of the FAA, it is necessary because without it the agency faces a potential crisis. Without adopting this legislation, the FAA would not be able to pay 4,000 employees after February 29, 2008. And that is an unacceptable action. The last thing the agency needs right now is to endure a potentially debilitating staffing crisis. To preserve these jobs this short-term extension must be passed today.

This country's aviation system is the safest in the world. However, in remaining vigilant to maintain this standard we must ensure the FAA has the resources to continue its efforts in modernizing our air traffic control system and in updating the more antiquated parts of our aviation infrastructure. The passing of this extension today will allow these vital investments to continue.

I look forward to working with my friend and distinguished colleague, Senator KAY BAILEY HUTCHISON, and members of the Senate's Finance and