

about the risk of sudden cardiac arrest, identifying warning signs, and the need to seek medical attention in a timely manner;

(3) acknowledges the critical importance of sudden cardiac arrest awareness to improving national cardiovascular health; and

(4) calls upon the people of the United States to observe this month with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5080. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2731, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; which was ordered to lie on the table.

SA 5081. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 2731, supra.

SA 5082. Mr. KYL proposed an amendment to the bill S. 2731, supra.

SA 5083. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2731, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5080. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2731, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:
SEC. 502. CONTRIBUTIONS TO THE GLOBAL FUND TO FIGHT HIV/AIDS, TUBERCULOSIS AND MALARIA.

(a) **SHORT TITLE.**—This section may be cited as the “Accountability for United States Taxpayer Contributions to the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria Act”.

(b) **DEFINITIONS.**—In this section:

(1) **GLOBAL FUND.**—The term “Global Fund” means any Global Fund to Fight HIV/AIDS, Tuberculosis, and Malaria agency, commission, conference, council, court, department, forum, fund, institute, office, organization, partnership, program, subsidiary body, tribunal, trust, university or academic body, related organization, or subsidiary body, wherever located, that uses the Global Fund name, or is authorized to use the Global Fund logo, and their funding recipients and subrecipients.

(2) **OVERSIGHT INFORMATION.**—The term “oversight information” includes—

(A) internally and externally commissioned audits, program reviews, performance reports, and evaluations, including reports of the Inspector General of the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria;

(B) financial statements, records, and billing systems;

(C) program budgets and program budget implications, including revised estimates and reports produced by or provided to the Executive Director and the Executive Director’s agents on budget related matters;

(D) operational plans, budgets, and budgetary analyses;

(E) analyses and reports regarding the scale of current and future resource needs;

(F) databases and other data systems containing financial or programmatic information;

(G) documents or other records alleging or involving improper use of resources, misconduct, mismanagement, or other violations of rules and regulations applicable to the Global Fund;

(H) documentation related to activities of the Global Fund regarding quality, safety and efficacy of pharmaceuticals and medical or public health chemicals and devices eligible for procurement with Global Fund funding or applying for eligibility for such procurement; and

(I) other documentation relevant to the audit and investigative work of the United States Inspector General for Contributions to the Global Fund.

(3) **TRANSPARENCY CERTIFICATION.**—The term “Transparency Certification” means an annual, written affirmation by the Executive Director of the Global Fund that the Global Fund will cooperate with the Inspector General, including by providing the Inspector General, upon request, with full access to oversight information.

(4) **UNITED STATES CONTRIBUTION.**—The term “United States contribution” means a voluntary contribution, whether financial, in-kind, or otherwise, from the United States Government to the Global Fund, including contributions passed through other entities for ultimate use by the Global Fund.

(c) **ESTABLISHMENT AND MANAGEMENT OF THE OFFICE OF THE UNITED STATES INSPECTOR GENERAL FOR CONTRIBUTIONS TO THE GLOBAL FUND.**—

(1) **ESTABLISHMENT.**—There is established the Office of the United States Inspector General for Contributions to the Global Fund (referred to in this subsection as the “Global Fund Contributions Office”).

(2) **PURPOSE.**—The purpose of this subsection is to facilitate—

(A) independent and objective audits and investigations relating to United States contributions; and

(B) the use of such contributions by the Global Fund—

(i) to eliminate and deter waste, fraud, and abuse in the use of such contributions; and

(ii) to develop greater transparency, accountability, and internal controls throughout the Global Fund.

(3) **INSPECTOR GENERAL.**—

(A) **APPOINTMENT.**—The Global Fund Contributions Office shall be headed by the Inspector General for Contributions to the Global Fund (referred to in this subsection as the “Inspector General”), who shall be appointed by the President, not later than 30 days after the date of the enactment of this Act, on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(B) **REMOVAL.**—The Inspector General may be removed from office by the President, who shall communicate the reasons for any such removal to the Senate and the House of Representatives.

(C) **PAYMENT.**—The Inspector General shall be paid at the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(D) **RELATIONSHIP TO BOARD.**—

(i) **IN GENERAL.**—Except as provided under clause (ii), the Inspector General shall report directly to, and be under the general supervision of, the Board of Overseers established under paragraph (4).

(ii) **INDEPENDENCE.**—The Board, any officer of the Board, and any officer of the Federal

Government may not prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation.

(E) **DUTIES.**—The Inspector General shall—

(i) conduct, supervise, and coordinate audits and investigations of—

(I) the treatment, handling, expenditure, and use of United States contributions by and to the Global Fund; and

(II) the adequacy of accounting, oversight, quality assurance, and internal control mechanisms at the Global Fund;

(ii) establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duties described in clause (i);

(iii) carry out the duties described in clauses (i) and (ii) in accordance with section 4(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.);

(iv) collect and maintain current records regarding Transparency Certifications by the Global Fund; and

(v) fully and promptly inform Congress and the Board of Overseers regarding how the Global Fund is spending United States contributions through reports, testimony, document transfers, and briefings.

(F) **REFERRALS.**—

(i) **TO APPROPRIATE LAW ENFORCEMENT ENTITIES.**—The Inspector General shall promptly report to the law enforcement entity of jurisdiction if the Inspector General has reasonable grounds to believe that a criminal law of such jurisdiction has been violated by the Global Fund or by an employee, grantee, contractor, or representative of the Global Fund.

(ii) **TO EXECUTIVE DIRECTOR.**—The Inspector General shall promptly report to the Executive Director, as appropriate, regarding cases in which the Inspector General reasonably believes that—

(I) mismanagement, misfeasance, or malfeasance is likely to have taken place within the Global Fund; and

(II) disciplinary proceedings are likely justified.

(G) **PERSONNEL, FACILITIES, AND OTHER RESOURCES.**—The Inspector General may—

(i) select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General;

(ii) obtain services authorized under section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS-15 of the General Schedule by section 5332 of such title;

(iii) lease, purchase, or otherwise acquire, improve, and use such real property as may be necessary for carrying out this subsection; and

(iv) to the extent, and in such amounts as may be appropriated in advance—

(I) enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons; and

(II) make such payments as may be necessary to carry out the duties of the Inspector General.

(H) **USE OF DETAILEES.**—

(i) **IN GENERAL.**—Upon request by the Inspector General, the head of an agency may detail any employee of such agency to the Global Fund Contributions Office on a reimbursable basis.

(ii) **EFFECT ON BENEFITS.**—Any employee detailed pursuant to clause (i) shall remain an employee of the agency from which detailed for the purpose of preserving such employee’s allowances, privileges, rights, seniority, and other benefits.

(I) COOPERATION BY FEDERAL GOVERNMENT ENTITIES.—

(i) IN GENERAL.—In carrying out the duties, responsibilities, and authorities of the Inspector General under this subsection, the Inspector General shall receive the cooperation of inspectors general of other Federal agencies.

(ii) INFORMATION AND ASSISTANCE.—Upon request of the Inspector General for information or assistance from any Federal department, agency, or other entity, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.

(iii) REPORTING REQUIREMENT.—If information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall immediately report the circumstances of such refusal to the Board of Directors and to the appropriate congressional committees.

(J) CONFIRMATION OF TRANSPARENCY BY THE GLOBAL FUND.—

(i) PROMPT NOTICE BY INSPECTOR GENERAL.—If information or assistance requested from the Global Fund by the Inspector General pursuant to a Transparency Certification is, in the opinion of the Inspector General, unreasonably refused or not provided in a timely manner, the Inspector General shall immediately provide written notification of the circumstances of such refusal to—

(I) the Board of Overseers; and
(II) the Executive Director of the Global Fund.

(ii) NOTICE OF COMPLIANCE.—If the information or assistance being sought by the Inspector General in connection with a notification pursuant to clause (i) is provided to the satisfaction of the Inspector General, the Inspector General shall submit written notification of such fact to—

(I) the Global Fund;
(II) the Board of Overseers; and
(III) the appropriate congressional committees.

(iii) NONCOMPLIANCE.—If the information or assistance being sought by the Inspector General in connection with a notification pursuant to clause (i) is not provided to the satisfaction of the Inspector General within 90 days after such notification—

(I) the Global Fund is deemed to be non-compliant with its Transparency Certification; and

(II) the Inspector General shall submit prompt, written notification of that fact to the Board of Overseers, appropriate congressional committees, the Executive Director of the Global Fund and any office or agency of the Federal Government that has provided the Global Fund with any United States contribution during the most recent 2 years.

(iv) RESTORATION OF COMPLIANCE.—

(I) IN GENERAL.—The Board of Overseers may reverse a finding of Transparency Certification noncompliance pursuant to clause (iii) by an affirmative vote of at least 3 of the 4 members of the Board of Overseers listed in clauses (i) through (iv) of paragraph (4)(C).

(II) NOTIFICATION.—Upon reversing a non-compliance finding under subclause (H), the Board of Overseers shall promptly provide notification of such restoration and a description of the basis for such decision, to the Inspector General, appropriate congressional committees, the Executive Director of the Global Fund and the head of any office or agency of the Federal Government that has provided the Global Fund with any United

States contribution during the most recent 2 years.

(v) COST REIMBURSEMENT.—The Inspector General may reimburse the Global Fund for the reasonable cost of providing to the Inspector General information or assistance sought pursuant to a Transparency Certification for the purpose of performing the duties described in subparagraph (E).

(K) REPORTS.—

(i) AUDIT AND INVESTIGATION REPORTS.—Promptly upon completion, the Inspector General shall provide copies of each audit and investigation report completed pursuant to subparagraph (F) to the Board of Overseers, the appropriate congressional committees, and, to the extent permissible under Federal law, the Executive Director of the Global Fund.

(ii) SEMIANNUAL REPORTS.—Not later than May 30, 2009, and semiannually thereafter, the Inspector General shall submit a report to the appropriate congressional committees that—

(I) meets the requirements of section 5 of the Inspector General Act of 1978 (5 U.S.C. App.);

(II) includes a list and detailed description of the circumstances surrounding any notification of noncompliance issued pursuant to subparagraph (K)(iii) during the covered time frame; and

(III) describes whether and when Board of Overseers has reversed such finding of non-compliance.

(iii) PROHIBITED DISCLOSURES.—Nothing in this paragraph may be construed to authorize the public disclosure of information that is—

(I) specifically prohibited from disclosure by any other provision of law; or

(II) a part of an ongoing criminal investigation in the United States.

(iv) PRIVACY PROTECTIONS.—The Inspector General shall exempt from public disclosure information received from the Global Fund or developed during an audit or investigation that the Inspector General believes—

(I) constitutes a trade secret or privileged and confidential personal financial information;

(II) accuses a particular person of a crime; or

(III) would, if publicly disclosed, constitute a clearly unwarranted invasion of personal privacy; and

(IV) would compromise an ongoing law enforcement investigation or judicial trial in the United States.

(v) PUBLICATION.—Except as provided under clauses (iii) and (iv), the Inspector General shall promptly publish each report under this paragraph on a publicly available and searchable Internet Website.

(4) BOARD OF OVERSEERS.—

(A) ESTABLISHMENT.—The Global Fund Contributions Office shall have a Board of Overseers.

(B) DUTIES.—The Board of Overseers shall—

(i) receive information and reports of audits and investigations from the Global Fund Contributions Office and the Inspector General;

(ii) provide general direction and supervision to the Global Fund Contributions Office and the Inspector General; and

(iii) determine the restoration of compliance by the Global Fund with its Transparency Certification pursuant to paragraph (3)(J)(iv).

(C) MEMBERSHIP.—The Board of Overseers shall be comprised of the following 6 members:

(i) The Secretary of State (or the Secretary's designee).

(ii) The Secretary of Health and Human Services (or the Secretary's designee).

(iii) The Secretary of the Treasury (or the Secretary's designee).

(iv) The Director of the Office of Management and Budget (or the Director's designee).

(v) The Global AIDS Coordinator.

(vi) The Malaria Coordinator.

(D) CHAIRMAN.—The Director of the Office of Management and Budget (or the Director's designee) shall serve as chairman of the Board of Overseers for the 1-year period beginning on the date of the enactment of this Act. The chairmanship shall annual rotate among the members of the Board of Overseers listed in clauses (i) through (iv) of subparagraph (C).

(d) TRANSPARENCY FOR UNITED STATES CONTRIBUTIONS.—

(1) FUNDING PREREQUISITES.—Notwithstanding any other provision of law, no funds made available for use as a United States contribution to the Global Fund may be obligated or expended if—

(A) the Global Fund has not provided to the Inspector General within the preceding year a Transparency Certification; or

(B) the Global Fund is deemed to be non-compliant with its Transparency Certification under subsection (c)(J)(iii).

(2) TREATMENT OF FUNDS WITHHELD FOR NONCOMPLIANCE.—On the last day of each fiscal year, any funds appropriated for use as a United States contribution to the Global Fund during that fiscal year that have not been obligated or expended because of the restrictions described in paragraph (3)—

(A) shall be returned to the United States Treasury;

(B) are not subject to reprogramming for any other use; and

(C) shall not be considered arrears to be repaid to the Global Fund.

(e) ALLOCATION OF APPROPRIATIONS.—For each of the fiscal years 2009 through 2013, not less than 0.5 percent of the amounts otherwise appropriated for United States contributions shall be made available to carry out this section.

SA 5081. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 2731, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; as follows:

On page 38, strike line 15 and all that follows through "(e)" on page 40, line 20 and insert the following:—

(e) INSPECTOR GENERAL.—

(1) ESTABLISHMENT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in paragraph (1), by inserting "the Coordinator of United States Government Activities to Combat HIV/AIDS Globally;" after "Federal Deposit Insurance Corporation;"; and

(B) in paragraph (2), by inserting "Office of the U.S. Global AIDS Coordinator," after "Nuclear Regulatory Commission;".

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000 for each of the fiscal years 2009 through 2013, to carry out the duties of the Inspector General of the Office of the Global AIDS Coordinator.

(f)

SA 5082. Mr. KYL proposed an amendment to the bill S. 2731, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; as follows:

On page 129, strike line 21 and all that follows through “(b)” on page 130, line 3, and insert the following:

(a) IN GENERAL.—Section 401 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7671) is amended—

(1) in subsection (a), by striking “\$3,000,000,000 for each of the fiscal years 2004 through 2008” and inserting the following “—

“(1) \$40,000,000,000 for the 4-year period beginning on October 1, 2008; and

“(2) \$10,000,000,000 for fiscal year 2013.”; and

(2) by striking subsection (c).

(b) POINT OF ORDER AGAINST ANY APPROPRIATION THAT EXCEEDS THE AMOUNT AUTHORIZED.—

(1) POINT OF ORDER.—Subject to paragraph (2), it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that contains an appropriation to carry out this Act or any amendment made by this Act that exceeds the amount authorized to be appropriated for such purpose under this Act or any amendment made by this Act.

(2) WAIVER AND APPEAL.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of $\frac{3}{5}$ of the Members, duly chosen and sworn.

(B) APPEAL.—An affirmative vote of $\frac{3}{5}$ of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(c)

SA 5083. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2731, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

SEC. 601. SHORT TITLE.

This title may be cited as the “United States Authorization and Sunset Commission Act of 2008”.

SEC. 602. DEFINITIONS.

In this title—

(1) the term “Commission” means the United States Authorization and Sunset Commission established under section 603; and

(2) the term “Commission Schedule and Review bill” means the proposed legislation submitted to Congress under section 604(b).

SEC. 603. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the United States Authorization and Sunset Commission.

(b) COMPOSITION.—The Commission shall be composed of eight members (in this title referred to as the “members”), as follows:

(1) Four members appointed by the majority leader of the Senate, 1 of whom may include the majority leader of the Senate, with minority members appointed with the consent of the minority leader of the Senate.

(2) Four members appointed by the Speaker of the House of Representatives, 1 of

whom may include the Speaker of the House of Representatives, with minority members appointed with the consent of the minority leader of the House of Representatives.

(3) The Director of the Congressional Budget Office and the Comptroller of the Government Accountability Office shall be non-voting ex officio members of the Commission.

(c) QUALIFICATIONS OF MEMBERS.—

(1) IN GENERAL.—

(A) SENATE MEMBERS.—Of the members appointed under subsection (b)(1), 4 shall be members of the Senate, not more than 2 of whom may be of the same political party.

(B) HOUSE OF REPRESENTATIVE MEMBERS.—Of the members appointed under subsection (b)(2), 4 shall be members of the House of Representatives, not more than 2 of whom may be of the same political party.

(2) CONTINUATION OF MEMBERSHIP.—

(A) IN GENERAL.—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, that member shall cease to be a member of the Commission.

(B) ACTIONS OF COMMISSION UNAFFECTED.—Any action of the Commission shall not be affected as a result of a member becoming ineligible under subparagraph (A).

(d) INITIAL APPOINTMENTS.—Not later than 90 days after the date of enactment of this Act, all initial appointments to the Commission shall be made.

(e) CHAIRPERSON; VICE CHAIRPERSON.—

(1) INITIAL CHAIRPERSON.—An individual shall be designated by the Speaker of the House of Representatives from among the members initially appointed under subsection (b)(2) to serve as chairperson of the Commission for a period of 2 years.

(2) INITIAL VICE CHAIRPERSON.—An individual shall be designated by the majority leader of the Senate from among the individuals initially appointed under subsection (b)(1) to serve as vice-chairperson of the Commission for a period of 2 years.

(3) ALTERNATE APPOINTMENTS OF CHAIRMEN AND VICE CHAIRMEN.—Following the termination of the 2-year period described under paragraphs (1) and (2), the Speaker and the majority leader of the Senate shall alternate every 2 years in appointing the chairperson and vice-chairperson of the Commission.

(f) TERMS OF MEMBERS.—

(1) MEMBERS OF CONGRESS.—Each member appointed to the Commission shall serve for a term of 5 years.

(2) TERM LIMIT.—A member of the Commission who serves more than 30 months of a term may not be appointed to another term as a member.

(g) INITIAL MEETING.—If, after 90 days after the date of enactment of this Act, 5 or more members of the Commission have been appointed—

(1) members who have been appointed may—

(A) meet; and

(B) select a chairperson from among the members (if a chairperson has not been appointed) who may serve as chairperson until the appointment of a chairperson; and

(2) the chairperson shall have the authority to begin the operations of the Commission, including the hiring of staff.

(h) MEETING; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(i) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—

(A) HEARINGS, TESTIMONY, AND EVIDENCE.—The Commission may, for the purpose of carrying out the provisions of this title—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, that the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—Subpoenas issued under subparagraph (A)(ii) may be issued to require attendance and testimony of witnesses and the production of evidence relating to any matter under investigation by the Commission.

(C) ENFORCEMENT.—The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this paragraph.

(2) CONTRACTING.—The Commission may contract with and compensate government and private agencies or persons for services without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) to enable the Commission to discharge its duties under this title.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this section. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairperson.

(4) SUPPORT SERVICES.—

(A) GOVERNMENT ACCOUNTABILITY OFFICE.—The Government Accountability Office is authorized to provide to the Commission, on a reimbursable basis, administrative services, funds, facilities, staff, and other support services for the performance of the functions of the Commission.

(B) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(C) AGENCIES.—In addition to the assistance under subparagraphs (A) and (B), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as the Commission may determine advisable as may be authorized by law.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(6) IMMUNITY.—The Commission is an agency of the United States for purposes of part V of title 18, United States Code (relating to immunity of witnesses).

(7) DIRECTOR AND STAFF OF THE COMMISSION.—

(A) DIRECTOR.—The chairperson of the Commission may appoint a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and

without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level II of the Executive Schedule. Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(C) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—With the approval of the majority of the Commission, the chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(8) COMPENSATION AND TRAVEL EXPENSES.—

(A) COMPENSATION.—Members shall not be paid by reason of their service as members.

(B) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703(b) of title 5, United States Code.

(j) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as necessary for the purposes of carrying out the duties of the Commission.

(k) TERMINATION.—The Commission shall terminate on December 31, 2018.

SEC. 604. DUTIES AND RECOMMENDATIONS OF THE UNITED STATES AUTHORIZATION AND SUNSET COMMISSION.

(a) SCHEDULE AND REVIEW.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Commission shall submit to Congress a legislative proposal that includes the schedule of review and abolishment of programs reauthorized or established under this Act (in this section referred to as the “Commission Schedule and Review bill”).

(2) SCHEDULE.—The schedule of the Commission shall provide a timeline for the Commission’s review and proposed abolishment, if applicable, of—

(A) programs identified by the Congressional Budget Office under section 602(e)(3) of title 2, United States Code; and

(B) programs identified by the Office of Management and Budget through its Program Assessment Rating Tool program or other similar review program established by the Office of Management and Budget as ineffective or results not demonstrated.

(3) CRITERIA AND REVIEW.—The Commission shall review each program identified under paragraph (1) in accordance with the following criteria as applicable:

(A) The effectiveness and the efficiency of the program.

(B) The achievement of performance goals (as defined under section 1115(g)(4) of title 31, United States Code).

(C) The management of the financial and personnel issues of the program.

(D) Whether the program has fulfilled the legislative intent surrounding its creation, taking into account any change in legislative intent during the existence of the program.

(E) Ways the program could be less burdensome but still efficient in protecting the public.

(F) Whether reorganization, consolidation, abolishment, expansion, or transfer of programs would better enable the Federal Government to accomplish its missions and goals.

(G) The extent to which the program duplicates or conflicts with other Federal programs, State or local government, or the private sector and if consolidation or streamlining into a single program is feasible.

(b) SCHEDULE AND ABOLISHMENT OF PROGRAMS REAUTHORIZED OR ESTABLISHED UNDER THIS ACT.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Commission shall submit to the Congress a Commission Schedule and Review bill that—

(A) includes a schedule for review of only those programs reauthorized or established under this Act; and

(B) abolishes any program 2 years after the date the Commission completes its review of the program, unless the program is reauthorized by Congress.

(2) EXPEDITED CONGRESSIONAL CONSIDERATION PROCEDURES.—In reviewing the Commission Schedule and Review bill, Congress shall follow the expedited procedures under section 606.

(c) RECOMMENDATIONS AND LEGISLATIVE PROPOSALS.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to Congress and the President—

(1) a report that reviews and analyzes according to the criteria established under subsection (a)(4) for each program (reauthorized or established under this Act) to be reviewed in the year in which the report is submitted under the schedule submitted to Congress under subsection (a)(1);

(2) a proposal, if appropriate, to reauthorize, reorganize, consolidate, expand, or transfer the Federal programs to be reviewed in the year in which the report is submitted under the schedule submitted to Congress under subsection (a)(1); and

(3) legislative provisions necessary to implement the Commission’s proposal and recommendations.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the power of the Commission to review any Federal program reauthorized or established under this Act.

(e) APPROVAL OF REPORTS.—The Commission Schedule and Review bill and all other legislative proposals and reports submitted under this section shall require the approval of not less than 5 members of the Commission.

SEC. 605. EXPEDITED CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—If any legislative proposal with provisions is submitted to Congress under section 604(c), a bill with that proposal and provisions shall be introduced in the Senate by the majority leader, and in the House of Representatives, by the Speaker. Upon introduction, the bill shall be referred to the appropriate committees of Congress under paragraph (2). If the bill is not introduced in accordance with the preceding

sentence, then any Member of Congress may introduce that bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such proposal with provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A bill introduced under paragraph (1) shall be referred to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives and any appropriate committee of jurisdiction in the Senate and the House of Representatives.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the bill, each committee of Congress to which the bill was referred shall report the bill or a committee amendment thereto.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a bill has not reported such bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such bill, and such bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 calendar days after the date on which a committee has been discharged from consideration of a bill, the majority leader of the Senate, or the majority leader’s designee, or the Speaker of the House of Representatives, or the Speaker’s designee, shall move to proceed to the consideration of the committee amendment to the bill, and if there is no such amendment, to the bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the bill, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the bill without intervening motion, order, or other business, and the bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) LIMITED DEBATE.—Debate on the bill and all amendments thereto and on all debatable motions and appeals in connection therewith shall be limited to not more than 50 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate on the bill is in order and is not debatable. All time used for consideration of the bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 50 hours of debate.

(D) AMENDMENTS.—No amendment that is not germane to the provisions of the bill shall be in order in the Senate. In the Senate, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 1 hour to be divided equally between those favoring

and those opposing the amendment, motion, or appeal.

(E) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on the bill, and the disposition of any pending amendments under subparagraph (D), the vote on final passage of the bill shall occur.

(F) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the bill, a motion to proceed to the consideration of other business, or a motion to recommit the bill is not in order. A motion to reconsider the vote by which the bill is agreed to or not agreed to is not in order.

(2) CONSIDERATION BY OTHER HOUSE.—

(A) IN GENERAL.—If, before the passage by 1 House of the bill that was introduced in such House, such House receives from the other House a bill as passed by such other House—

(i) the bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under clause (iii);

(ii) the procedure in the House in receipt of the bill of the other House, with respect to the bill that was introduced in the House in receipt of the bill of the other House, shall be the same as if no bill had been received from the other House; and

(iii) notwithstanding clause (ii), the vote on final passage shall be on the bill of the other House.

(B) EFFECT OF DISPOSITION.—Upon disposition of a bill that is received by 1 House from the other House, it shall no longer be in order to consider the bill that was introduced in the receiving House.

(3) CONSIDERATION IN CONFERENCE.—

(A) CONVENING OF CONFERENCE.—Immediately upon final passage of a bill that results in a disagreement between the 2 Houses of Congress with respect to a bill, conferees shall be appointed and a conference convened.

(B) ACTION ON CONFERENCE REPORTS IN THE SENATE.—

(i) MOTION TO PROCEED.—The motion to proceed to consideration in the Senate of the conference report on a bill may be made even though a previous motion to the same effect has been disagreed to.

(ii) DEBATE.—Consideration in the Senate of the conference report (including a message between Houses) on a bill, and all amendments in disagreement, including all amendments thereto, and debatable motions and appeals in connection therewith, shall be limited to 20 hours, equally divided and controlled by the majority leader and the minority leader or their designees. Debate on any debatable motion or appeal related to the conference report (or a message between Houses) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report (or a message between Houses).

(iii) CONFERENCE REPORT DEFEATED.—Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to 30 minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the

conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or the minority leader's designee.

(iv) AMENDMENTS IN DISAGREEMENT.—In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee. No amendment that is not germane to the provisions of such amendments shall be received.

(v) LIMITATION ON MOTION TO RECOMMIT.—A motion to recommit the conference report is not in order.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 606. EXPEDITED CONSIDERATION OF COMMISSION SCHEDULE AND REVIEW BILL.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—The Commission Schedule and Review bill submitted under section 604(b) shall be introduced in the Senate by the majority leader, or the majority leader's designee, and in the House of Representatives, by the Speaker, or the Speaker's designee. Upon such introduction, the Commission Schedule and Review bill shall be referred to the appropriate committees of Congress under paragraph (2). If the Commission Schedule and Review bill is not introduced in accordance with the preceding sentence, then any member of Congress may introduce the Commission Schedule and Review bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such aggregate legislative language provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A Commission Schedule and Review bill introduced under paragraph (1) shall be referred to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives and any appropriate committee of jurisdiction in the Senate and the House of Representatives. A committee to which a Commission Schedule and Review bill is referred under this paragraph may review and comment on such bill, may report such bill to the respective House, and may not amend such bill.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the Commission Schedule and Review bill, each Committee of Congress to which the Commission Schedule and Review bill was referred shall report the bill.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a Commission Schedule and Review bill has not reported

such Commission Schedule and Review bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a Commission Schedule and Review bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such Commission Schedule and Review bill, and such Commission Schedule and Review bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 calendar days after the date on which a committee has been discharged from consideration of a Commission Schedule and Review bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the Commission Schedule and Review bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the Commission Schedule and Review bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a Commission Schedule and Review bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the Commission Schedule and Review bill, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the Commission Schedule and Review bill without intervening motion, order, or other business, and the Commission Schedule and Review bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) LIMITED DEBATE.—Debate on the Commission Schedule and Review bill and on all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the Commission Schedule and Review bill. A motion further to limit debate on the Commission Schedule and Review bill is in order and is not debatable. All time used for consideration of the Commission Schedule and Review bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 10 hours of debate.

(D) AMENDMENTS.—No amendment to the Commission Schedule and Review bill shall be in order in the Senate and the House of Representatives.

(E) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on the Commission Schedule and Review bill, the vote on final passage of the Commission Schedule and Review bill shall occur.

(F) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the Commission Schedule and Review bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission Schedule and Review bill is not in order. A motion to reconsider the vote by which the Commission Schedule and Review bill is agreed to or not agreed to is not in order.

(2) CONSIDERATION BY OTHER HOUSE.—If, before the passage by 1 House of the Commission Schedule and Review bill that was introduced in such House, such House receives from the other House a Commission Schedule and Review bill as passed by such other House—

(A) the Commission Schedule and Review bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the Commission Schedule and Review bill of the other House, with respect to the Commission Schedule and Review bill that was introduced in the House in receipt of the Commission Schedule and Review bill of the other House, shall be the same as if no Commission Schedule and Review bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the Commission Schedule and Review bill of the other House. Upon disposition of a Commission Schedule and Review bill that is received by 1 House from the other House, it shall no longer be in order to consider the Commission Schedule and Review bill that was introduced in the receiving House.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Commission Schedule and Review bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, July 17, at 10:00 a.m. in room 562 of the Dirksen Senate Office Building to conduct an oversight hearing entitled “Tracking Sex Offenders in Indian Country: Tribal Implementation of the Adam Walsh Act.”

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

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 the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, July 24, 2008, at 10:00 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to discuss current policy related to the Strategic Petroleum Reserve.

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 may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224-4756 or Rosemarie Calabro at (202) 224-5039.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the committee on Rules and Administration will meet on Wednesday, July 6, 2008, at 10:00 a.m. to hear testimony on the Administration and Management Operations of the United States Capitol Police.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 224-6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. DURBIN. 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 Tuesday, July 15, 2008 at 10 a.m., to conduct a hearing entitled “The Semi-annual Monetary Policy Report to the Congress.”

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. 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 Tuesday, July 15, 2008 at 11:30 a.m. to conduct a hearing entitled “Recent Developments in U.S. Financial Markets and Regulatory Responses to Them.”

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, July 15, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, July 15, 2008, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, July 15, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 15, 2008, at 10:30 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “Determining the Proper Scope of Coverage for the Americans with Disabilities Act” on Tuesday, July 15, 2008. The hearing will commence at 10 a.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. 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 Tuesday, July 15, 2008, at 10 a.m.

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

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, be authorized to meet during the session of the Senate, to conduct a hearing entitled “The Google-Yahoo Agreement and the Future of Internet Advertising” on Tuesday, July 15, 2008, at 10:30 a.m., in room SD-226 of the Dirksen Senate Office Building.

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

AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008

On Friday, July 11, 2008, the Senate passed H.R. 3221, as amended, as follows:

H.R. 3221

Resolved, That on June 25, 2008, the Senate concurs in the House amendment, striking section 1 through title V and inserting certain language, to