

Budget under Executive Order 12866, if that order requires such submission; or

"(2) if no submission to the Office of Information and Regulatory Affairs is so required, at a reasonable time prior to publication of the rule by the agency."

(2) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(A) INCLUSION OF RESPONSE TO COMMENTS ON CERTIFICATION OF PROPOSED RULE.—Section 604(a)(2) of title 5, United States Code, is amended by inserting "(or certification of the proposed rule under section 605(b))" after "initial regulatory flexibility analysis".

(B) INCLUSION OF RESPONSE TO COMMENTS FILED BY CHIEF COUNSEL FOR ADVOCACY.—Section 604(a) of title 5, United States Code, is amended—

(i) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(ii) by inserting after paragraph (2) the following:

"(3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any changes made to the proposed rule in the final rule as a result of such comments;"

(C) PUBLICATION OF ANALYSES ON WEBSITE.—

(i) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, as amended by this Act, is amended by adding at the end the following:

"(e) An agency shall publish any initial regulatory flexibility analysis required under this section on the website of the agency."

(ii) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Section 604(b) of title 5, United States Code, is amended to read as follows:

"(b) The agency shall make copies of the final regulatory flexibility analysis available to the public, including placement of the entire analysis on the website, and shall publish in the Federal Register the final regulatory flexibility analysis, or a summary thereof that includes the telephone number, mailing address, and link to the website where the complete analysis may be obtained."

(3) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

"(a) A Federal agency shall be treated as satisfying any requirement regarding the content of an agenda or regulatory flexibility analysis under section 602, 603, or 604, if such agency provides in such agenda or analysis a cross-reference to the specific portion of another agenda or analysis that is required by any other law and which satisfies such requirement."

(4) CERTIFICATIONS.—The second sentence of section 605(b) of title 5, United States Code, is amended by inserting "detailed" before "statement".

(5) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

"§ 607. Quantification requirements

"In complying with sections 603 and 604, an agency shall provide—

"(1) a quantifiable or numerical description of the effects of the proposed or final rule and alternatives to the proposed or final rule; or

"(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) HEADING.—The heading of section 605 of title 5, United States Code, is amended to read as follows:

"§ 605. Incorporations by reference and certifications".

(2) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(A) by striking the item relating to section 605 and inserting the following:

"605. Incorporations by reference and certifications."; and

(B) by striking the item relating to section 607 and inserting the following:

"607. Quantification requirements."

SEC. 5. OVERSIGHT OF REGULATORY ENFORCEMENT.

Section 30 of the Small Business Act (15 U.S.C. 657) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting "(A)" before "Not later than";

(ii) by striking "Nothing in this section is intended to replace" and inserting the following:

"(B) Nothing in this section—

"(i) is intended to replace";

(iii) by striking the period at the end and inserting "; or"; and

(iv) by adding at the end the following:

"(ii) may be construed to exempt an agency from providing relevant information to the Ombudsman upon request.";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by inserting "(i)" before "work with each agency";

(II) by inserting "fine, forfeiture," before "or other enforcement related"; and

(III) by adding at the end the following:

"or

"(ii) refer any substantiated comment to the affected agency for response to the Ombudsman"; and

(i) by amending subparagraph (C) to read as follows:

"(C) based on cases that are substantiated by the Ombudsman, annually submit to Congress and affected agencies a report evaluating the enforcement activities of agency personnel, including—

"(i) ratings of the responsiveness to small business concerns; and

"(ii) a description of the policies, actions, and activities impacting small business concerns described in subparagraph (A), for each Federal agency and regional or program office of each Federal agency, as determined appropriate by the Ombudsman.";

(2) in subsection (d)(1), by inserting ", in coordination with the Ombudsman," after "hold such hearings"; and

(3) by adding at the end the following:

"(e) The Board shall coordinate with the Ombudsman regarding any official correspondence to be sent by the Board."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 529—COMMEMORATING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE GREATER PHILADELPHIA ASSOCIATION OF REALTORS

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 529

Whereas the Greater Philadelphia Association of Realtors, which was 1 of the 3 original chapters of the National Association of Realtors, was founded January 10, 1908, in the City of Philadelphia;

Whereas the Greater Philadelphia Association of Realtors has worked to improve the neighborhoods, business communities, and real estate markets in the City of Philadelphia and its suburbs; and

Whereas the members of the Greater Philadelphia Association of Realtors continue to do excellent work in strengthening the economy of the United States and making the American dream of homeownership a reality: Now, therefore, be it

Resolved, That the Senate commemorates the 100th Anniversary of the founding of the Greater Philadelphia Association of Realtors.

Mr. SPECTER. Mr. President, I have sought recognition to introduce a Senate resolution congratulating the Greater Philadelphia Association of Realtors on its 100th anniversary.

The Greater Philadelphia Association of Realtors was founded on January 10, 1908, as the Philadelphia Real Estate Brokers Association, when loosely knit neighborhood broker groups joined together and brought order to Philadelphia's real estate market. It was one of the three original chapters of the National Association of Realtors. Since that time, the Association has become the most influential professional real estate association in the Philadelphia region.

Over its 100 year existence, the Greater Philadelphia Association of Realtors has sought to improve the neighborhoods, business communities, and real estate markets in Philadelphia and its suburbs. I commend the Association for its work to improve Philadelphia's communities by helping individuals and families achieve the American Dream of homeownership.

I urge my colleagues to join me in congratulating the Greater Philadelphia Association of Realtors.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4570. Mr. VITTER (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table.

SA 4571. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 1315, supra; which was ordered to lie on the table.

SA 4572. Mr. BURR (for himself, Mr. VITTER, Mr. ISAKSON, and Mr. CRAIG) proposed an amendment to the bill S. 1315, supra.

SA 4573. Ms. SNOWE (for herself, Mr. KENNEDY, and Mr. ENZI) submitted an amendment intended to be proposed by her to the bill H.R. 493, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; which was ordered to lie on the table.

SA 4574. Mr. PRYOR (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S.

1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table.

SA 4575. Mr. REID (for Mr. KYL) proposed an amendment to the bill S. 2324, to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

TEXT OF AMENDMENTS

SA 4570. Mr. VITTER (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 109. TREATMENT OF STILLBORN CHILDREN AS INSURABLE DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) TREATMENT.—Section 1965 is amended—
(1) in paragraph (10), by adding at the end the following new subparagraph:

“(C) The member’s stillborn natural child.”; and

(2) by adding at the end the following new paragraph:

“(11)(A) Except as provided in subparagraph (B), the term ‘stillborn natural child’ means a natural child—

“(i) whose death occurs before expulsion, extraction, or delivery; and

“(ii) whose—

“(I) fetal weight is greater than 500 grams;

“(II) in the event fetal weight is unknown, duration in utero exceeds 22 completed weeks of gestation; or

“(III) in the event neither fetal weight nor duration in utero is known, body length (crown-to-heel) is 25 centimeters or more.

“(B) The term does not include any fetus or child extracted for purposes of an abortion.”.

(b) CONFORMING AMENDMENT.—Section 101(4)(A) is amended by striking “section 1965(10)(B)” in the matter preceding clause (i) and inserting “subparagraph (B) or (C) of section 1965(10)”.

SA 4571. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 604. PAYMENTS TO INDIVIDUALS WHO SERVED DURING WORLD WAR II IN THE UNITED STATES MERCHANT MARINE.

(a) ESTABLISHMENT OF COMPENSATION FUND.—Subchapter II of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 532. Merchant Mariner Equity Compensation Fund

“(a) COMPENSATION FUND.—(1) There is in the general fund of the Treasury a fund to be known as the ‘Merchant Mariner Equity Compensation Fund’ (in this section referred to as the ‘compensation fund’).

“(2) Subject to the availability of appropriations for such purpose, amounts in the fund shall be available to the Secretary without fiscal year limitation to make payments to eligible individuals in accordance with this section.

“(b) ELIGIBLE INDIVIDUALS.—(1) An eligible individual is an individual who—

“(A) before October 1, 2009, submits to the Secretary an application containing such information and assurances as the Secretary may require;

“(B) has not received benefits under the Servicemen’s Readjustment Act of 1944 (Public Law 78-346); and

“(C) has engaged in qualified service.

“(2) For purposes of paragraph (1), a person has engaged in qualified service if, between December 7, 1941, and December 31, 1946, the person—

“(A) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transport Service) serving as a crewmember of a vessel that was—

“(i) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

“(ii) operated in waters other than inland waters, the Great Lakes, and other lakes, bays, and harbors of the United States;

“(iii) under contract or charter to, or property of, the Government of the United States; and

“(iv) serving the Armed Forces; and

“(B) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

“(c) AMOUNT OF PAYMENTS.—The Secretary shall make a monthly payment out of the compensation fund in the amount of \$1,000 to an eligible individual. The Secretary shall make such payments to eligible individuals in the order in which the Secretary receives the applications of the eligible individuals.

“(d) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the compensation fund amounts as follows:

“(A) For fiscal year 2009, \$120,000,000.

“(B) For fiscal year 2010, \$108,000,000.

“(C) For fiscal year 2011, \$97,000,000.

“(D) For fiscal year 2012, \$85,000,000.

“(E) For fiscal year 2013, \$75,000,000.

“(2) Funds appropriated to carry out this section shall remain available until expended.

“(e) REPORTS.—The Secretary shall include, in documents submitted to Congress by the Secretary in support of the President’s budget for each fiscal year, detailed information on the operation of the compensation fund, including the number of applicants, the number of eligible individuals receiving benefits, the amounts paid out of the compensation fund, the administration of the compensation fund, and an estimate of the amounts necessary to fully fund the compensation fund for that fiscal year and each of the three subsequent fiscal years.

“(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.”.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe the regulations required under section 532(f) of title 38, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is

amended by inserting after the item related to section 531 the following new item:

“532. Merchant Mariner Equity Compensation Fund.”.

SA 4572. Mr. BURR (for himself, Mr. VITTER, Mr. ISAKSON, and Mr. CRAIG) proposed an amendment to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; as follows:

Strike section 401 and insert the following:

SEC. 401. EXPANSION OF ELIGIBILITY FOR BENEFITS PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS FOR CERTAIN SERVICE IN THE ORGANIZED MILITARY FORCES OF THE COMMONWEALTH OF THE PHILIPPINES AND THE PHILIPPINE SCOUTS.

(a) MODIFICATION OF STATUS OF CERTAIN SERVICE.—

(1) IN GENERAL.—Section 107 is amended to read as follows:

“§ 107. Certain service with Philippine forces deemed to be active service

“(a) IN GENERAL.—Service described in subsection (b) shall be deemed to have been active military, naval, or air service for purposes of any law of the United States conferring rights, privileges, or benefits upon any individual by reason of the service of such individual or the service of any other individual in the Armed Forces.

“(b) SERVICE DESCRIBED.—Service described in this subsection is service—

“(1) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or

“(2) in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538).

“(c) DEPENDENCY AND INDEMNITY COMPENSATION FOR CERTAIN RECIPIENTS RESIDING OUTSIDE THE UNITED STATES.—(1) Dependency and indemnity compensation provided under chapter 13 of this title to an individual described in paragraph (2) shall be made at a rate of \$0.50 for each dollar authorized.

“(2) An individual described in this paragraph is an individual who resides outside the United States and is entitled to dependency and indemnity compensation under chapter 13 of this title based on service described in subsection (b).

“(d) EXCEPTION ON PENSION AND DEATH PENSION FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—An individual who resides outside the United States shall not, while so residing, be entitled to a pension under subchapter II or III of chapter 15 of this title based on service described in subsection (b).

“(e) UNITED STATES DEFINED.—In this section, the term ‘United States’ means the States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other possession or territory of the United States.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 is amended by striking the item related to section 107 and inserting the following new item: