



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 153

WASHINGTON, FRIDAY, OCTOBER 19, 2007

No. 159

## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, October 22, 2007, at 12:30 p.m.

## Senate

FRIDAY, OCTOBER 19, 2007

The Senate met at 10 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the Author and Finisher of our faith, teach us to rejoice in the privileges You have strewn on our path and to use our opportunities for service. Help us to use the gift of Sacred Scripture as a lamp to guide us through the darkness of challenging times. May we use the gift of intercessory prayer as a key to unlock Your storehouse in order to equip Your people for service. In hours of hardship, permit us to use the gift of Your Spirit to preserve us from self-pity and to endow us with peace in the midst of life's storms.

Infuse our Senators with Your love. Give them a compassion that will prompt them to labor for the eradication of injustice. Remind them to remember the poor, the oppressed, and the burdened. Lead them as they seek to hasten the coming of Your kingdom of justice and truth.

We pray in Your sovereign Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 19, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### MEASURES PLACED ON THE CALENDAR—S. 2198 AND S. 2205

Mr. REID. Mr. President, I believe there are two bills at the desk and they are due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills en bloc.

The assistant legislative clerk read as follows:

A bill (S. 2198) to require the Architect of the Capitol to permit the acknowledgment of God on Flag certificates.

A bill (S. 2205) to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

Mr. REID. Mr. President, I object to further proceeding with respect to both of these bills.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the calendar.

### SCHEDULE

Mr. REID. Mr. President, today, following any remarks that I or Senator MCCONNELL make, the Senate will immediately go to the Labor-HHS appropriations bill. Last night, an agreement was made to provide for the filing of all first-degree amendments by 1 p.m. today. Additionally, there is a commitment to complete action on this bill by noon on Tuesday—by 12:30, I should say, on Tuesday.

There will be no rollover votes today, but I do expect a number of Members to offer amendments during today's session. It is my understanding this morning Senator COBURN and Senator BROWN will offer amendments. Votes will occur Monday evening at around 5:30 p.m., and there could be a long series of votes Monday night. I will have more to say about the schedule later today.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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## ORDER OF PROCEDURE

Mr. REID. Mr. President, I see my friend from Ohio is in the Chamber. Does the Senator from Ohio wish to be recognized?

Mr. VOINOVICH. Mr. President, yes, I do. I wish to be recognized for 10 minutes as part of morning business.

Mr. REID. Mr. President, we have no morning business. The Senator can proceed as in morning business if he asks. We are not going to have morning business. I say to the Senator, my understanding is you want 10 or 15 minutes to speak as in morning business.

Mr. VOINOVICH. Yes, Mr. President, I do. I ask unanimous consent to speak for 10 minutes as in morning business.

Mr. REID. No objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The senior Senator from Ohio is recognized for 10 minutes.

GLOBAL CLIMATE CHANGE  
LEGISLATION

Mr. VOINOVICH. Mr. President, yesterday, Senator LIEBERMAN and Senator WARNER released language for a legislative approach to address global climate change. The committee also has announced a subcommittee hearing on this legislation for October 24. I understand that the subcommittee intends to mark up this legislation on October 31 and move it to the full committee soon thereafter.

I acknowledge the commitment Mr. LIEBERMAN and Mr. WARNER, both of whom I hold in the highest regard, have shown to this issue. However, I am concerned about the aggressive committee agenda for the consideration and markup of this legislation. I would hope that the legislation would proceed under regular order—which for complex environmental legislation establishing new emission control regimes typically includes multiple hearings on the legislative language and ample time for Members to review legislative language.

For example, when the committee was considering multipollutant emission reduction legislation under the Clear Skies Act, the committee held three legislative hearings over a period of 2 months before proceeding to a markup. That process allowed the committee to hear from the Environmental Protection Agency, State and local officials, union representatives, public interest groups, various trade associations, and representatives from financial institutions. This approach provided Members with the input and time necessary for meaningful participation in the committee markup process.

The Subcommittee on Environmental Protection followed a similar process during consideration of the 1990 amendments to the Clean Air Act. From September 1989 to the final markup in December 1989, the subcommittee held three legislative hearings, which pro-

vided Members with the valuable opportunity to question a wide variety of witnesses on the implications of specific provisions in the legislation.

I also note that, on environmental legislation of significant importance, the committee has a history of expending the time and consideration necessary to achieve broad, bipartisan support before reporting legislation out of committee. In the past, this has ensured that, when moving from full committee to the Senate floor, the legislation has matured sufficiently for consideration by the full Senate body. I believe this front-end work on consensus is even more important given the current demands on floor time and the underlying legislative atmosphere in general.

But this process is also important because we cannot afford to get this wrong. I believe that rushing legislation through committee will not affect a reasonable solution to the problem. We must find a way to harmonize policies that address our Nation's energy, economic, and environmental needs. And the only way we can do this is by taking a detailed look at what has been proposed.

Unfortunately, what we have had in this Nation for many years is a "tail wagging the dog environmental policy" that is hurting our Nation's international competitiveness. Here is an example that we are all familiar with: Coal-fired power plants have become increasingly clean, yet they face a daunting number of new air quality requirements. These requirements are duplicative, inefficient, and create considerable uncertainty for an industry that is providing the nation with one of its most critical resources: safe, economic, and reliable power generation.

These policies have resulted in a sharp increase in the use of natural gas for electric power generation—accounting for almost 94 percent of the increase in domestic demand for natural gas since 1992. The demand for natural gas is sending ripple effects throughout the economy because of its use as both a fuel and a feedstock for the production of everything from fertilizer to plastics to heating homes. This has contributed to loss of over 200,000 manufacturing jobs in Ohio alone. And these sharp price increases continue to impair the competitive position of U.S. manufacturing companies in domestic and world markets.

That our Nation's environmental policies have this type of effect on our economy is not a new revelation. But one thing has become clear—there is a faction of groups that have made it their priority to kill coal. Those that support this objective have illustrated to me that this dialogue is being driven by ideological extremes. This is unfortunate and does nothing to foster an environment where rational policy choices may be made about the serious issue we face.

I recognize that we need to address climate change. But any reasonable

climate change policy to reduce greenhouse gas emissions would also: Promote economic stability—reductions should not cause fuel switching, sharp electricity rate increases or economic dislocation; promote technology development—legislation must provide incentives to advance the pace of technology; provide for reductions from developing countries—we cannot send jobs overseas to countries that don't share our environmental objectives.

These goals are to keep the Nation's economy, and that of Ohio, on a sure footing while decreasing emissions. Coal is the Nation's most abundant, cheap and accessible energy resource. Its strategic value from a national security and economic perspective should not be underestimated. It is simply nonsensical to put a policy in place that would jeopardize this resource. Climate change requires a long term solution whose strategy is fully capable of accommodating the time necessary to get the technology in place that will ensure coal's continued viability.

An analysis released this summer of the Lieberman-McCain climate change bill—a predecessor to this legislation—which capped greenhouse gas emissions at 60 percent below 1990 emissions levels by 2050—is illustrative of my concerns. It concluded: Reductions in real GDP over the lifetime of the bill could be in the order of several trillion dollars. The analysis predicted that in 2050 average household annual consumption would be about \$1,900 lower; gasoline prices would increase approximately \$0.70 per gallon; and electricity prices are projected to be about 25 percent higher. But EPA points out that the impacts may be underestimated. This is because the analysis assumes: One, that carbon capture and storage technologies are widely available at a reasonable cost; and two, a 150-percent increase in nuclear power generation will occur. These assumptions are absurd.

Needless to say, this legislation would cause drastic reductions in the use of coal. Some activists would applaud this, but it could result in the elimination of over 50,000 coal industry jobs. Not exactly a recipe for economic recovery.

If enacting these restrictions would save the world from environmental collapse, as many would have us believe, it might be worth the economic pain. But the proposals, as demonstrated in a more recent EPA analysis requested by Senators BINGAMAN and SPECTER, will have little or no effect on global temperatures. In fact, this study concluded that even the most stringent of the policy proposals under consideration would have a net effect on global atmospheric concentrations of CO<sub>2</sub> of a mere 25 parts per million.

The point of all this is that we need to take the time to fully understand the costs and benefits of the policies that are being advanced to address the problem of climate change. Yes this is a problem that we need to address, but

recklessly moving forward may result in disastrous economic repercussions, with little or no benefit to the environment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

#### ORDER OF BUSINESS

Mr. COBURN. Mr. President, I ask unanimous consent that the pending business be set aside and amendment No. 3358 be called up.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3043, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

#### Pending:

Harkin-Specter amendment No. 3325, in the nature of a substitute.

Vitter amendment No. 3328 (to amendment No. 3325), to provide a limitation on funds with respect to preventing the importation by individuals of prescription drugs from Canada.

Dorgan amendment No. 3335 (to amendment No. 3325), to increase funding for the State Heart Disease and Stroke Prevention Program of the Centers for Disease Control and Prevention.

Thune amendment No. 3333 (to amendment No. 3325), to provide additional funding for the telehealth activities of the Health Resources and Services Administration.

Dorgan amendment No. 3345 (to amendment No. 3325), to require that the Secretary of Labor report to Congress regarding jobs lost and created as a result of the North American Free Trade Agreement.

Menendez amendment No. 3347 (to amendment No. 3325), to provide funding for the activities under the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005.

Ensign amendment No. 3342 (to amendment No. 3325), to prohibit the use of funds to administer Society Security benefit payments under a totalization agreement with Mexico.

Ensign amendment No. 3352 (to amendment No. 3325), to prohibit the use of funds to process claims based on illegal work for purposes of receiving Social Security benefits.

Lautenberg-Snowe amendment No. 3350 (to amendment No. 3325), to prohibit the use of funds to provide abstinence education that includes information that is medically inaccurate.

Roberts amendment No. 3365 (to amendment No. 3325), to fund the small business Child Care Grant Program.

Reed amendment No. 3360 (to amendment No. 3325), to provide funding for the trauma

and emergency medical services programs administered through the Health Resources and Services Administration.

Allard amendment No. 3369 (to amendment No. 3325), to reduce the total amount appropriated to any program that is rated ineffective by the Office of Management and Budget through the Program Assessment Rating Tool (PART).

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized to please state his unanimous consent request again.

#### AMENDMENT NO. 3358 TO AMENDMENT NO. 3325

Mr. COBURN. Mr. President, I ask unanimous consent that the pending business be set aside and that amendment No. 3358 on this bill be called up.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3358 to amendment No. 3325.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require Congress to provide health care for all children in the U.S. before funding special interest pork projects)

At the appropriate place, insert the following:

Sec. \_\_\_\_\_. (a) This section may be cited as the "Children's Health Care First Act of 2007".

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used for any congressionally directed spending item, as defined by Sec. 521 of Public Law 110-81, until the Secretary of the Department of Health and Human Services certifies that all children in the U.S. under the age of 18 years are insured by a private or public health insurance plan.

Mr. COBURN. Mr. President, this amendment, for myself and my colleague Senator BURR, is about the topic of the Children's Health Care First Act of 2007.

There has been a lot of debate, a lot of politics on children's health care. The House failed to override what I think was a poor solution to take care of children in this country by expanding children's health care through the SCHIP program and spending \$4,000 to get \$2,300 worth of coverage for our kids.

What we do know is we do have problems with health care. We need to be debating health care. We need to figure out how we are going to do this. Myself and Senator BURR have an amendment that solves the health care problem, which has not been considered yet but which we are soliciting and for which we have received a number of cosponsors. This amendment, however, redirects us toward priorities. It is something we need to talk about. It is something the Senate doesn't talk about.

We had numerous quotes in this body about how important it is to make sure

kids in this country have access to care. What we do know—and I used the number \$2,300 because that is the high end if we were to buy every kid in this country a health insurance policy. It is probably more like \$1,700. So if you take the \$2,300 that we have as a high-end number to buy kids health insurance, and not put them in something that has a Medicaid stamp or a SCHIP stamp on their forehead but real health insurance, and you look at the earmarks in this bill, which are \$398 million, you could, in fact, buy insurance for 173,000 kids, in this bill alone. So 173,000 children could be covered for health care from the earmarks alone in this bill.

Now, this amendment is real simple. If everybody in this body claims they want to take care of kids and their health care, they ought to be willing to give up their earmarks to cover kids. So what this bill says is, let's have no earmarks, no directed spending until such time as we have covered the kids in this country. We put kids ahead of us. We put kids ahead of our political interests. We put children's health care ahead of the politics and the consequential action of using politics in terms of earmark spending.

Now, \$400 million is a lot of money, and \$400 million is out of the priorities of what this country ought to be doing that are in this bill that is Member-directed spending. This amendment simply says: We don't direct any of that money—none of it, zero, not one earmark—until we have cared for the kids, until we are caring for the kids. So in essence, what we are doing by accepting this amendment is saying, instead of rhetoric, we are going to say kids count. We are going to start putting the priorities back. If access to care for children is important, is it less important than your favorite earmark?

I know if you total up certain of the earmarks of one certain State which has \$72 million worth of earmarks, you have enough to cover all the uninsured kids in that State—all the uninsured kids in that State from the earmarks in this bill. So what are our priorities? Are our priorities children? Are our priorities the health care of kids?

This amendment is going to be a fun vote because what it is going to tell your constituency is: Kids aren't important if you vote to keep your earmarks, but if you say I am willing to abate on the earmarks, and I am going to do what is right. This amendment says none of this directed spending goes until the Secretary of HHS certifies that kids under 18 in this country have access and have care. We have had months of debate about the children's SCHIP. We are going to have more because another bill is coming. But it seems to me the American public might want to ask: Why are you earmarking special money for special projects when you have a chance to make sure it will go toward children and solving the problem?

So this is going to be a tough vote: kids versus my political career, kids

versus my political power, kids versus my political earmarks. We are going to see. We are going to begin to see what the real priorities of the Senate are. Is it our ability to direct funds without competition, without oversight to special projects all across this country, or is it to truly solve the health care needs of the kids in this country? It is real simple, real straightforward. It is either yes or no, kids are important, and directed, unaccountable, non-competitive earmarks aren't or political power, political earmarks, non-competitive grants, no oversight is more important than kids having access to health care.

The \$400 million in earmarks will be set aside for children's health care in this bill with this amendment. So the reason it is called the Children's Health Care First Act is because children ought to come first. As parents, we put our kids first, or at least we should. Should the Senate not put the kids first? Should we not put them out in front to make sure they are our priority or are we going to play the game: Well, this isn't the way to do it, Senator COBURN.

This is going to speak volumes to the American public about our priorities. I have challenged this body on our priorities. I am going to continue to challenge the body on our priorities. As we vote on this amendment, the American people are going to see what our priorities are. It is either going to be kids or it is going to be us.

Let's talk about what is in this bill. This is the bill through which Congress can and should provide funding for health care for children. Yet it diverts \$400 million away from children's health in order to pay for earmarks.

Here is a little "smitling" of what the earmarks are: \$350,000 for an art center, \$100,000 for a celebration around a lake, \$500,000 for field trips, \$500,000 for a virtual herbarium, \$50,000 for an ice center. How can we spend money on those things when kids in this country don't have access to care?

So we are going to debate this again on Monday when we come back in, but it is going to be a test of our true priorities. You are going to see all the rhetoric in the world on the repeat SCHIP bill. You have seen it. You have seen it in television advertisements against people who didn't think that was the best way to do it, and now is the chance to put your words into action. Either kids are important or they are not. But it would seem they are going to be less important than our political power, our political expediency, and our ability to empower the select and the well-connected and the well-heeled in this country.

With that, I yield the floor and ask the cosponsor of this amendment to speak.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, I thank my colleague, Senator COBURN. This is an

important debate. I think some in the body have suggested this is sort of a dilatory tactic. It is not. I think the future of health care in this country is one of the single most important topics this body should talk about.

Senator COBURN went down the list of earmarks we find in the bill. The incredible thing is it didn't seem odd hearing those on this floor because we hear it all the time. But to the American people, when you hear about a field trip costing \$500,000 to the Chesapeake Bay, America thinks that is probably a field trip for Members of Congress. I am not sure we could find the Chesapeake Bay. I am not sure we can get outside of the 30-square miles surrounded by a reality called Washington, DC. Therein lies a lot of the problem.

All we are asking our colleagues to do is express your view through a vote as to whether children are more important than the personal interests of the earmarks. I have some in this bill. I would give them up, as long as I know the money is going to where it can do some good. We have debated children's health, and I voted against the extension of the SCHIP bill. My Governor lobbied extremely hard for me to support that bill. Now, all of a sudden, we are talking about covering 177,000 kids in America with this bill. I haven't gotten a call from my Governor. The Governor is willing to take it if it is a lump sum with no conditions and they can use that however they want to, but when you target it on kids, what is this about? This is about prevention. This is about creating a medical home for kids versus delivery of care in the emergency room because both of them don't cost them anything.

The misunderstanding about the American health care system today is that if you can't pay and you walk into an emergency room, every emergency room is required to provide that care for you. Well, that creates a tremendous cost shift, and for those of us who pay out of our pocket or we pay because we have insurance coverage, our insurance goes up. And the rate out of pocket goes up because we are having to compensate for the people who don't pay, who don't have coverage, for the people who we have not changed our health care system to reflect what their conditions are.

We have an opportunity to begin to chip away at it. We have an opportunity to insure at least 170,000 people. If this were only North Carolina, the \$2,300 Dr. COBURN talked about for the cost of a policy would be closer to \$1,342. We could actually insure more children in North Carolina, and he probably could in Oklahoma.

We know people will call and question our numbers, so we take the most expensive rate it could cost. I remind my colleagues that under the SCHIP program we passed, if the Federal Government is to provide this care, it was allocated somewhere between \$3,400 and \$4,000 per child. There is the reason

you never want the Federal Government negotiating your health care. I came here 13 years ago. My insurance was with a company of just over 50 employees, and when I became a Federal employee and accessed my care with the same plan of coverage, only one thing changed: My premium went up because the Federal Government had negotiated my plan.

I learned this last year when my oldest son turned 22. I got a notice from BlueCross BlueShield that the Federal plans drop our children at age 22 regardless of whether they are in school. My son happens to still be in school. I hope this year he will graduate. I was faced, like every Federal employee, with the fact that I had a child who was no longer going to be insured under my family plan. I thought for sure that if I called the Federal Government, they would tell me they had already negotiated a plan that I could step him right over into, and they had. It was the same BlueCross BlueShield plan he was under. What was the annual cost? It was \$5,400 a year for a 22-year-old healthy bull. What did I do? I went back to North Carolina and checked with the school and said: Have you got a negotiated plan? They said: We have a negotiated plan with BlueCross BlueShield, which was identical to what he had under me—the one OPM negotiated, which was \$5,400—and I paid \$1,428 for that. It had the same deductible, same copay, same coverage, with one big difference: One was negotiated by the private sector, or by the university, and the other by the Federal Government.

We don't negotiate deals in the best interest of the people we are trying to cover. That is one of the reasons expansion of SCHIP is a bad thing. Actually, changing the health care system to cover 47 million Americans—children and adults who today don't have insurance—is a good thing. I would vote today for the current SCHIP to be reauthorized, for us to put in enough money to make sure nobody is dropped from the rolls, to change the formula for the States so those who were cheated were treated fairly, and I would vote for it today. But why would I expand a program that pays 30 percent too much to 50 percent too much to cover our kids when the answer to health care is to fix the system?

The reality is that we are here about this amendment. This amendment would force Congress to prioritize between children's health, rather than parochial pork projects of over 700 projects, almost \$400 million, that we could redirect from this one appropriations bill and devote it fully to the 9.5 million uninsured children in this country. And 9.5 is the number in total; 3.9 of those have been without insurance for over a year. So, as you can tell, you have the majority of the children's population that is considered uninsured that at some point in the last 12 months has actually been insured.

Going back to SCHIP expansion, one of the clear facts about expanding SCHIP—not just the numbers of kids who are on it but the income level—is that I don't think Americans believe that an income at \$82,000 needs to be subsidized by the Federal Government. That is where they were driving the income limits for SCHIP.

Probably more important than that is that we were actually taking kids off of their parents' insurance and putting them on the Federal Government's insurance. We were taking kids who ride for free on their parents' insurance and now paying \$4,000 to put them on the Federal Government's plan. The taxpayers looked at us and thought we were crazy that we were even debating this. There wasn't an exclusion in the expansion that said we are going to take the ones who are only uninsured today; no, we are taking all of them. We will take the ones who are insured and flip them over, and clearly the only thing that achieves is growing the size of the Federal system.

Mr. President, I hope when we come back on Monday that more of our colleagues will listen and that many will express their preference that we put children's health in front of projects. I actually believe that today, if it passed, it would never come out of conference, the earmarks would show back up, and children's health would go away, and it would happen at some point in that process. Quite honestly, who would lose? The kids. The kids are losing today because we are not debating what we should be debating, which is health care reform. The uninsured are losing today because we should be debating health care reform. Every American is losing today because, for those who are insured, those who have seen their premiums rise in high single and double digits every year for the past 10 years—and they have asked why. I can tell you why. It is because we won't fix health care. It is because your premium increase is reflective of those who are not covered.

TOM COBURN and I are here today saying we should cover them and we have a plan to do it. It doesn't distinguish between adults and children. Through covering those 47 million—or whatever the number is—we will save \$200 billion a year will begin to bring everybody's premium in America down for the first time in the last decade. So it is not just an effect on the uninsured, an effect on children, an effect on adults; it is an effect on every American who currently has private insurance and the reality of the impact on their premium cost.

I know the occupant of the chair today is a big proponent of prevention. He is outspoken on it. You cannot have prevention without coverage. You cannot have real prevention that individuals buy into unless there are rewards on the other end. The reward of healthy decisions is that you're less risky for illness. When you are less of a risk, your premium cost goes down.

Eventually, I would like to see every American own their health insurance policy. I would like to see the ability to take an insurance policy from one employer to another because we have negotiated, not an employer. I would love to see every American in a position where they are not holding onto a job they hate in a location they dislike because they cannot afford to give up health insurance. I want to see them have ownership with health insurance, like with a 401(k) plan. They can make the decision about what is best for their family and future and occupation without health care being the pivotal piece of that decision.

We are held hostage by the employer-based system. That is not to say I am proposing we get away from it. I am only suggesting that a partnership between individuals and employers, between individuals and insurance companies, an effort by Congress to restructure health care and reform insurance products, to provide America with an unlimited basket of options for coverage, is a good thing.

We created Part D Medicare. For the first time, we extended prescription drug coverage to seniors in the country. It was not an oversight in 1965. Medications at that time weren't really used widely to treat patients. Today, it is part of every office visit—some type of medication. So we didn't know exactly where we were headed when we created Part D—something targeted just for Medicare individuals.

Today, 84 percent of the population that is eligible has signed up. What is our experience in the first year? It is important to look at outcomes. Our experience is that premiums dropped 28 percent. This year, the costs every Medicare-eligible person paid last year dropped 28 percent, on average, for Part D coverage. What about the drug cost? What about the pills they are buying every month or every quarter? The first year, the reduction in the cost of services delivered and pharmaceuticals is 33 percent. Why? One, we extended the offer to all seniors. We didn't exclude anybody. Two, we created real competition, which means that if there is a Federal piece, we had private sector plans and options that competed. We made sure there was a robust basket of competition. Third, and probably most important, for the first time we forced transparency in health care. We actually made plans and pharmacies list the price of certain drugs online so that we could do what we do best in America: shop where the price was the most advantageous for what it was we wanted to purchase. You know what. We learned that seniors are very aggressive at it. I knew that about my grandparents before they died. I am finding out that, as my parents get older, they get a little tighter and they want to make decisions that are financially to their benefit.

We have extended that opportunity to millions of Medicare-eligible indi-

viduals in this country. What are we talking about? Creating the same model, taking that positive experience we had with Part D and extending it over to the entire population that is under private insurance, giving them options—options that deal with real competition, transparency in dealing with prices, the opportunity for those covered by employers to have reductions in premiums, and over some period of time, for those Americans who want to take advantage of it, to actually have ownership in a plan they have negotiated that doesn't lock them into an employer, but they are able to use that in a portable way, to switch jobs without having to renegotiate their coverage.

Well, I think I have presented to you where we are today and where I think we need to go over some period of time in the Senate. It won't happen if Members take this opportunity to insure 177,000 children who are currently uninsured, who currently cause a cost shift in America, who currently receive emergency care and are not provided prevention, who don't have a medical home to go to, a doctor they know they can call, whether it is for a sore throat or an earache or, Heaven forbid, the current staph infection that is going around, which has killed now one out of five individuals who have been infected with it.

We live in a very dangerous world, which should take what is best about our health care system—and that is prevention and diagnosis—and make sure every American has it. You cannot have it without coverage. You have to start somewhere, and these 177,000 children is the perfect place for us to start.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

AMENDMENT NO. 3399

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 3399.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3399.

The amendment is as follows:

(Purpose: To eliminate wasteful spending by the Centers for Disease Control and Prevention)

At the appropriate place, insert the following: Section. \_\_\_\_ None of the funds made available in this Act may be used—

(1) for the Ombudsman Program of the Centers for Disease Control and Prevention; and

(2) by the Centers for Disease Control and Prevention to provide additional rotating paste lights, zero-gravity chairs, or dry-heat saunas for its fitness center.

Mr. DORGAN. Mr. President, has the Senator provided his amendment?

Mr. COBURN. This amendment has been cleared on both sides. I will talk with the Senator about it.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for as much time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CHILDREN'S HEALTH CARE

Mr. DORGAN. Mr. President, I listened to just a bit of the debate a few minutes ago by my colleagues. My colleagues are good Members of the Senate, and they offer interesting ideas on the floor of the Senate. I wish to point out, however, the issue of "earmarks" which they discuss and describe a lot is really legislative-directed funding, which is a very small percentage, in many cases, in bills. It is 1 or 2 or 3 percent of the funding. The rest of it goes downtown to some agency, and the folks in the agency make a decision where to spend their money.

We have changed substantially the legislative-directed funding which exists. We are reducing almost in half legislative-directed funding. We have made it all transparent.

The implication in the discussion I heard, and I have heard it many times, is there is no virtue and there is certainly no value in having any legislative-directed funding; let the agency downtown determine how every dollar is spent.

The power of the purse in the Constitution rests with the United States Congress. We are responsible and accountable for how taxpayers' dollars are spent. Let me give one example which I think is important.

We just finished in this country something called the Human Genome Project. A lot of people would not know what that means, perhaps, but it is an unbelievable success story. We unlocked the mystery of the genes. We now have for the first time in the history of the human race an owner's manual for the human body. For the first time, we have an owner's manual for the human body in the Human Genome Project.

The Human Genome Project is done. It is going to dramatically change the way we treat diseases. It will, in many cases, allow us to determine how we prevent dread diseases. Already we are seeing substantial results from it.

We had a briefing by Dr. Francis Collins recently, and he had just come from a meeting in Cambridge, England, where all the folks are using the breakdown of the genetic codes which have come from the Human Genome Project. He describes treatment for leukemia and other diseases that are breathing-taking as a result of the Human Genome Project that creates the breakdown of the genetic code of the human body and provides us the first owner's manual for the human body.

Guess what. Yes, that came from an earmark on the floor of the Senate. That is how the Human Genome

Project started because someone in the United States Congress decided this approach had merit and should be done. No, it didn't come from some decision by some GS-13 or GS-15 downtown in some agency. It came from the United States Senate in legislative-directed spending.

I say this only to point out that this pejorative term "earmark" is suggesting this is all a waste and it is all pork and so on. That is not the case. But I recognize, and we recognize, it got out of hand, so we cut it way back and made it all transparent.

The point is, there are some good ideas coming from the Congress, and have been for a long time. One of them was the Human Genome Project, which started with an earmark or legislative-directed funding in the United States Congress. That is just one, but it is one that will affect the lives of virtually every American, perhaps everybody on this Earth, who in the future has one of the dread diseases or whose health is challenged. I wanted to make that point.

I commend those who pointed out some of this legislative-directed funding ought to be cut back. We have cut it back very substantially, but that which remains, in most cases, represents good investment, and investment that complements what is done in the Federal agencies as well.

I might also observe that the proposal today to increase the health insurance coverage for children, I believe, was 170,000 children. We just had a vote on increasing health care for children who are not covered by health care at this point for 3.8 million American children, and that failed. We passed it in the Senate, and it was passed in the House. It failed because the President vetoed it.

Interestingly enough, now we have people coming to the floor of the Senate saying: Let's cover more children. We had a chance to cover 3.8 million more children, and it was fully paid for, but we couldn't get that done because the President vetoed it. It wasn't his priority, and he had sufficient support in the Congress for his position.

I suppose we will see a lot of proposals that say we should cover more children, just far fewer. I respect my colleagues. I believe we should cover children. We certainly should perhaps revisit this vote and see if those 3.8 million children who are going to be left without coverage if the President and those who support him won't rethink their position and think that represents a priority.

I don't know, as I have said often, what is in second, third, or fourth place in most people's lives. I know what is in first place, their kids. I know what is most important in people's lives—their children and their children's health. If that is not a priority, I don't understand.

I have said often, in 100 years we will all be dead. Historians can take a look at what our value system was by deter-

mining on what we spent our money. What was our priority? What was our value system? What did we think was important?

I hope they will look back at the Federal budget and how we voted on these appropriations bills and say: We are proud their priority was kids, providing health care coverage for children.

What on Earth is wrong with a political system that doesn't believe that is the No. 1 priority?

#### INDIAN HEALTH CARE

I wish to talk about children's health care, but I want to focus mostly on Indian children, and I am going to talk about Indian health care, generally. The reason I am doing this, I am chairman of the Indian Affairs Committee in the Senate, and Senator REID indicated we will have on the floor of the Senate, perhaps in a week or perhaps 2 weeks, for the Indian Health Care Improvement Act. It has been 15 years since that Act has been debated on the floor of the Senate, the Indian Health Care Improvement Act.

Why separate categories, Indian health care? Why separate? We have a trust responsibility. This country promised through treaty, through other obligations, this country said to the Indian people: We have a trust responsibility to provide for your health care. It is not something that the Native Americans, the first Americans, said: We want you to give this to us; we insist upon it. It was an agreement, a treaty agreement by this country to say—in many cases, a treaty, in other cases, just a solemn promise—we will provide health care coverage to American Indians as part of our trust responsibility.

The Indian Health Care Improvement Act expired in the year 2000 and has not been reauthorized. It is 7 years later. It doesn't mean there is no Indian health care. There is some, but it is horribly inadequate. In any event, we should reauthorize that Act and modernize it.

With respect to Native Americans, we have fallen tragically short of what our responsibilities insist we do.

Let me describe what we are spending and how well we are doing with respect to health care.

With Medicare, we spend \$6,700 per Medicare patient; Indian health care, \$2,100 per capita. We spend twice as much on health care for Federal prisoners whom we incarcerate as we do for American Indians for whom we have a trust responsibility for health care. Someone incarcerated gets twice as much spent on their health care as American Indians for whom we have a responsibility. I am talking about children, I am talking about elders, and I will talk about some of them in just a moment.

We can see ranging from Medicare to the VA to Medicaid to Federal prisons, all the way down, and here is the lowest, and the lowest is the per capita expenditure of health care for American Indians for whom we have a trust responsibility.



American Indians die at a much higher rate than other Americans from tuberculosis, a 600-percent higher rate from tuberculosis; diabetes, 189 percent, but in some parts of the country, it is 400 percent and 800 percent higher than Americans. Alcoholism, 500 percent higher.

The fact is, we have grim statistics coming from Indian reservations with respect to the health of the first Americans. The rate of sudden infant death syndrome among Native Americans is the highest of any population group in the United States and more than double of non-Indians. Indian youth suicide on the Northern Great Plains, where I am from, is 10 times the national average.

Last night, I received a letter from a constituent on an Indian reservation. This constituent has had diabetes since she was 11 years old. Earlier this year, she received a kidney and pancreas transplant. She needs an anti-rejection medication to stay alive. When she went to the reservation clinic to get her medicine yesterday, she was told by the doctor: There goes our budget. There are two other tribal members who receive this medication, and when the funding is gone, there will be no more medication.

The stories are pretty unbelievable. This is a picture of a young girl named Avis Little Wind. I have described the tragedy of this young girl previously. Avis Little Wind is 14 years old. Avis is dead. She took her own life. Mental health treatment wasn't available for Avis. She lay in her bed in a fetal position for 3 months, and no one seemed alarmed by that, before she finally took her life. She wasn't in school, though she was supposed to have been. Her sister committed suicide, her father died by his own hands, and this 14-year-old girl is gone because, I presume, she felt that she was hopeless and helpless.

Those on the Indian reservation dealing with mental health issues, including suicide. For suicide prevention, they have virtually no resources. A young lady on this Indian reservation, who testified at a hearing I held once, said she had a stack of files on the floor of her office dealing with abuse and health issues. She said: "We don't have any resources to even investigate the files. We would have to beg to borrow a car to take one of these kids to a clinic someplace." Then she broke down weeping. About a month later, she resigned.

The fact is people are dying. Avis Little Wind died of suicide because mental health treatment wasn't available on that Indian reservation.

I was in Montana recently with Senator TESTER, and a grandmother held up a picture of this beautiful young girl. She is 5 years old. Her grandmother described the picture of her granddaughter, named Ta'Shon Rain Littlelight. Ta'Shon Rain Littlelight loved to dance, and she danced in this regalia at all the pow-wows from the

time she was able to walk a beautiful little girl with a sparkle in her eye. Well, Ta'Shon is gone. Ta'Shon lost her battle, as well.

Between May and August of last year, she was taken many times to the Crow Indian Health Service Clinic for health services. They diagnosed the problem and they began to treat it. They said it was depression. A 5-year-old was depressed. Well, during one of the clinic visits her grandfather said: "But there is something else going on. Take a look at the condition of her fingertips and her toes. There is something happening in this little girl's body." It suggests, the grandfather said, a lack of oxygen. Something is going on. But that concern was dismissed, and finally the grandmother asked a doctor to try to eliminate the possibility of cancer or leukemia, or something of that nature. But those concerns were dismissed.

In August, this young girl was rushed from the Crow clinic to St. Vincent Hospital in Billings, MT. They airlifted her to Denver Children's Hospital where she was diagnosed with incurable, untreatable cancer. She lived for another 3 months after the tumor was discovered, in unmedicated pain. She died in September. The grandmother asked at our field hearing if Ta'Shon's cancer had been detected earlier, would it have made a difference? Would this little 5-year-old girl be alive? None of us knows, but the question of the quality of health care is a life-or-death issue. It was for Ta'Shon.

Recently, on a Wednesday morning in my State, a young child on an Indian reservation was burned, severely burned, and rushed by the mother to the Indian Health Service clinic on the reservation, only to be told that the clinic was closed for the morning for administrative purposes. Even after the frantic pleas by the mother, this boy was refused care. So in her desperation, she contacted a doctor from another town outside of the reservation for assistance. They directed her to bring her young son immediately. She did. Thankfully, that young boy received treatment and has survived those severe burns. She didn't get the needed health care for him at the Indian Health Service clinic. Following the treatment she did receive off the reservation, after a frantic drive in an automobile, the Indian Health Service clinic refused to cover the costs of the young boy's treatment. So the mother is now faced with a substantial medical bill, a mother who should never have been placed in this situation and a mother who doesn't have the resources to pay it.

When we held a hearing in the Indian Affairs Committee about methamphetamine, the intersection of methamphetamine and health care was pretty obvious. It was a courageous tribal leader who came to our hearing, Kathy Wesley-Kitcheyan, the chairwoman of the San Carlos Apache Tribe in Arizona. She said she was embarrassed to

talk about some of the things on her reservation, because they are not very positive and she said it was like airing her family's dirty laundry but, she said, I must. She talked about her 22-year-old son and her warning to him about the catastrophic effect of alcoholism and substance abuse. And she talked about losing her grandson. She broke down talking about her wonderful grandson, a rodeo champion who had won 26 belt buckles and 6 saddles as a rodeo rider, who made the wrong choices with drugs and drinking and lost his life. She talked about the methamphetamine problem.

That is where it intersects so quickly, in a devastating way, with health care. She said on their reservation, in 1 year, out of 256 babies born on that Indian reservation, 64 out of 256 babies were born addicted to methamphetamine. Let me say that again. Of 256 children born on that Indian reservation, 64 were born addicted to methamphetamine. At the San Carlos emergency room, in 1 year, 25 percent of the patients who came to the emergency room tested positive for methamphetamine. And on it goes.

I am describing circumstances that one would perhaps attribute to a Third World country, where health care doesn't exist. Yet these stories, in many ways, are even more heartbreaking because they happen here in this country. They happen too often to people who are living in Third World conditions on Indian reservations with inadequate health care—health care which was promised to them as a trust responsibility, but nonetheless inadequate health care.

I recently learned of a young boy named Nicholas from the Menominee Tribe of Wisconsin, who had a very rough start. He, like a high percentage of American Indian babies, was born premature—3 months premature. He weighed 2½ pounds. For the first 3 months of his life, he struggled in intensive care to stay alive. As part of a significant effort by his family, his doctors at the IHS facility and traditional health care practices, he persevered.

As a young man, he was forced to face another health care challenge: adult onset diabetes. While this type of diabetes usually strikes Americans in mid life, it is showing up now in American Indians and Alaska Native youth at an increasingly younger age. In fact, there is a 77-percent increase in diabetes in Native children and youth under 15 years of age.

Fortunately, this young man from the Menominee Tribe is receiving services from the tribal health facility and early screening at the tribal school, and has been able to control his blood sugar, which will prevent complications, one hopes.

David Whitetail, with the Three Affiliated Tribes in North Dakota, was not so fortunate. He was diagnosed with type II diabetes at 17. He didn't receive the necessary care, and now he

is 39 years old and a dialysis patient awaiting a kidney transplant, but is finally, at long last, beginning to get the care he needs.

A couple of years back, a young woman—I guess she would like me to call her a young woman; she probably is a bit above a young woman in age—whose name is Lida Bearstail, went to the clinic in Mandaree, ND, because of knee pain. The cartilage had worn away and bone was rubbing against bone, causing her great, great pain. If that were to happen in this Chamber to any one of us or our families, we would, of course, get a knee transplant or get a new knee. But Mrs. Bearstail was denied this treatment because it was not deemed “priority 1”—life or limb. If it is not life or limb, and you have run out of contract health money, you are out of luck.

In fact, what happened to this woman, Ardel Hale Baker, is that she had chest pain that wouldn't end, and her blood pressure was very high, and so she was diagnosed at the IHS clinic as having a heart attack. She needed to be hospitalized immediately. They stuck her in an ambulance and rushed her to a hospital off the reservation, but they didn't have any contract health care money left to pay for anything, so the Indian Health Service taped an envelope to this woman's leg with a piece of tape. She was hauled in on a gurney to the hospital with an envelope taped with masking tape to her thigh, and as they unloaded her in the emergency room, the folks who unloaded her took a look at what was taped to her leg. They opened it up and it said—and I have a chart, I believe, of what it said. It said this patient is not going to be covered because there is no contract health money available.

What they were saying was this patient is having a heart attack. They were saying to the patient and to the hospital, if this patient is admitted, understand there is no money. There is no money here. So they admitted her, she survived, but it is kind of a tragic thing to tell a story about a woman who is hauled into a hospital with a piece of paper taped to her leg that says, by the way, if you admit this woman, you are on your own because Indian Health Service contract care is out of money.

I have had tribes tell me that contract health care was out of money after the first 3 months of the year. On one reservation they say: Don't get sick after June, because there is no contract health care money. If you are going to get sick, it has to be before June, otherwise this may happen to you. If you have a heart attack and go to a hospital, they might haul you in and there might be a note attached to your arm or leg that says, by the way, if you admit this patient, you might have some difficulty because there is no money available.

This last woman, Ms. Baker, survived and then received a bill for \$10,000. She doesn't have \$10,000. So what happens

when they run out of contract health care, they warn the hospital you are on your own if you take them. Then when the patient is released from the hospital, their credit rating is ruined because they get a bill they can't pay. This is the result of our failure to meet our trust responsibility.

That is a long description of why we need to reauthorize the Indian Health Care Improvement Act. That Act will come to the floor in the next week or two, according to Senator REID. We have written that bill in the Indian Affairs Committee. The vice chair of the Committee, Senator MURKOWSKI from Alaska, and I, and many other members of the Committee have written a bill we think advances the interests of Indian health care.

My colleague from Oklahoma, Senator COBURN, who is on the Indian Affairs Committee with us, is a valuable member and a constructive member. He is a doctor, and that is extraordinarily helpful in terms of his knowledge. He will make the point that we need much broader reform, and I will agree with him when we have this discussion. We need much broader reform, and this is a step, a step in the right direction. Is it a step as broad as I would like to make? No. There is a reform step that is much broader that we need to take, and we will. And I will work for that when we move this bill, but at least we ought to move this legislation.

I will work with Senator COBURN and others for much more substantial reform, but at least we need to start. This is since 2000, and 7 years later we need at least to move this legislation, but it has been 15 years since we last debated the issue of Indian health care on the floor of the Senate. So it is long past the time for us to do what we are required and have promised to do, and that is meet our responsibilities for health care for American Indians.

I want us to do this in a way that makes us proud. After all, it is our responsibility. We made this promise long ago, and we need to keep it.

We are a good country and a good society. We spend a lot of time on the floor of the Senate talking about what doesn't work. There is a lot that works in this country. We are blessed to live here and blessed to be a part of this great place. But we continue as a country to always look to find out what we can do to fix things that are broken, to improve things that don't work quite as well as we would like. That is what we are trying to do with this issue of Indian health care.

I have described the failures. There are successes. There are folks working in Indian health care around the country who get up every day and work long hours and do a remarkable job. There are others who do not. I can tell you about a woman who has excruciating knee pain and goes to a doctor at the Indian Health Service, and she is told to wrap your knee in cabbage leaves for 4 days and it will be fine. It is unbelievable, but that sort of thing

happens. I can tell you of other patients who go to an Indian Health Service doctor and get very good care.

There are not enough resources. We need to respond, as we have done, to the issue of the cluster of teen suicides that exist on Indian reservations. There are so many things we need to do.

Let me make the final point. These are the first Americans. These are not visitors. They were here first. Around the culture of Native Americans we have built quite a country. But Native Americans need to share in the great benefits bestowed upon the American people, and that includes opportunities for health care, opportunities for good jobs, opportunities for housing, and a decent education. We fall short in many of those areas. We fall short in many of them.

I have not spoken about education today or housing, but those issues themselves are pretty unbelievable when you take a look at the conditions on many American Indian reservations.

I look forward, in the next week or two, to having an opportunity to debate the Indian Health Care Improvement Act. It is long past the time for us to do this. This will advance the interests of Indian health care, and then, in addition, we will not be completed. We will need to do reform, reform in a significant way beyond this bill. But this bill is an awfully good first start in the right direction.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DORGAN). The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I ask unanimous consent to set aside the pending amendment.

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

AMENDMENT NO. 3361 TO AMENDMENT NO. 3325

Mr. BROWN. I call up amendment No. 3361, which I am offering with my colleague, Senator WEBB of Virginia.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Ohio [Mr. BROWN], for himself and Mr. WEBB, proposes an amendment numbered 3361 to amendment No. 3325.

Mr. BROWN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide information to schools relating to the prevention of violent events and other crisis situations)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) The Secretary of Education shall update the 2002 Department of Education and United States Secret Service



guidance entitled "Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates" to reflect the recommendations contained in the report entitled "Report to the President On Issues Raised by the Virginia Tech Tragedy", to include the need to provide schools with guidance on how information can be shared legally under the regulations issued under section 264(c) of the Health Insurance Portability and Accountability Act and the Family Educational Rights and Privacy Act.

(b) Not later than 3 months after the date of enactment of this Act, the Secretary of Education shall disseminate the updated guidance under subsection (a) to institutions of higher education and to State departments of education for distribution to all local education agencies.

Mr. BROWN. Mr. President, our amendment does not create a new government program or require new spending. It is a modest amendment designed to achieve a major goal, to reduce school violence.

On October 10, a 14-year-old boy brought two guns to a Cleveland public school. He shot four people before turning the gun on himself.

On April 16, a student at Virginia Tech shot 49 people, 32 of them fatally, before turning the gun on himself.

The next act of school-based violence may already be taking shape in the mind of another deeply troubled child, adolescent, or adult.

Parents send their children to school every day trusting that they will be safe. It is a crucial premise. And school-based violence shatters it. It doesn't matter that violent incidents are rare. The fact that a school, any school, could become a killing field is unthinkable to a parent, to any of us. Yet we must think about it. We must think about school-based violence so we can minimize it.

There are no easy answers for a school faced with a potentially violent student who has not yet acted on that potential. Schools should and must respect the rights of each student while ensuring the safety of all students. There are no easy answers, but there are answers.

In 2002, the Department of Education and the U.S. Secret Service put together a comprehensive guidance document to help schools respond appropriately when faced with a potentially dangerous student, as well as how to prepare for and respond to acts of violence on school campuses. School administrators have confirmed that this document is very useful. Unfortunately, it is also out of date.

Following the Virginia Tech tragedy, the President asked three Members of his Cabinet: Secretary Leavitt of Health and Human Services, Secretary Spellings of the Department of Education, and Attorney General of the Department of Justice, to review the events surrounding the tragedy and recommend ways of preventing such tragedies in the future. This report, which was released June 13, gives us new information, and we should use it.

We don't have the luxury of time. It doesn't make sense to wait a minute

longer than necessary to get the right information into the hands of every school administrator in this country. The Brown-Webb amendment instructs the Department of Education to use its existing authority and funding under the Safe and Drug-Free School and Communities Program, to update the 2002 guidance based on what was learned from Virginia Tech, and to distribute the updated guidance to schools within a 3-month timeframe. That is a fast turnaround, and it is completely appropriate. Updating the document will take staff time; distributing the document will take computers and some legwork. Getting this done quickly is most important because it can prevent an act of school-based violence. It is what we should do.

I ask my colleagues for their support.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR) Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business for no more than 10 minutes.

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

#### AMERICA'S TRADE POLICY

Mr. BROWN. Madam President, this was a good week in this body for changing the direction of U.S. trade policy. My fellow Senators—and I think we are seeing the same in the House of Representatives—are beginning to listen to the elections of last fall, beginning to listen to what voters are saying, beginning to listen to what workers and small businesses are telling them about a failed U.S. trade policy and how we need a new direction in trade policy.

On Monday this week I offered a modest amendment, a reminder to the Bush administration that we need to vigorously enforce our trade laws. That amendment passed overwhelmingly, with fewer than a half dozen negative votes.

Few in this Chamber can disagree with that, especially when we see what the unfair trade and the absence of a vigorous trade enforcement team can do to American manufacturing. In our country, there are rules to protect the free market from anticompetitive schemes, such as monopolies and collusion and price gouging. In the global economy, there are similar rules to protect the free market from anticompetitive schemes such as Government subsidies and the dumping of underpriced foreign products on domestic markets.

Once you put domestic markets out of business, then foreign prices are free to rise unchecked. Lax labor and envi-

ronmental laws also undercut the free market by creating insurmountable price differences. But when our country does not combat the anticompetitive behavior in the global marketplace, our economy suffers for it. That is why the amendment this week was important, to instruct the administration to be more aggressive, as the Justice Department needs to be more aggressive in our country, to protect the free market from anticompetitive schemes such as monopolies and collusion and price gouging; our trade representative, our trade negotiators, our trade policy enforcers need to be more aggressive in enforcing international trade laws against anticompetitive schemes such as Government subsidies and the dumping of underpriced foreign products on domestic markets.

American manufacturing fuels our economy, whether it is in Minneapolis or whether it is in Cleveland, and it supplies our national defense infrastructure. In my home State of Ohio, well over 200,000 manufacturing jobs have disappeared in the last 7 years.

We know American industry can compete with anyone in the world when it is actually a fair fight. But some foreign governments have unfairly and illegally doled out massive subsidies to their own companies. Some are encouraged through our tax system to reestablish offshore, contributing to the outmigration of manufacturing jobs from our country overseas.

As reported today in the Hill, the Bush administration is using steel from China to build a fence on the Mexican border: "[The Department of Homeland Security] criticized for Chinese steel in U.S.-Mexico fence." We are using taxpayer dollars to build a fence on the U.S.-Mexican border, and much of the steel comes from China. We know what NAFTA did to Mexico's middle class. We know it has run more than 1½ million farmers off their land into the cities to compete for dwindling manufacturing jobs, jobs where wages continue to drop despite increased foreign investment from NAFTA.

We know that many make the dangerous trek to our country, trying to get through security, go over the desert, across the river—all they do to find work and money for their families. Yet here we are building a wall made of Chinese steel. How will history judge this Congress when we see more of the same failed trade policies that contribute to this migration and then build a wall of Chinese steel? I wish President Bush would talk to Ohioans about that. I wish he would talk to a steelworker in Lorain or a machine shop owner in Mansfield or a tool-and-die worker in Youngstown, people who are hard-working men and women who have made America the strongest Nation in the world, workers who, frankly, feel betrayed by America's trade policies.

Presidents from both parties have entered into trade agreements like

NAFTA, promising they would create millions of jobs and enrich communities. Instead, too many of these agreements have cost millions of jobs and devastated communities. It is not just the worker who suffers. It is the family, people down the street, as the valuation of houses contributes to delinquency and foreclosures. It means fewer police, fewer teachers, and fewer firefighters, as communities are devastated from layoffs and workers losing their jobs. In the cities, workers lose their jobs too. Yet the Bush administration and proponents of deals with Peru, Colombia, Panama, and South Korea want more of the same. They want the current system to keep going, to be expanded, despite evidence that the NAFTA model and the CAFTA model have not been working for Mexican workers, Central American workers, American workers, or small businesses in those countries and is not working for small manufacturers.

The number of workers filing for unemployment benefits jumped last week to its highest level since late August. Last week, 2,000 more Ohioans were seeking unemployment benefits, thousands more in Michigan, in Minnesota, in Indiana, North Carolina, all over the country—hardly the sign of a good economy, hardly the time for another trade agreement.

History will be on the side of those who want a different trade policy. The Founders gave Congress the responsibility to set the terms of trade policy. To vote up or down on a flawed agreement is in no one's best interest. It is not smart policy or politics. We need to begin by evaluating agreements such as the North American Free Trade Agreement, as Senator DORGAN proposed this week. We need to pause. Let's say no more trade agreements for a while until we fix our trade policy and learn what those agreements and our trade commitments have accomplished for workers. If I am wrong and they are working for workers, communities, consumers, and our small business owners, then let's proceed. But let's stop and look, figure this out.

We need a new model for trade agreements that requires negotiators to not just ensure better labor and environmental rules are enforced—we made some progress in the Peru trade agreement on that, and that is a small step but not enough—but also raises safety standards, doesn't allow backdoor challenges to public interest laws, doesn't give corporations the power, as NAFTA did for the first time ever in a trade agreement, to sue foreign governments, including foreign corporations to sue our Government to weaken our environmental laws, to weaken our food safety laws, to weaken our worker protection laws, to undercut our "Buy American" laws. That is when we end up doing stupid things like building a wall between Mexico and the United States and using Chinese steel.

Finally, we need to reward corporations. We have introduced the Patriot

Corporations Act. Those corporations that play by the rules, hire Americans, provide health care, provide a pension, and take care of their communities should be rewarded with tax advantages instead of penalizing those companies and rewarding those companies that go offshore.

Ultimately, our commitment is to protect our country. That means to protect our children from foreign products that have lead. It means to protect workers, our small businesses, and our communities. That is how we provide opportunity to build a thriving middle class. That is why it is time to take a breath, stop. Before we move forward in Peru and Panama, before we move forward in Colombia and South America, we need to examine how this trade policy is working.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### BIDDING ON EBAY LETTER

Mr. REID. Madam President, earlier this month, I came to the floor to discuss some comments made by Rush Limbaugh.

Following my remarks, more than 40 of my Senate colleagues and I cosigned a letter to the chairman of Clear Channel, Mark Mays, telling him that we wanted him to confer with Rush Limbaugh regarding the statements he made. I have since spoken to Mark Mays about this. Mark Mays, in fact, called me regarding this letter.

This week, Rush Limbaugh put the original copy of that letter up for auction on eBay. We did not have time or we could have gotten every Democratic Senator to sign that letter. But he put the letter up for auction on eBay and, I think very constructively, left the proceeds of that to go to the Marine Corps Law Enforcement Foundation.

What is the Marine Corps Law Enforcement Foundation? It provides scholarship assistance to children of marines and Federal law enforcement personnel whose parent dies in the line of duty, as well as health care assistance for disabled children of fallen troops.

What could be a more worthwhile cause? I think it is really good that this money on eBay is going to be raised for this purpose.

When I spoke to Mark Mays, I think he and I thought this probably would not raise much money—a letter written by Democratic Senators complaining about something.

This morning, the bid is more than \$2 million. We have watched it during the week. It keeps going up and up and up, and there is only a little bit of time

left. But it is certainly going to be more than \$2 million. Never did we think this letter would bring money of this nature; and for the cause, it is extremely good.

Now, everyone knows that Rush Limbaugh and I do not agree on everything in life, and maybe that is kind of an understatement. But without qualification, Mark Mays, the CEO of the network that has Rush Limbaugh on it, and Rush Limbaugh, should know that this letter they are auctioning is going to be something that raises money for a worthwhile cause.

I do not know what we could do more importantly to help ensure children of our fallen soldiers and police officers who have fallen in the line of duty have the opportunity to have a good education. Think about this: More than \$2 million. This is going to really help. That is, again, an understatement.

There is only a little bit of time left, so I would ask those who are wanting to do more—they can go to eBay and search for "Harry Reid Letter" and it will come up. I would encourage anyone who is interested, with the means to do so, to consider bidding on this letter and contributing to this worthwhile cause.

I strongly believe when we can put our differences aside—even HARRY REID and Rush Limbaugh—we should do that and try to accomplish good things for the American people. This does that—more than \$2 million for a letter, signed by this Senator and my friends.

#### AGENDA

Mr. REID. I have indicated, Madam President, we have a lot of work to do. The chairman of the Judiciary Committee and I have stated on a number of occasions that on controversial judicial nominations we are not going to move on those until the minority tells us that is what they want to do. One of those nominations is Judge Southwick. That matter was reported out of committee sometime ago, and both Senator LEAHY and I have said that when the Republicans tell us they want to move to that nomination, we would do that. So sometime next week I am more than likely going to move to that matter. So I want everyone to know that, in fact, is the case.

I also, Madam President, have indicated that one of our priorities is to do an energy bill this year. I had a meeting yesterday with Democratic chairs and other interested people, including Senator CANTWELL and Senator DORGAN, to find out how we can move forward. We realize we can move forward. We have a number of issues that are important. The issues are somewhat limited. One is what are we going to do on CAFE, raising the fuel efficiency of vehicles? What are we going to do about a renewable portfolio standard? And what are we going to do about the tax aspect of this that will do a number of important things, not the least of which is give the great entrepreneurs

in our country the incentives to invest in alternative fuel—sun, wind, geothermal, biomass? We need this to be done on a multiple-year basis. So those are three important things we need to do.

I have had a number of conversations with my Republican colleagues. Senator DOMENICI and Senator LOTT—there are others with whom I have spoken—but just in recent days I have spoken to them. I spoke this morning with Leader PELOSI, the Speaker of the House. She wants to go to conference on this issue. One Republican Senator said: I understand you don't want to go to conference. The Speaker wants to go to conference. I want to go to conference. We would like to be able to do a bill, and we are going to do our very best to do that.

We are going to include the Republicans on anything we do. We know we cannot do a bill unless we include the Republicans in it, and we are going to do that. We are going to do our utmost to come up with a strong bill, one that is in keeping with the needs of this country.

Madam President, everyone is occupied on that side of the aisle, but I am going to, in the near future, when we have a Republican who can come to the floor, ask consent that the Senate proceed to the consideration of Calendar No. 340, which is H.R. 3221, which is the House Energy bill. And I will move that we go to conference on it. I will come out this afternoon, as soon as we can, and offer this unanimous consent request.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

# DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 2008—Continued

AMENDMENT NO. 3374, AS MODIFIED, TO  
AMENDMENT NO. 3325

Mr. HARKIN. Madam President, I send a modification to the desk of amendment No. 3374 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Ms. COLLINS, for herself, Mr. FEINGOLD, Mr. BINGAMAN, Mr. CARDIN, and Ms. SNOWE, proposes an amendment numbered 3374, as modified, to amendment No. 3325.

The amendment, as modified, is as follows:

On page 64, line 5, insert before the period the following: “: *Provided further*, That \$2,000,000 of the amounts appropriated under this heading shall be made available to carry

out dental workforce programs under section 340G of the Public Health Service Act (42 U.S.C. 256g)”.

AMENDMENTS NOS. 3353, 3333, 3354, AND 3374, AS  
MODIFIED, TO AMENDMENT NO. 3325 EN BLOC

Mr. HARKIN. Madam President, I have four amendments that have been cleared on both sides, and I ask unanimous consent to call them up and have them considered en bloc. The amendments are amendment No. 3353, amendment No. 3333, amendment No. 3354, and amendment No. 3374, for which the modification was sent to the desk.

The PRESIDING OFFICER. Without objection, the four amendments will be considered en bloc and agreed to en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 3353

(Purpose: To provide funding for the ADAM Act)

At the appropriate place in title II, insert the following:

SEC. \_\_\_\_\_. Of the funds made available in this Act for subtitle B of title IV of the Cardiac Arrest Survival Act of 2000 (Public Law 106-505), \$200,000 shall be used to carry out section 312(c)(6) of the Public Health Service Act.

AMENDMENT NO. 3354

(Purpose: To provide for a Government Accountability Office report concerning State health care reform initiatives)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Not later than November 30, 2008, the Comptroller General of the United States shall submit to Congress a report concerning State health care reform initiatives.

(b) The report required under subsection (a) shall include the following:

(1) An assessment of State efforts to reexamine health care delivery and health insurance systems and to expand the access of residents to health insurance and health care services, including the following:

(A) An overview of State approaches to reexamining health care delivery and insurance.

(B) A description of whether and to what extent State health care initiatives have resulted in improved access to health care and insurance.

(C) A description of the extent to which public and private cooperation has occurred in State health care initiatives.

(D) A description of the outcomes of State insurance coverage mandates.

(E) A description of the effects of increased health care costs on State fiscal choices.

(F) A description of the effects of Federal law and funding on State health care initiatives and fiscal choices.

(G) A description of outcomes of State efforts to increase health care quality and control costs.

(2) Recommendations regarding the potential role of Congress in supporting State-based reform efforts, including the following:

(A) Enacting changes in Federal law that would facilitate State-based health reform and expansion efforts.

(B) Creating new or realigning existing Federal funding mechanisms to support State-based reform and expansion efforts.

(C) Expanding existing Federal health insurance programs and increasing other sources of Federal health care funding to support State-based health reform and expansion efforts.

The amendment (No. 3333) was agreed to.

The amendment (No. 3374), as modified, was agreed to.

Mr. HARKIN. Madam President, I don't think there is any further consideration to be had on these amendments. Are the amendments agreed to en bloc?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. I thank the Presiding Officer.

We are waiting for a Senator to come to the floor to speak on an amendment. I know of no other speakers yet today. Again, I would remind people that we will be here Monday, and we will be voting—I don't know if the time has been determined yet but probably around 5:30 or somewhere around there. We will probably be in late voting on Monday. We will have a whole lot of amendments on Monday night. The agreement was struck yesterday that we would finish this bill by noon on Tuesday and to get there, with all the amendments we have pending, there will probably be a number of votes on Monday night.

So with that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 3399

Mr. HARKIN. Madam President, we have another amendment that has been agreed to on both sides, so I call up amendment No. 3399 and ask for its immediate consideration.

The PRESIDING OFFICER. Amendment No. 3399 is pending.

Mr. HARKIN. Madam President, I call up that amendment.

The PRESIDING OFFICER. It was previously proposed.

Is there further debate on the amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 3399) was agreed to.

Mr. HARKIN. I thank the Presiding Officer. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 3381

(Purpose: To provide for the continuing review of unauthorized, Federal programs and agencies and to establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful Government spending)

Mr. CORNYN. Madam President, I have conferred with the bill managers.

I ask unanimous consent to call up amendment No. 3381 and to set aside any pending amendments.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas (Mr. CORNYN), for himself, Mr. VOINOVICH, and Mr. CHAMBLISS, proposes an amendment numbered 3381.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. CORNYN. Madam President, first, I thank Senator HARKIN and Senator SPECTER for working with us on this bill, this important piece of legislation, and for the opportunity to offer this amendment.

It is my intention, at the end of my remarks, to seek to withdraw the amendment because there are some procedural objections under rule XVI of the Senate rules.

I think this is an important amendment and an important matter for us to consider at the appropriate time. I hope my colleagues will work with me, as well as Senator VOINOVICH and Senator CHAMBLISS, who are cosponsors of the amendment, to find a way to address the urgent matters contained within the scope of the amendment.

Specifically, we ought to be good stewards of the taxpayers' money. Unfortunately, due to the size and scope of the Federal budget, there seems to be precious little attention given to ways to make sure that we spend the taxpayers' money efficiently. While we debate the necessity of appropriations, and we should continue to try to cut back on the unnecessary expenditures wherever possible, I think it is imperative that Congress do the appropriate oversight on existing Federal programs and appropriations and ways to look for both cost savings and efficiencies.

I think we ought to ask the fundamental question every time we are asked to appropriate money for a particular agency—we ought to ask this question: Is this agency or program still needed?

What has led me to offer this amendment arises out of some good work being done by the OMB. As a matter of fact, they have published this brochure called: "Expect More." You could go on line to [expectmore.gov](http://expectmore.gov) on the Internet and see what I am talking about. Specifically, they have a tool called "the program assessment rating tool," which helps the Office of Management and Budget assess whether a particular Government program is working.

The Office of Management and Budget has recently reviewed over a thousand programs. As this chart indicates, upon a review of 1,016 Federal Government programs, they have concluded that 22 percent of those programs rated either as ineffective or they are unable to determine whether they are effective. In other words, they are unable to find evidence that they are effective. They have not conclusively determined them as ineffective, but they have con-

cluded that 22 percent of the Federal Government programs are either ineffective or the results are not demonstrated. Anybody who is interested anywhere in the world—certainly in the United States—can look at the information on this [expectmore.gov](http://expectmore.gov) Web site and inform themselves, as I am sure they would want to, about what the Federal Government is doing and not doing on their behalf.

As part of the review, the OMB looked at 35 programs within the Department of Labor, totaling almost \$15 billion. They identified \$2 billion that could be saved out of that \$15 billion on programs that are not meeting expectations and are not effective. Some of these programs include the Office of Disability Employment Policy, Trade Adjustment Assistance, and part of the Workforce Investment Act. Certainly, these programs have the potential to help people and strengthen our country. But my hope is we will look at these programs and not necessarily decide they are not necessary—because they may be—but, rather, give the appropriate oversight and come back and try to do what is necessary to make them effective or, if they simply cannot be rehabilitated or made effective, we ought to eliminate them.

The fact is we can look to our State governments and State laws for mechanisms that we could use to make sure we spend the taxpayers' dollars only on needed programs and in the most efficient ways possible.

I look to my State of Texas. Since 1971, we have had something called the Sunset Commission, which periodically—about every 10 years—reviews State programs and State spending to decide what the answer to the question is that I posed earlier: Is this agency or this program still needed? Is the money being spent effectively?

Here in Washington, we could learn from the State sunset commission process, which I know happened in Texas and which also is reflected in the laws of many of our State governments but which we do not have here at the Federal level.

A study by the Congressional Budget Office found that Congress spent almost \$160 billion in 2006 on agencies and programs that were not, in fact, authorized. In other words, while the authorizing committees had previously authorized it, those authorizations had lapsed, indicating a lack of continued oversight and authorization by Congress. Yet money was continuing to be appropriated and spent on these programs. This list includes hundreds of accounts, both big ones and small ones, ranging from the Coast Guard, \$8 billion, to the Administration on Aging, \$1.5 billion, to section 8 tenant-based housing, \$15.6 billion, to the foreign relations programs, which is \$9.5 billion. Many of these programs and agencies, perhaps most, deserve reauthorization. I am not saying they do not. But reauthorization no longer means what it should. It means we have conducted

the appropriate investigation and oversight to determine whether the programs are meeting current needs or whether they are no longer necessary. Congress should make sure we are only spending money on programs that can and are justified.

My amendment would take what I think is a great experiment, which has shown tremendous success on the State level in places such as Texas, and create a bipartisan Federal sunset commission to review the efficiency of all Federal programs but will focus their work on ineffective and unauthorized programs and will make recommendations to Congress about how to improve them, if they can be improved, or whether we should just eliminate them altogether.

To me, this is a shocking figure, when our own Federal Government concludes—the executive branch, the Office of Management and Budget—that almost 25 percent of Federal programs are not delivering for the American taxpayers.

My amendment would create, as I said, a bipartisan U.S. authorization and sunset commission that would be composed of four Members of the House and four Members of the Senate. The commission would issue a schedule-and-review proposal to Congress at least once every 10 years, as well as issue reports on the way to improve the effectiveness and efficiency of Government programs and agencies.

The schedule-and-review proposal is where the commission would review and analyze at least 25 percent of unauthorized Federal programs and 25 percent of the ineffective programs as identified by OMB and would do so on a rolling or ongoing basis. In other words, we have to start somewhere, and that is where they would start, but we would continue until all Federal agencies and programs would be subject to this sort of scrutiny and review.

Unlike most commissions, Congress cannot simply ignore the commission's work under my amendment. Rather, the amendment would provide an expedited procedure that would force Congress to consider and debate the commission's work and then vote up or down on whether to accept it.

Simply put, this commission would help Congress do what we should already be doing; that is, providing the necessary oversight to make sure every dollar of the taxpayers' money is being spent wisely. The commission will help Congress answer the simple but powerful question I posed at the outset, and that is: Is an agency or program still needed? It seems like common sense to me.

I know some will argue this is why we have authorizing committees, but I believe the commission would add greater focus to the budget and appropriations process on saving taxpayers money as opposed to how can we come up with new ways to spend more money, which tends to dominate the appropriations process, and how can we

improve Government accountability and provide for greater openness and transparency in Government decision-making?

This concept, as I said, is not new or even revolutionary. My home State of Texas has had a sunset commission in place for 30 years, in which time it is estimated the Texas taxpayers have been saved more than \$700 million by eliminating ineffective or unnecessary programs, starting with a zero-based budget during the sunset commission reviewing process and justifying each and every dollar that is added to pay for that program if reauthorized.

The tendency in Washington, unfortunately, is to take an existing program and see it grow incrementally each year. Indeed, once a Government program is created, it tends to create a constituency that will come to Congress and argue that it should not be eliminated—not only should it not be eliminated, it should grow by a certain percentage each year.

As this and other appropriations bills come before the Senate, I ask my colleagues to keep in mind the extent of waste we already see in Government programs. Rather than allowing these programs to continue endlessly with no real purpose and no real means of accomplishing their goals, it is time we took a closer look at and acted on our responsibility to eliminate wasteful Washington spending. Before we raise taxes and before we mindlessly appropriate money for another batch of potentially ineffective and outdated programs, we should take a hard look in the mirror on how we spend the hard-earned money of the beleaguered American taxpayers. No one wants higher taxes, and our first defense against higher taxes ought to be greater efficiency and money savings by eliminating wasteful programs. Our primary means of ensuring this efficiency would be through this bipartisan sunset commission.

I hope all of our colleagues will seriously consider this proposal for a Federal sunset commission. It is important, before we look at raising taxes and growing the size of Government, that we look at ways to eliminate waste and unnecessary programs, and that is exactly what this amendment would do.

AMENDMENT NO. 3381 WITHDRAWN

I understand this particular amendment, being legislation on an appropriations bill, will be subject to a point of order. Rather than pursue that issue and require the procedural ruling on that decision, I now ask unanimous consent to withdraw my amendment.

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

Mr. CORNYN. Madam President, I thank the bill managers and my colleagues for indulging me on this point. This is not an issue that is going to go away. I am not going to go away when it comes to urging greater efficiency and elimination of wasteful Washington spending.

We have a tremendous responsibility, those of us who have been sent to Congress to represent our States and our districts, the least of which ought to be being good stewards of the taxpayers' money. It is time to take the Federal budget off autopilot, to see the Government grow and grow without any real oversight, particularly when it comes to these programs which have been demonstrated either as ineffective or where it is impossible for the Federal Government to conclude that the evidence justifies the continued existence of these programs.

#### FUNDING FOR DEAFBLIND SERVICES

Mr. CORNYN. Madam President, in America, there are over 10,000 children like 11-year-old Nate Newton of San Antonio and 7-year-old triplets Zoe, Emma, and Sophie Dunn of Houston, who are both deaf and blind. The increase in the number of deafblind children in America is fueling a growing demand for qualified teachers to work with deafblind children.

Texas Tech University is one of the few universities in the United States that offer graduate training in deafblind education. To date, the Department of Education has provided funding from the special education national activities account to train teachers with deafblind children in their classes on how to educate and include these children in daily classroom activities. Yet Federal funding for this program has remained level at \$12.8 million for nearly the past 20 years.

The House-passed version of the Labor-HHS appropriations bill includes a modest increase of \$2 million in funding for deafblind services. I think this is a reasonable increase and would request that the conference committee accept the higher level of funding.

Mr. HARKIN. I appreciate the Senator raising this issue and will do what I can to ensure that we accept the higher number when we go to conference on this bill.

Mr. SPECTER. There are over 300 deafblind children in Pennsylvania, so this is an issue that also affects a number of families in my State. I thank Senator CORNYN for calling this issue to our attention. I will do what I can when we go to conference to try to keep the funding for deafblind services at the higher level.

#### 1945 TRINITY TEST

Mr. BINGAMAN. Madam President, I rise to discuss a matter of great importance to my State with the chairman of the subcommittee, Senator HARKIN. As he is aware, New Mexico was host to the Nation first test of a nuclear weapon on July 16, 1945—the “Trinity” test. At the time, this test, like the entire Manhattan Project, was classified, with a public cover story of an ammunition magazine exploding at Alamogordo Air Force Base some 40 miles to the south of the test. The surrounding communities were not told that this was a nuclear weapons test until after the detonation of the “fat man” bomb over Nagasaki nearly 1

month later. In fact, the decision was knowingly made by the Army not to give any advance warning or evacuate any of the surrounding communities. The radioactive fallout from this test traveled northeast for at least 100 miles, and the effects were felt all around my State and beyond. Communities 96 miles north in Vaughn, NM, were affected; windows in Silver City, 120 miles west, were shattered. For 4 or 5 days after the test, the surrounding communities northeast to the test reported a “white substance like flour settled on everything.” Cattle that grazed on Chupadera Mesa suffered beta radiation burns and loss of hair, indicating levels of radiation exceeding today's permissible dose by factors of several thousand. The government made no effort to monitor for contamination the bodies of members of the public. A recently released CDC study, “Los Alamos Historical Document Retrieval Project,” indicates that the towns of Bingham to the northeast and Carrizozo 30 miles to the east of the test received external doses of radiation far exceeding today's maximum allowable doses. The absorbed ground level radiation 14 days after the test in Bingham was approximately 13 times what the Nuclear Regulatory Commission allows today for emergency life-saving. The CDC report quotes documents reporting that a Geiger counter in Carrizozo went “off-scale” at 4:20 p.m., 11 hours after the test. There is evidence that the fission products from this test were detected as far as Indiana, where a Kodak film plant observed spotting on their film from contaminated intake water used to make the paper pulp to store the film.

Mr. HARKIN. I am well aware of the problem of compensating workers affected by radiation from my efforts to secure a special exposure cohort under the Energy Employees Occupational Illness Compensation Program at the Iowa Army Ammunition Plant. Have these local communities received any sort of compensation to date?

Mr. BINGAMAN. No. While the local communities surrounding the test in my State have talked of illnesses such as thyroid cancer for years, the recent CDC study is the first technical compilation of historical documents in the technical files of Los Alamos National Laboratory. Detailed technical dose reconstructions must first be attempted to take place to show the probable cause of the illnesses. I would like to request that the managers of this bill work in conference to insert the strongest possible language to have the National Cancer Institute undertake a study that estimates the number of fatal and nonfatal radiogenic illnesses compared to a baseline of what would be expected to occur naturally. This analysis must be completed by the National Cancer Institute with the utmost urgency given that, as the chairman knows well from the Iowa Army Ammunition Plant, many of the affected population are reaching an advanced age.

Mr. HARKIN. I will work with my colleague Senator SPECTER, the ranking member of the subcommittee, to urge the National Cancer Institute to make this matter a high priority. Does the Senator agree?

Mr. SPECTER. Yes, I will support that effort.

Mr. BINGAMAN. I thank both managers of this bill for their willingness to work with me on this important issue.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### UNANIMOUS-CONSENT REQUEST— H.R. 3221

Mr. REID. Madam President, I had indicated earlier today that I was going to move to go to conference. The record should reflect that Speaker PELOSI and I have talked about this matter and we think it would be appropriate to go to conference. It is my understanding we are close to being able to do that. That would be good.

This is a bill that needs to be done and can only be done if Democrats and Republicans agree. The majority of us in this body are Democrats, but it is a slim majority. So everything we do, I need to get 20 percent of the Republicans to move forward on legislation. Hopefully, we can do that and have a real good conference on this matter.

As I indicated this morning, there are a number of issues that are important: A renewable portfolio; it is important we do something about CAFE; It is also important we do something about taxes so we can have the great entrepreneurs of America have the ability to invest in renewable energy. Right now the ability to do that is very limited because we have only given them a year, 2 sometimes with the tax credits, and they can't plan ahead for that. So those are the three things we need to work on.

There is much more, but that gives us an idea of what we need to focus on, and it is not easy because the House did not have CAFE, we did not have the renewable portfolio. So it is going to take some mathematical moving around to get this done because we need to work it out, I would hope, so we can do CAFE in both bodies and renewables in both bodies. Anyway, we need to give this a valiant try, and that is what conferences are all about.

Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 340, H.R. 3221, the House Energy bill; that all after the enacting clause be stricken and the text of the Senate engrossed amendment to H.R. 6 be inserted in

lieu thereof; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees and that the title amendment at the desk be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Madam President, reserving the right to object, I had talked to the majority leader before he propounded the unanimous consent proposal. As we have discussed, we are trying to clear any objections on our side. Given the fact it is Friday and Members are traveling, we are having a few difficulties doing that. But it is my hope we can continue to work through it and resolve those so the unanimous consent request can proceed without any objection.

At this point, because of those challenges we have, while we are continuing to work in good faith to resolve them, I must respectfully object.

The PRESIDING OFFICER. Objection is heard. The majority leader is recognized.

Mr. REID. Madam President, we have had a good couple of months here in the Senate. We have accomplished a lot, working together. Hopefully, on this momentous piece of legislation, we can continue to do that.

As I indicated this morning, we had a number of conversations yesterday, Republican Senators that want to move this forward, and I think there is a real possibility we can get a conference and move forward on this and come up with legislation where this body agrees with the House as to how to proceed.

I understand that is the case, and I understand why the junior Senator from Texas had to object. It is Friday afternoon. Hopefully, maybe next week, we can appoint conferees and move forward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

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

#### CONGRATULATIONS TO SENATOR KLOBUCHAR

Mr. REID. Madam President, the current Presiding Officer joins a very elite group of freshman Members who have achieved the distinction of presiding in the Senate for over 100 hours.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I am so happy to announce that Senator KLOBUCHAR achieved this distinction today an hour and 5 minutes ago. I congratulate her. I am embarrassed to say that as a freshman, we had a large freshman class, but I didn't preside for this long. I thought I was here all the time. It is really quite a nice award. It is something one can keep forever. We have gone to some length to make sure it looks good. For the time that I presided over the Senate as a freshman, I really learned a lot. One learns Senate procedures, different personalities of Senators who come to the floor.

The Senator from Minnesota is to be commended. She takes good care of her State. She goes back often. She has a wonderful family. She does it all. She sets a great example for the rest of the people in America, but especially she has added so much to the Senate.

When I first came here, the woman was MIKULSKI. The woman still is MIKULSKI, but she has a lot of people to help her now. The Senate is a much better place with more women. Someday—it won't be in the immediate future but not in the distant future—we will have a body that will have an equal number of women as men. When that happens, the Senate will be a better place. Congratulations.

#### THE PASSING OF MAYER "BUBBA" MITCHELL

Mr. McCONNELL. Madam President, I rise today to share with my colleagues the sad news that Mayer "Bubba" Mitchell, a great American and a great humanitarian, passed away on September 26, 2007.

I was lucky to know Mayer for many years. He was a successful businessman from Alabama, a philanthropist who supported groundbreaking cancer research and a strong voice here in the Halls of Congress. An advocate for a strong friendship between the United States and Israel, Mayer served a term as president of the American Israeli Public Affairs Committee, AIPAC, and he impressed all who met him with his clear and passionate convictions.

I had the honor of attending Mayer's memorial service last month, in the USA Mitchell Center at the University of South Alabama in Mobile, AL. I heard many moving tributes from many distinguished guests. But there was one that stood out to me above the rest, so much so that I wish to share it with my fellow Senators.

My good friend Howard Kohr, the executive director of AIPAC, delivered the following remarks at Mayer's memorial service. Howard so aptly described the man we had all come to know and love that I would like to ask unanimous consent to have printed in the RECORD his words.

The PRESIDING OFFICER. There being no objection, the remarks were ordered to be printed in the RECORD, as follows:



## A TRIBUTE TO MAYER "BUBBA" MITCHELL

Arlene, I cannot begin without expressing the deep love and affection that we all have for you. Throughout your life—and in particular in this past year—which I know was especially trying—you have been an "eshet hayil" a true woman of valor. Having known you and Bubba so long and having spent so much time with both of you, I know that you feel blessed to have had a life with Bubba—but, Arlene, it was equally a blessing for Bubba to have you.

To you Arlene, and to you, Abe—his partner and best friend Fannie, Ann—and to Joy, Melinda, Richard, Lisa, and the entire family I want you to know that I consider this to be one of the great honors of my life to be asked to speak and pay tribute to your husband, brother, father, and grandfather.

You know, I spent a lot of time walking the halls of Congress with Bubba. Often, after an election, I would introduce some of the new members of Congress. Inevitably, a few of them would call me a day or two later and ask if I could get them back in touch with the Mayor of Mobile. I would laugh and let them know that they had met the Mayor from Mobile, not the Mayor of Mobile. But, as you can imagine, after just one more meeting, as the bonds of friendship began to take hold, he became to them what he was to all of us—Bubba. And, once you had Bubba in your life, you knew you had something special.

Bubba was a planner.

He had a clear idea of how things should be and a discipline that allowed him to realize his vision. It was in that spirit that he called me last spring when he heard that his good friend the Republican Leader in the Senate, Mitch McConnell, would be the keynote speaker at AIPAC's Annual Policy Conference in Washington. He wanted to be sure that he would be able to introduce the Senator—who honors us with his presence here today—I of course agreed, because you just did that when Bubba called. However, as important as providing a proper introduction for his friend Mitch was, this time Bubba had more he wanted to say. He said, "Howard, I'm not feeling too well and for all I know this could be my last conference, and I have something I want to say."

He began his remarks at the conference that evening with a simple question. Bubba asked: "Have I made a difference?" He went on: "It is a question that many of us ask ourselves, particularly as we advance in age. For me," Bubba said, "it is a question that has become persistent—and the answer more important—in a year of personal health difficulties."

If you were there that night you know that in asking that question Bubba wasn't really speaking about himself. He was holding himself up as a standard bearer of the pro-Israel movement in America—he was asking everyone if we have done enough. In challenging himself he was challenging us—to make the most of the opportunities that God has given us and realize that we have a sacred obligation to ourselves and to each other.

It was vintage Bubba: Make yourself the example. Challenge others to follow.

Bubba was a humble and wise man.

Despite his many accomplishments, Bubba was a man of great humility. In a world of politics, where it is so easy to become cynical or jaded, Bubba remained respectful and grateful for the opportunity to play a role in history. He never lost his sense of awe.

How many times did he put his arm around one of us at a particular historic moment or in a place of renown and remind us to appreciate that moment—to remember how blessed we are to live in America and to enjoy the freedoms and opportunities we are afforded.

It was September of 1991. Bubba and I were about to meet with the President of the United States in the Oval Office—we were

there to ask him not to link urgently needed loan guarantees for Russian immigrants to Israeli politics and policies. We knew it would not be an easy conversation to have.

In the moments before we headed to the White House, Bubba told me, "You have to get yourself ready for this. And to do that, you have to do two things. You have to spend time to realize the awesome power of this office. And then you have to not be intimidated by it."

Bubba was not one to dish out advice that he himself did not live by. And a few hours later I listened as he spoke truth to power, respectfully, carefully, but clearly. I listened as he made his case, relating to the President in detail about his own parent's exodus out of Russia, fleeing persecution and pogroms. "Mr. President," he said, "this is not an abstraction for me. This is deeply personal. Mr. President, you have an historic opportunity to make things different for the next generation."

The son of Russian immigrants, the man from Mobile was always able to say and do what he felt was the right thing—because he believed so passionately that he—and each of us still—has a critical role to play to ensure the future of the Jewish people, of America and of Israel.

And so he reached out to governors and members of Congress, presidents and prime ministers to better his state, his country and our world—to improve all our lives. For Bubba Mitchell, life wasn't only about him or his needs. It was about stepping beyond himself to something far greater. Bubba showed us that our actions can have meaning and our lives can be significant as long as we never shy away from speaking the truth or doing the right thing.

Bubba was a man of quiet courage.

Many in politics attempt to persuade with the belief that volume and bravado are the key to making a point. But Bubba understood that a few wise words, softly spoken, always trumped the loud chatter. Yes, he was quiet, his manner was all southern charm and understatement—but he was doggedly determined to get results. . . .

. . . and he was stunningly effective.

Bubba had the ear of presidents and prime ministers, and they too would seek him out for information, counsel and clarity. It is no surprise therefore, that in Bubba's last days, President Bush, the Prime Minister of Israel, senators and members of Congress, and countless elected officials—many of whom are honored guests with us today—called him to thank him for devoting his life's work to his community, his country and our world. And it is no surprise that each of them thanked him for his unfailing friendship.

Bubba was a man of action.

He realized that we live in a time of miraculous promise, but also real danger for America, for Israel, and the Jewish people. He understood the stakes and the consequences if leadership was lacking.

When something needed to be done, he did it. And when something else needed to happen, he stepped forward yet again. And again and again. The cumulative effect of his life's work was profound. Bubba built and sustained friendships with literally dozens and dozens of elected officials and decision makers that directly deepened the quality and strength of the relationship between Israel and the United States.

Bubba was a leader.

I had a conversation yesterday with a veteran member of the House of Representatives whom I had called to inform of Bubba's passing. This member said something that I have been reflecting on ever since—something that says so much about who Bubba was to all of us. She said, "you know when I got into politics I had a simple goal—gain the respect of Bubba Mitchell. Because I knew that if I had his respect everyone else would fol-

low." The degree of respect that others had for Bubba can be measured in many ways. But the fact that over 25 current and former members of AIPAC's national Board traveled from across the country to be here today is a remarkable tribute to his leadership.

It is very important to me that his 8 grandchildren hear what I have to say. You should know that for the last 25 years at AIPAC there was no higher praise—and no greater reward—than to have your grandfather tell me or one of my colleagues or one of our fellow Board members in that soft-spoken way of his—that he was proud of us.

Last March Bubba wondered out loud in front of 6,000 friends if his life had had meaning—if he had made a difference. Well today we gather here to pay tribute—to celebrate the life of someone whose accomplishments are so many, so varied, and so valued that his legacy rises to something greater than mere difference making. Bubba's difference deserves its own category—Bubba was a Jewish hero. Through his actions—through his courage, generosity, leadership, determination, and wisdom—he came to define what it meant to be a Jewish leader in America in this century. He enriched all our lives—he took care of his family, he made Alabama better, he made America stronger, and Israel safer.

As with so many others in this room, Bubba was my mentor, my teacher, my friend—my hero. How lucky I have been, how lucky we all have been—to know and to love Bubba.

So Bubba, I think we can all answer your question now.

You made quite a difference.

Your memory will forever be a blessing. And we pledge to you that our continued work will be your lasting legacy.

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## ADDITIONAL STATEMENTS

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### TRIBUTE TO THE UNITED STATES NAVAL ACADEMY

● Mr. SESSIONS. Madam President, it is with great pleasure that I recognize the U.S. Naval Academy's class of 1957. On Saturday evening, October 27, 2007, the class of 1957 will celebrate its 50th class reunion in Annapolis, MD.

On June 29, 1953, 1,135 young men each received a one-page form entitled "Interpretation of Oath" addressed: "To a Candidate about to take the Oath as a Midshipman." It interpreted the practical aspects of the oath: trustworthiness, perseverance, language, cleanliness, and loyalty. It warned of many inoculations that soon would be given and then finished with:

Men cannot be trained for a profession of arms by surrounding them with luxuries and babying them. Young men who are worthwhile do not wish to be coddled. The first few days, when the drills are over and the night has come, you will find that you are tired and perhaps a little homesick. In a few days you will find that you are feeling better, you have a better appetite and sleep better than you ever did before. If you do your part you will find that the academy will do its part by you.

Truer words have never been written.

Later that afternoon these young men stood in Tecumseh Court in The Yard at Annapolis, MD, took the oath,

and became midshipmen in the U.S. Navy, class of 1957.

Almost 4 years later on June 7, 1957, 848 of them graduated with a bachelor of science in engineering, took another oath, and were commissioned into the Armed Forces. Of the Navy Blue majority, 568 were commissioned into the Navy: 160 went to Pensacola to become naval aviators; 203 went into destroyers; 42 to auxiliary ships; 94 to capital ships including aircraft carriers; and 104 of the class went into submarines a year or so later. Sixty-four went into the United States Marine Corps and 206 were commissioned into the then academy-less Air Force.

During the ensuing 50 years, the class of 1957 distinguished itself in service to the Republic. Of the original graduating class, 534 served for 20 years or more. Thirty-eight of them gave their lives in the execution of their oaths. Charles Duke walked on the Moon. Leo Hyatt endured 2,050 days of captivity in North Vietnam. Bradley Parkinson developed the global positioning system. Altogether, the class of 1957 produced 21 admirals and generals. Class members served an average of 1.3 times as commanding officers. The class served with distinction throughout the cold war, including the very hot Vietnam war, and emerged victorious.

Following their retirement or resignation from their respective services, members of the class continued in a variety of careers and professions: 169 of them became presidents or vice presidents of companies or corporations; 33 served as chief executive officers.

Mr. President, I salute the U.S. Naval Academy's class of 1957. Most importantly, I wish to extend warm and hearty congratulations to them for a job well done, or as the Navy would say it, "Bravo Zulu, '57!" I extend my best wishes for their continued success during the years to come.●

#### TRIBUTE TO COLONEL HERBERT S. LOCKETT

● Mr. SESSIONS. Madam President, I rise today to pay tribute to COL Herbert S. Lockett, former ombudsman for the National Committee for Employer Support of the Guard and Reserve. Colonel Lockett has a long and distinguished history of service to our Nation, both as a soldier and as a volunteer ensuring that National Guard and Reserve soldiers are prepared for battle. His service, both on the front lines and behind the scenes, is noble and commendable. It is for this reason that I honor him today.

Colonel Lockett served as a combat medic in the Southwest Pacific Theater during World War II, earning a Bronze Star, an Outstanding Leadership Commendation, and three Campaign Stars. He cared for those who were wounded and risked his own safety in service to others. Those who brave bullets to provide care are truly heroic, and Colonel Lockett was no exception.

He went on to serve in Korea as an infantryman, where he earned a Silver Star for Gallantry at the Battle of Pork Chop Hill. While his unit had taken heavy casualties, and many in his unit threatened to desert, he took charge and they fought until reinforcements arrived, earning two Presidential Unit Citations and credit for 2,000 Chinese KIA's.

Even after retiring from active duty, Colonel Lockett continued to serve his country. Colonel Lockett has been a volunteer with National Committee for Employer Support of the Guard and Reserve helping to prepare soldiers in National Guard and Reserve units to be deployed for combat operations. For his efforts in this regard he has been awarded the James N. Roche Spirit of Voluntarism Award, the highest award given by the committee.

Mr. President it is my honor to pay tribute to this great Alabamian, and most of all this great American. He serves as a shining example of the American spirit. He is loved by all who know him for his tireless work and determination.●

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2198. A bill to require the Architect of the Capitol to permit the acknowledgment of God on flag certificates.

S. 2205. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1778. A bill to authorize certain activities of the Maritime Administration, and for other purposes (Rept. No. 110-200).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALEXANDER (for himself, Mr. CORCKER, and Mr. SALAZAR):

S. 2207. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating Green McAdoo School in Clinton, Tennessee, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 2208. A bill to protect public health and safety in the event that testing of nuclear weapons by the United States is resumed; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. BAUCUS, Ms. CANTWELL, Mr. SMITH, Mr.

CRAPO, Ms. SNOWE, Mrs. LINCOLN, and Mr. KERRY):

S. 2209. A bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Finance.

By Mr. SANDERS:

S. 2210. A bill to provide incentives for investment in research and development for new medicines, to enhance access to new medicines, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WHITEHOUSE (for himself and Mrs. BOXER):

S. 2211. A bill to ensure the recovery, resiliency, and health of ocean, coastal, and Great Lakes ecosystems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2212. A bill to support the establishment and operations of Teachers Professional Development Institutes; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself, Mr. VITTER, Mrs. BOXER, and Mr. INHOFE):

S. Res. 354. A resolution expressing the sense of the Senate regarding the 35th anniversary of the enactment of the Clean Water Act; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 358

At the request of Ms. SNOWE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 368

At the request of Mr. BIDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 723

At the request of Mr. HAGEL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 723, a bill to provide certain enhancements to the Montgomery GI Bill Program for certain individuals who serve as members of the Armed Forces after the September 11, 2001, terrorist attacks, and for other purposes.

S. 1382

At the request of Mr. REID, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1394

At the request of Ms. STABENOW, the name of the Senator from Florida (Mr.

NELSON) was added as a cosponsor of S. 1394, a bill to amend the Internal Revenue Code of 1986, to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

S. 1499

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1499, a bill to amend the Clean Air Act to reduce air pollution from marine vessels.

S. 1515

At the request of Mr. BIDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1515, a bill to establish a domestic violence volunteer attorney network to represent domestic violence victims.

S. 1641

At the request of Mr. COLEMAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1641, a bill to amend Public Law 87-383 to reauthorize appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important wetland and other waterfowl habitat essential to the preservation of migratory waterfowl, and for other purposes.

S. 1882

At the request of Mr. HAGEL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1882, a bill to amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies.

S. 2087

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2087, a bill to amend certain laws relating to Native Americans to make technical corrections, and for other purposes.

S. 2198

At the request of Mr. DEMINT, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2198, a bill to require the Architect of the Capitol to permit the acknowledgment of God on flag certificates.

S. 2201

At the request of Mr. COLEMAN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 2201, a bill to provide for the penalty-free use of retirement funds for mortgage delinquency relief.

AMENDMENT NO. 3397

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 3397 intended to be proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services,

and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3398

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 3398 intended to be proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. BAUCUS, Ms. CANTWELL, Mr. SMITH, Mr. CRAPO, Ms. SNOWE, Mrs. LINCOLN and Mr. KERRY):

S. 2209. A bill to amend the Internal Revenue code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Finance.

Mr. HATCH. President, I rise today to join with my friend and colleague from Montana, Senator BAUCUS, to introduce the Research Credit Improvement Act of 2007. We are joined by a bipartisan group of our Finance Committee colleagues: Senators CANTWELL, CRAPO, KERRY, SMITH, LINCOLN, and SNOWE. As its title suggests, the purpose of this legislation is to extend permanently and to improve the research credit, which is set to expire in just a short time, at the end of 2007.

Our Nation has benefited greatly in recent years from strong economic growth. I believe it is vital for all Americans to realize that this economic growth did not just happen by accident. Rather, it is based on several factors, and one of the more important of these is innovation.

Innovation certainly does not just happen either. It is the result of several specific ingredients. Chief among those ingredients is the amount of research and development occurring in the economy. Where does R&D come from? It comes from individuals, companies, and governments who are willing to invest time and money.

Research and development is very expensive for companies to undertake. By its very nature, research activities seldom result in success immediately. There are many dead ends and much frustration on the way to the discovery of a product that can lead to profits.

Moreover, many times a firm's efforts to find innovative solutions to life's problems result in good discoveries for mankind, but little or no immediate or even intermediate rewards for the company undertaking the research. For this reason, most economists agree that even private research and development activities can create a common good, and one that should be partially subsidized by the public.

The original research credit was enacted over 25 years ago to encourage an increase in R&D activity and to help

subsidize the common good that often is derived from research and innovation.

Just as today's economic health is a byproduct of the innovation that came from yesterday's investment in R&D, our future economic health will depend on the amount of innovation we harvest from our investment in research activities today, tomorrow, and into the future.

Years ago, our country had the clear edge on the rest of the industrialized world when it came to having the most nurturing environment to foster research and development. We had more than our share of the scientists, researchers, and other skilled workers to engage in R&D. We had plenty of capital. We had world-class facilities. And we had the biggest market for products right here in the U.S. All the ingredients for innovation were right here, and few other countries could match our research environment. Thus, there was little thought of going anywhere else to perform research.

Sadly, this is no longer the case. Many of our trading partners now possess equal, and sometimes, superior environments to promote research to those we have here in the U.S. More importantly, many of these trading partners now offer strong tax and other incentives designed to lure research to those nations and away from our shores.

Without a strong and effective research incentive of our own, I fear that the United States is at risk of losing its leadership position in innovation. The consequences of this could be very serious for our future economic growth and job creation, as well as for long-term prosperity and national security.

Unfortunately, as I mentioned earlier, our research credit is set to expire in just a few weeks, at the end of December. Once again, American businesses are finding themselves in the all-too familiar position of wondering if the Congress is going to extend the research credit, and if so, when and for how long.

This perennial guessing game that we force our research-intensive firms to play every year or two is getting old. Moreover, it makes the research credit far less effective than it would otherwise be if it were a constant. While it is true that there is some level of confidence among the users of the research credit that this incentive will be extended, everyone knows that the chances of the credit's renewal are not certain, especially in today's volatile legislative climate.

Therefore, the legislation we are introducing today once again provides for the credit to be made permanent. A permanent credit can help our economy develop the new technologies that will enhance existing capital inputs and make workers more productive. The result will be a stronger economy at home, and a more competitive Nation abroad.

In assessing the health of our economy, we find an important correlation

between economic growth and inflationary pressures. One sure way to have strong economic growth without the pain of inflation is to increase productivity. Most productivity gains are derived from technological advances, which reduce the cost of producing goods and services, and thereby help maintain low consumer prices.

An additional benefit of productivity growth is a corresponding increase in corporate profits. Such increases lead to higher returns on savings and investment, and higher wages for workers. I believe the greatest benefit of increased R&D is productivity growth, which in turn forms the foundation of higher living standards.

Productivity growth also largely determines our society's long-term economic welfare. Our ability to deal with budgetary challenges, such as Social Security, Medicare, and other entitlements, depends critically on the future direction of our productivity.

My home State of Utah is a good example of how important research and innovation is to state economies, and to our future prosperity. Utah is home to various firms that invest a high percentage of their revenue in R&D. There are thousands of employees working in Utah's technology based companies, with thousands more working in other sectors that engage in R&D.

According to a recent article in one of Utah's major newspapers, the *Deseret Morning News*, the number of Utah high tech and life sciences companies grew at the astonishing rate of more than 10 percent—from 3,900 to 4,300—over the period of September 2005 to September 2006. These industries in Utah employ more than 62,000 workers, with average pay that is 66 percent higher than the statewide average non-agricultural wage. About 3,000 of these jobs are new ones added in the past year.

These are the kinds of jobs and the kind of job growth that Utah, and all of the United States, needs for this new century. The jobs and companies in the high tech and life sciences sectors in Utah and around America are diverse. But they have several things in common. They are clean, they are high-paying, and they require an educated workforce. The vast majority of these companies export products, helping to offset our trade imbalance. Most importantly, however, is the fact that all of these jobs depend on innovation as their lifeblood. R&D is in the very DNA of these companies.

One more thing all these highly desirable high tech jobs have in common is that America is at risk of losing them if we are not careful to maintain an environment that nurtures innovation and the other vital ingredients that gave rise to these jobs in the first place. To my way of thinking, keeping a strong and viable research credit is a key part of this environment.

Since 1981, when the research credit was first enacted, the Federal Government has joined in partnership with

large and small businesses to ensure that research expenditures are made in the United States. This enhances domestic job creation, and helps the United States to internalize more of the economic benefits from the research credit.

It seems clear that to continue to grow our economy we must maintain and enhance our position as the world leader in technological advances. The worst thing we could do is to let it slip. Consequently, robust R&D spending should permeate our economy. We simply must continue to invest in research and development, and the Federal Government needs to reaffirm its role as a partner with the private sector.

While the research credit has proven to be a powerful incentive for companies to increase research and development activities, it unfortunately does not work perfectly. There are several reasons for this, but a major one is that the original, or traditional, credit is calculated using a base period from the mid-1980s. This reference period is becoming more distant and thus less relevant to the business operations of more companies each year. For example, many companies have had major changes in their business models over the past two decades. Yet, the traditional credit still requires a calculation that references revenue from this set of years from two decades ago.

This has been a growing problem for a number of years. To address it, Congress last year included an alternative to the traditional credit that instead of referencing the old base period, is based on the taxpayer's most recent three years of research activity. This credit, known as the simplified alternative credit, has provided a meaningful tax incentive for firms with significant and growing amounts of research expenditures that were not getting much, if any, benefit from the traditional credit.

Based on many discussions with companies that use the research credit, it appears that the alternative simplified credit is now being used by more companies than is the traditional credit. This is true even though the alternative simplified credit is set at 12 percent, while the traditional credit is set at 20 percent.

Therefore, Senator BAUCUS and I have decided to introduce a change in the research credit that would phase out the traditional credit, even as we increase the benefits of the alternative simplified credit. Specifically, our bill would continue the traditional credit for two more years, and then would eliminate this method of computing the research credit, beginning in 2010. At the same time, however, the bill would increase the alternative simplified credit from the 12 percent current rate to 16 percent in 2008, 18 percent in 2009, and 20 percent for 2010 and thereafter.

We believe this gradual transformation from the increasingly obsolete traditional credit to a single more

relevant and strong alternative simplified credit should create a smooth and generous transition, both for traditional credit companies and for firms that find the new alternative simplified credit to be more beneficial.

I urge my colleagues on both sides of the aisle to join us in this effort. We have had widespread bipartisan support for extending the research credit here in the Senate. In fact, the Senate in 2001 passed a permanent research credit, but its permanence unfortunately was downgraded to another extension in conference with the House bill.

I believe that if we allow the research credit to expire, we will see the negative effects manifest in lower economic growth, fewer jobs created, fewer innovative products created, and lost opportunities as research activities move to other countries with more attractive incentives. Again, we should never forget that our Nation's future economic health is dependent on the innovations of today and tomorrow.

The United States needs to continue to be the world's leader in innovation. We cannot afford to allow other countries to lure away the research that has always been done here. We cannot afford to have the lapses in the research pipeline that would result if we fail to extend this credit before it expires on December 31. We need to make the credit permanent so we can increase the growth rate of our economy. And, we need to improve and simplify the credit so that it is more effective.

Enacting this legislation would mean more and better jobs for American workers. Innovation and new technology resulting from American research and development will continue to improve the standard of living for every person in the U.S. and around the world.

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. 2209

*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 "Research Credit Improvement Act of 2007".

#### SEC. 2. SIMPLIFICATION OF RESEARCH AND DEVELOPMENT CREDIT.

(a) TRANSITION TO FULLY-IMPLEMENTED SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.—

(1) PHASEOUT OF TRADITIONAL CREDIT.—Section 41(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking "20 percent" each place it appears and inserting "the applicable percentage", and

(B) by adding at the end the following new flush sentence:

"For purposes of this subsection, the term 'applicable percentage' means 20 percent with respect to taxable years beginning in 2008 and 2009."

(2) PHASEIN OF SIMPLIFIED CREDIT.—Section 41(c)(5)(A) of such Code is amended—

(A) by striking "12 percent" and inserting "the applicable percentage", and

(B) by adding at the end the following new sentence: "For purposes of the preceding sentence, the term 'applicable percentage' means 16 percent with respect to taxable years beginning in 2008 and 18 percent with respect to taxable years beginning in 2009."

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2007.

(b) **FULLY-IMPLEMENTED SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.**—

(1) **IN GENERAL.**—Subsection (a) of section 41 of the Internal Revenue Code of 1986 (relating to credit for increasing research activities) is amended to read as follows:

"(a) **DETERMINATION OF CREDIT.**—

"(I) **IN GENERAL.**—For purposes of section 38, the research credit determined under this section for the taxable year shall be equal to 20 percent of so much of the qualified research expenses for such taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

"(2) **SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENSES IN ANY OF 3 PRECEDING TAXABLE YEARS.**—

"(A) **TAXPAYERS TO WHICH PARAGRAPH APPLIES.**—The credit under this section shall be determined under this paragraph if the taxpayer has no qualified research expenses in at least 1 of the 3 taxable years preceding the taxable year for which the credit is being determined.

"(B) **CREDIT RATE.**—The credit determined under this paragraph shall be equal to 10 percent of the qualified research expenses for the taxable year."

(2) **CONFORMING AMENDMENT.**—Section 41 of such Code is amended by striking subsection (c).

(c) **UNIFORM REIMBURSEMENT RATES FOR ALL CONTRACT RESEARCH EXPENSES OTHER THAN AMOUNTS PAID FOR BASIC RESEARCH.**—

(1) **IN GENERAL.**—Section 41(b)(3) of the Internal Revenue Code of 1986 (relating to contract research expenses) is amended—

(A) by striking "65 percent" and inserting "80 percent", and

(B) by striking subparagraphs (C) and (D).

(2) **BASIC RESEARCH PAYMENTS.**—Section 41(b) of such Code is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) **BASIC RESEARCH PAYMENTS.**—

"(A) **IN GENERAL.**—In the case of basic research payments by the taxpayer, paragraph (3)(A) shall be applied by substituting '100 percent' for '80 percent'.

"(B) **BASIC RESEARCH PAYMENTS DEFINED.**—For purposes of this paragraph—

"(i) **IN GENERAL.**—The term 'basic research payment' means, with respect to any taxable year, any amount paid in cash during such taxable year by a corporation to any qualified organization for basic research but only if—

"(I) such payment is pursuant to a written agreement between such corporation and such qualified organization, and

"(II) such basic research is to be performed by such qualified organization.

"(ii) **EXCEPTION TO REQUIREMENT THAT RESEARCH BE PERFORMED BY THE ORGANIZATION.**—In the case of a qualified organization described in clause (iii) or (iv) of subparagraph (C), subclause (II) of clause (i) shall not apply.

"(C) **QUALIFIED ORGANIZATION.**—For purposes of this paragraph, the term 'qualified organization' means any of the following organizations:

"(i) **EDUCATIONAL INSTITUTIONS.**—Any educational organization which—

"(I) is an institution of higher education (within the meaning of section 3304(f)), and

"(II) is described in section 170(b)(1)(A)(ii).

"(ii) **CERTAIN SCIENTIFIC RESEARCH ORGANIZATIONS.**—Any organization not described in clause (i) which—

"(I) is described in section 501(c)(3) and is exempt from tax under section 501(a),

"(II) is organized and operated primarily to conduct scientific research, and

"(III) is not a private foundation.

"(iii) **SCIENTIFIC TAX-EXEMPT ORGANIZATIONS.**—Any organization which—

"(I) is described in section 501(c)(3) (other than a private foundation) or section 501(c)(6),

"(II) is exempt from tax under section 501(a),

"(III) is organized and operated primarily to promote scientific research by qualified organizations described in clause (i) pursuant to written research agreements, and

"(IV) currently expends substantially all of its funds or substantially all of the basic research payments received by it for grants to, or contracts for basic research with, an organization described in clause (i).

"(iv) **CERTAIN GRANT ORGANIZATIONS.**—Any organization not described in clause (ii) or (iii) which—

"(I) is described in section 501(c)(3) and is exempt from tax under section 501(a) (other than a private foundation),

"(II) is established and maintained by an organization established before July 10, 1981, which meets the requirements of subclause (I),

"(III) is organized and operated exclusively for the purpose of making grants to organizations described in clause (i) pursuant to written research agreements for purposes of basic research, and

"(IV) makes an election, revocable only with the consent of the Secretary, to be treated as a private foundation for purposes of this title (other than section 4940, relating to excise tax based on investment income).

"(D) **DEFINITIONS AND SPECIAL RULES.**—For purposes of this paragraph—

"(i) **BASIC RESEARCH.**—The term 'basic research' means any original investigation for the advancement of scientific knowledge not having a specific commercial objective, except that such term shall not include—

"(I) basic research conducted outside of the United States, and

"(II) basic research in the social sciences, arts, or humanities.

"(ii) **TRADE OR BUSINESS QUALIFICATION.**—For purposes of applying paragraph (1) to this paragraph, any basic research payments shall be treated as an amount paid in carrying on a trade or business of the taxpayer in the taxable year in which it is paid (without regard to the provisions of paragraph (3)(B)).

"(iii) **CERTAIN CORPORATIONS NOT ELIGIBLE.**—The term 'corporation' shall not include—

"(I) an S corporation,

"(II) a personal holding company (as defined in section 542), or

"(III) a service organization (as defined in section 414(m)(3))."

(3) **CONFORMING AMENDMENTS.**—

(A) Section 41 of such Code is amended by striking subsection (e).

(B) Section 41(f) of such Code is amended by striking paragraph (6).

(d) **PERMANENT EXTENSION OF CREDIT.**—

(1) **IN GENERAL.**—Section 41 of the Internal Revenue Code of 1986 is amended by striking subsection (h).

(2) **CONFORMING AMENDMENT.**—Paragraph (1) of section 45C(b) of such Code is amended by striking subparagraph (D).

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2006.

(e) **CONFORMING AMENDMENTS.**—

(1) Section 41 of the Internal Revenue Code of 1986 is amended by redesignating subsections (d), (f), and (g) as subsections (c), (d), and (e), respectively.

(2) Paragraphs (2)(A) and (5) (as redesignated by subsection (b)(2)) of section 41(b) of such Code are each amended by striking "subsection (f)(1)" and inserting "subsection (d)(1)".

(3) Sections 45C(d)(3), 45G(e)(2), and 936(h)(5)(C)(i)(IV)(c) of such Code are each amended by striking "section 41(f)" and inserting "section 41(d)".

(4) Section 54(l)(3)(A) of such Code is amended by striking "section 41(g)" and inserting "section 41(e)".

(5) Section 170(e)(4)(B)(i) of such Code is amended by striking "subparagraph (A) or subparagraph (B) of section 41(e)(6)" and inserting "clause (i) or (ii) of section 41(b)(4)(C)".

(6) Sections 197(f)(1)(C), 197(f)(9)(C)(i)(II), and 280C(b)(3) of such Code are each amended by striking "section 41(f)(1)" and inserting "section 41(d)(1)".

(7) Section 280C(b)(3) of such Code is amended by striking "section 41(f)(5)" and inserting "section 41(d)(5)".

(8) Section 280C(b)(3) of such Code is amended by striking "section 41(f)(1)(B)" and inserting "section 41(d)(1)(B)".

(9) Section 280C(c)(1) of such Code is amended by striking "section 41(e)(2)" and inserting "section 41(b)(4)(B)".

(10) Section 280C(c)(2)(A) of such Code is amended by striking "section 41(a)(1)" and inserting "section 41(a)".

(11) Sections 936(j)(5)(D) and 965(c)(2)(C)(i) of such Code are each amended by striking "section 41(f)(3)" and inserting "section 41(d)(3)".

(f) **EFFECTIVE DATE.**—Except as otherwise provided in this section, the amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(g) **STUDY OF COMPLIANCE WITH SUBSTANTIATION REQUIREMENTS.**—The Secretary of the Treasury or his delegate shall, not later than 1 year after the date of the enactment of this Act, conduct a study of taxpayer compliance with the substantiation requirements for claiming the credit allowed under section 41 of the Internal Revenue Code of 1986, including a study of—

(1) whether taxpayers maintain adequate record keeping to determine eligibility for, and correct amount of, the credit,

(2) the impact of failure to comply with such requirements on the oversight and enforcement responsibilities of the Internal Revenue Service, and

(3) the burdens imposed on other taxpayers by failure to comply with such requirements.

The Secretary shall report the results of such study to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, including any recommendations for administrative or legislative actions which could be taken to improve compliance with such requirements.

Mr. BAUCUS. Mr. President, back in 1962, Marshall McLuhan wrote, "The new electronic interdependence recreates the world in the image of a global village." Certainly, 40 years later, that concept is truer than ever. As we prepare for the future in this global village, we need to affirm America's leadership role in the world.

The United States accounts for one-third of the world's spending on scientific research and development, ranking first among all countries. While this is impressive, relative to

GDP, though, America falls to sixth place. And the trends show that maintaining American leadership in the future depends on increased commitment to research and science.

Asia has recognized this. Asia is plowing more funding into science and education. China, in particular, understands that technological advancement means security, independence, and economic growth. Spending on research and development has increased by 140 percent in China, Korea, and Taiwan. In America, it has increased by only 34 percent.

Asia's commitment is already paying off. More than a hundred Fortune 500 companies have opened research centers in India and China. I have visited some of them. I was impressed with the level of skill of the workers whom I met there.

China's commitment to research, at \$60 billion in expenditures, is dramatic by any measure. Over the last few years, China has doubled the share of its economy that it invests in research. China intends to double the amount committed to basic research in the next decade. Currently, only America beats out China in numbers of researchers in the workforce.

Today, I am pleased to join with my colleague on the Finance Committee, Senator HATCH, to introduce the Research Competitiveness Act of 2007. This bill would improve our research competitiveness in four major areas. All four address incentives in our tax code. Government also supports research through Federal spending. But I am not addressing those areas today.

First, our bill improves and simplifies the credit for applied research in section 41 of the tax code. This credit has grown to be overly complex, both for taxpayers and the IRS. Beginning in 2008, our bill would create a simpler credit for qualifying research expenses that exceed 50 percent of the average expenses for the prior 3 years. This simplified credit would phase in over 3 years.

Just as important, the bill makes the credit permanent. Because the credit has been temporary, it has simply not been as effective as it could be. Since its creation in 1981, it has been extended 11 times. Congress even allowed it to lapse during one period.

The credit last expired in December of 2005. After much consternation and delay, Congress passed a 2-year extension just last month, extending the credit for 2006 and 2007. These temporary extensions have taken their toll on taxpayers. In 2005, the experts at the Joint Committee on Taxation wrote: "Perhaps the greatest criticism of the R&E credit among taxpayers regards its temporary nature." Joint Tax went on to say, "A credit of longer duration may more successfully induce additional research than would a temporary credit, even if the temporary credit is periodically renewed."

Currently, there are three different ways to claim a tax credit for quali-

fying research expenses. First, the "traditional" credit relies on incremental increases in expenses compared to a mid-1980s base period. Second, the "alternative incremental" credit measures the increase in research over the average of the prior 4 years.

Both of these credits have base periods involving gross receipts. Under the new tax bill enacted last month, a third formula was created, which does not rely on gross receipts and is available only for 2007. Our bill simplifies these credits and will move all taxpayers to the "Alternative Simplified Credit," which is based on research spending without reference to gross receipts. The current formulas hurt companies that have fluctuating sales. It hurts companies that take on a new line of business not dependent on research.

This new simpler formula in our bill would not start until 2008. That start date would give companies plenty of time to adjust their accounting. The current formula would be available to companies for 2 years, and then it would phase out.

The main complaint about the existing credits is that they are very complex, particularly the reference to the 20-year-old base period. This base period creates problems for the taxpayer in trying to calculate the credit. It creates problems for the IRS in trying to administer and audit those claims.

The new credit focuses only on expenses, not gross receipts. It is still an incremental credit, so that companies must continue to increase research spending over time. Further, this bill adds a mandate for a Treasury study to look at substantiation issues and ensure that current recordkeeping requirements assist the IRS without unduly burdening the taxpayer.

A tax credit is a cost-effective way to promote R&E. A report by the Congressional Research Service finds that without government support, investment in R&E would fall short of the socially optimal amount. Thus CRS endorses Government policies to boost private sector R&E.

Also, American workers who are engaged in R&E activities benefit from some of the most intellectually stimulating, high-paying, high-skilled jobs in the economy.

My own State of Montana has excellent examples of this economic activity. During the 1990s, about 400 establishments in Montana provided high-technology services, at an average wage of about \$35,000 per year. These jobs paid nearly 80 percent more than the average private sector wage, which was less than \$20,000 a year during the same period. Many of these jobs would never have been created without the assistance of the R&E credit.

Our research bill would also establish a uniform reimbursement rate for all contract and consortia R&E. It would provide that 80 percent of expenses for research performed for the taxpayer by other parties count as qualifying re-

search expenses under the regular credit.

Currently, when a taxpayer pays someone else to perform research for the taxpayer, the taxpayer can claim one of three rates in order to determine how much the taxpayer can include for the research credit. The lower amount is meant to assure overhead expenses that normally do not qualify for the R&E credit are not counted. Different rates, however, create unnecessary complexity. Therefore, our bill creates a uniform rate of 80 percent.

The second major research area that this bill addresses is the need to enhance and simplify the credit for basic research. This credit benefits universities and other entities committed to basic research. It benefits the companies or individuals who donate to them. Our bill provides that payments under the university basic research credit would count as contractor expenses at the rate of 100 percent.

The current formula for calculating the university basic research credit—defined as research "for the advancement of science with no specific commercial objective"—is even more complex than the regular traditional R&E credit. Because of this complexity, this credit costs less than ½ of 1 percent of the cost of the regular R&E credit. It is completely under-utilized. It needs to be simplified to encourage businesses to give more for basic research.

American universities have been powerful engines of scientific discovery. To maintain our premier global position in basic research, America relies on sustained high levels of basic research funding and the ability to recruit the most talented students in the world. The gestation of scientific discovery is long. At least at first, we cannot know the commercial applications of a discovery. But America leads the world in biotechnology today because of support for basic research in chemistry and physics in the 1960s. Maintaining a commitment to scientific inquiry, therefore, must be part of our vision for sustained competitiveness.

Translating university discoveries into commercial products also takes innovation, capital, and risk. The Center for Strategic and International Studies asked what kind of government intervention can maintain technological leadership. One source of technological innovation that provides America with comparative advantage is the combination of university research programs, entrepreneurs, and risk capital from venture capitalists, corporations, or governments. Research clusters around Silicon Valley and North Carolina's Research Triangle exemplify this sort of combination.

The National Academies reached a similar conclusion in a 2002 review of the National Nanotechnology Initiatives. In a report, they wrote: "To enhance the transition from basic to applied research, the committee recommends that industrial partnerships



be stimulated and nurtured to help accelerate the commercialization of national nanotechnology developments."

In sum, our bill would boost both applied and basic research. It would boost research by businesses big and small. And it would foster research by for-profit and nonprofits alike.

McLuhan's quote about the global village was taken by many at the time as a wake-up call to a changing world. Since then, many more leaders in this village have emerged. Let us work to see that the next big technological advance is discovered here in America. Only through continued commitment to research can we ensure that it is.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2212. A bill to support the establishment and operations of Teachers Professional Development Institutes; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, today I am introducing legislation, along with my colleague from Connecticut, Mr. DODD, that will strengthen the content and pedagogy knowledge of our present K-12 teacher workforce and thus ultimately raise student achievement.

Our proposal would establish eight new Teacher Professional Development Institutes throughout the Nation each year over the next five years based on the model which has been operating at Yale University for over 25 years. Every Teacher Institute would consist of a partnership between an institution of higher education and the local public school system in which a significant proportion of the students come from low-income households. These Institutes will strengthen the present teacher workforce by giving each participant an opportunity to gain more sophisticated content knowledge and a chance to develop curriculum units with other colleagues that can be directly applied in their classrooms. We know that teachers gain confidence and enthusiasm when they have a deeper understanding of the subject matter that they teach and this translates into higher expectations for their students and an increase in student achievement.

The Teacher Professional Development Institutes are based on the Yale-New Haven Teachers Institute model that has been in existence since 1978. For over 25 years, the Institute has offered, six or seven 13-session seminars each year, led by Yale faculty, on topics that teachers have selected to enhance their mastery of the specific subject area that they teach. The subject selection process begins with representatives from the Institutes soliciting ideas from teachers throughout the school district for topics on which teachers feel they need to have additional preparation, topics that will assist them in preparing materials they need for their students, or topics that will assist them in addressing the

standards that the school district requires. As a consensus emerges about desired seminar subjects, the Institute director identifies university faculty members with the appropriate expertise, interest and desire to lead the seminar. University faculty members, especially those who have led Institute seminars before, may sometimes suggest seminars they would like to lead, and these ideas are circulated by the representatives as well. The final decisions on which seminar topics are offered are ultimately made by the teachers who participate. In this way, the offerings are designed to respond to what teachers believe is needed and useful for both themselves and their students.

The cooperative nature of the Institute seminar planning process ensures its success: Institutes offer seminars and relevant materials on topics teachers have identified and feel are needed for their own preparation as well as what they know will motivate and engage their students. Teachers enthusiastically take part in rigorous seminars they have requested, and as part of the program, practice using the materials they have obtained and developed. This helps ensure that the experience not only increases their preparation in the subjects they are assigned to teach, but also their participation in an Institute seminar gives them immediate hands-on active learning materials that can be used in the classroom. In short, by allowing teachers to determine the seminar subjects and providing them the resources to develop relevant curricula for their classroom and their students, the Institutes empower teachers. Teachers know their students best and they know what should be done to improve schools and increase student learning. The Teacher Professional Development Institutes promote this philosophy.

From 1999-2002, the Yale-New Haven Teachers Institute promoted a National Demonstration Project to create comparable Institutes at four diverse sites with large concentrations of disadvantaged students. These demonstration projects are located in Pittsburgh, Pennsylvania, Houston, Texas, Albuquerque, New Mexico, and Santa Ana, CA.

Follow-up evaluations have earned very positive results from the teacher participants in the Yale-New Haven Institute, as well as the four demonstration sites. The data strongly support the conclusion that virtually all teachers felt substantially strengthened in their mastery of content knowledge and they also developed increased expectations for what their students could achieve. In addition, because of their involvement in the course selection and curriculum development process, teacher participants have found these seminars to be especially relevant and useful in their classroom practices. Mr. President, 95 percent of all participating teachers reported that the seminars were useful. These Insti-

tutes have also served to foster teacher leadership, to develop supportive teacher networks, to heighten university faculty commitments to improving K-12 public education, and to foster more positive partnerships between school districts and institutions of higher education.

Many agree that teacher quality is the single most important school-related factor in determining student achievement. Effective teacher professional development programs that focus on subject and pedagogy knowledge are a proven method for enhancing the success of a teacher in the classroom.

Though a K-12 teacher shortage is forecast in the near-term and many new teachers will be entering our schools, those teachers who are presently on the job will do the majority of teaching in the classrooms in the very near future. For this reason, it is imperative to invest in methods to strengthen our present teaching workforce. Like many professions, the quality of our teachers could diminish if their professional development is neglected. Positive educational achievements occur when coursework in a teacher's specific content area is combined with pedagogy techniques. This is what the Teacher Professional Development Institutes Act strives to accomplish.

The Yale-New Haven Teachers Institute has already proven to be a successful model for teacher professional development as demonstrated by the high caliber curriculum unit plans that teacher participants have developed and placed on the web, and by the evaluations that support the conclusion that virtually all the teacher participants felt substantially strengthened in their mastery of content knowledge and their teaching skills. Our proposal would open this opportunity to many more urban teachers throughout the nation.

I urge my colleagues to act favorably on this measure. 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 placed in the RECORD, as follows:

S. 2212

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

#### **SECTION 1. TEACHERS PROFESSIONAL DEVELOPMENT INSTITUTES.**

(a) IN GENERAL.—Part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

##### **"Subpart 6—Teachers Professional Development Institutes**

##### **"SEC. 2161. SHORT TITLE.**

"This subpart may be cited as the 'Teachers Professional Development Institutes Act'.

##### **"SEC. 2162. FINDINGS AND PURPOSE.**

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

"(1) Teaching is central to the educational process and the ongoing professional development of teachers in the subjects they

teach is essential for improved student learning.

“(2) Attaining the goal of the No Child Left Behind Act of 2001 (Public Law 107-110)—having a classroom teacher who is highly qualified in every academic subject the teacher teaches—will require innovative and effective approaches to improving the quality of teaching.

“(3) The Teachers Institute Model focuses on the continuing academic preparation of schoolteachers and the application of what they study to their classrooms and potentially to the classrooms of other teachers.

“(4) The Teachers Institute Model was developed initially by the Yale-New Haven Teachers Institute and has successfully operated there for 30 years.

“(5) The Teachers Institute Model has also been successfully demonstrated over a 3-year period in a national demonstration project in cities larger than New Haven.

“(b) PURPOSE.—The purpose of this subpart is to provide Federal assistance to support the establishment and operation of Teachers Institutes for local educational agencies that serve significant low-income student populations in States throughout the Nation—

“(1) to improve student learning; and  
“(2) to enhance the quality of teaching and strengthen the subject matter mastery and the pedagogical skills of current teachers through continuing teacher preparation.

#### **“SEC. 2163. DEFINITIONS.**

“In this subpart:

“(1) **SIGNIFICANT LOW-INCOME POPULATION.**—The term ‘significant low-income population’ means a population of which not less than 25 percent of the individuals included are from families with incomes below the poverty line, as determined by the Secretary on the basis of the most recent satisfactory data.

“(2) **TEACHERS INSTITUTE.**—The term ‘Teachers Institute’ means a partnership or joint venture between 1 or more institutions of higher education, and 1 or more local educational agencies with significant low-income populations, that is entered into for the purpose of improving the quality of teaching and learning through collaborative seminars designed to enhance both the subject matter and the pedagogical resources of the seminar participants.

#### **“SEC. 2164. AUTHORITY TO MAKE GRANTS.**

“(a) **IN GENERAL.**—The Secretary is authorized—

“(1) to award grants to encourage the establishment and operation of Teachers Institutes; and

“(2) to provide technical assistance, either directly or through the Yale-New Haven Teachers Institute, to assist local educational agencies and institutions of higher education in preparing to establish and in operating Teachers Institutes.

“(b) **SELECTION CRITERIA.**—In selecting Teachers Institutes for grants under this subpart, the Secretary shall consider—

“(1) the extent to which the proposed Institute will serve a community or communities that have a significant low-income population;

“(2) the extent to which the proposed Institute will follow the understandings and necessary procedures that have been developed following the National Demonstration Project, as described in section 2166;

“(3) the extent to which the local educational agency has a high percentage of teachers who are unprepared or underprepared to teach the core academic subjects they are assigned to teach; and

“(4) the extent to which the proposed Teachers Institute will receive a level of support from the community and other sources that will ensure the requisite long-term com-

mitment for the success of a Teachers Institute.

“(c) **CONSULTATION.**—

“(1) **IN GENERAL.**—In evaluating applications under subsection (b), the Secretary may request the advice and assistance of the Yale-New Haven Teachers Institute or other Teachers Institutes.

“(2) **STATE AGENCIES.**—If the Secretary receives 2 or more applications from local educational agencies within the same State, the Secretary shall consult with the State educational agency regarding the applications.

“(d) **FISCAL AGENT.**—For the purpose of this subpart, an institution of higher education participating in a Teachers Professional Development Institute shall serve as the fiscal agent for the receipt of grant funds under this subpart.

“(e) **LIMITATIONS.**—A grant under this subpart—

“(1) shall provide grant funds for a period not to exceed 5 years; and

“(2) shall not exceed 50 percent of the total costs of the eligible activities, as determined by the Secretary.

#### **“SEC. 2165. ELIGIBLE ACTIVITIES.**

“(a) **IN GENERAL.**—Grant funds under this subpart may be used—

“(1) for the planning and development of proposals for the establishment of Teachers Institutes;

“(2) for additional assistance to the Teachers Institutes established during the National Demonstration Project for their further development and for their support of the planning and development of proposals under paragraph (1);

“(3) for the salary and necessary expenses of a full-time director to plan and manage the Teachers Institute and to act as liaison between the local educational agency or agencies and the institution or institutions of higher education participating in the Institute;

“(4) to provide suitable office space, staff, equipment, and supplies, and to pay other operating expenses, for the Teachers Institute;

“(5) to provide a stipend for teachers participating in collaborative seminars in the sciences and humanities and to provide remuneration for members of the faculty of the participating institution of higher education leading the seminars; and

“(6) to provide for the dissemination through print and electronic means of curriculum units prepared in the seminars conducted by the Teachers Institute.

“(b) **TECHNICAL ASSISTANCE.**—The Secretary may use not more than 50 percent of the funds appropriated to carry out this subpart to provide technical assistance to facilitate the establishment and operation of Teachers Institutes. For the purpose of this subsection, the Secretary may contract with the Yale-New Haven Teachers Institute to provide all or a part of the technical assistance under this subsection.

#### **“SEC. 2166. UNDERSTANDINGS AND PROCEDURES.**

“A Teachers Institute funded under this subpart shall abide by the following understandings and procedures:

“(1) **PARTNERSHIP.**—The essential relationship of a Teachers Institute is a partnership between a local educational agency and an institution of higher education. A grantee shall demonstrate a long-term commitment on behalf of the participating local educational agency and an institution of higher education to the support, including the financial support, of the work of the Teachers Institute.

“(2) **SEMINARS.**—A Teachers Institute sponsors seminars led by faculty of the institution of higher education partner and at-

tended by teachers from the local educational agency partner. A grantee shall provide participating teachers the ability to play an essential role in planning, organizing, conducting, and evaluating the seminars and in encouraging the future participation of other teachers.

“(3) **CURRICULUM UNIT.**—The seminar uses a collaborative process, in a collegial environment, to develop a curriculum unit for use by participating teachers that sets forth the subject matter to be presented and the pedagogical strategies to be employed. A grantee shall enable participating teachers to develop a curriculum unit, based on the subject matter presented, for use in their classrooms.

“(4) **ELIGIBILITY AND REMUNERATION.**—Seminars are open to all partnership teachers with teaching assignments relevant to the seminar topics. Seminar leaders receive remuneration for their work and participating teachers receive an honorarium or stipend upon the successful completion of the seminar. A grantee shall provide seminar leaders and participating teachers remuneration to allow them to participate in the Institute.

“(5) **DIRECTION.**—The operations of a Teachers Institute are managed by a full-time director who reports to both partners but is accountable to the institution of higher education partner. A grantee shall appoint a director to manage and coordinate the work of the Institute.

“(6) **EVALUATION.**—A grantee shall annually review the activities of the Institute and disseminate the results to members of the Institute’s partnership community.

#### **“SEC. 2167. APPLICATION, APPROVAL, AND AGREEMENT.**

“(a) **IN GENERAL.**—To receive a grant under this subpart, a Teachers Institute shall submit an application to the Secretary that—

“(1) meets the requirement of this subpart and any regulations under this subpart;

“(2) includes a description of how the Teachers Institute intends to use funds provided under the grant;

“(3) includes such information as the Secretary may require to apply the criteria described in section 2164(b);

“(4) includes measurable objectives for the use of the funds provided under the grant; and

“(5) contains such other information and assurances as the Secretary may require.

“(b) **APPROVAL.**—The Secretary shall—

“(1) promptly evaluate an application received for a grant under this subpart; and

“(2) notify the applicant within 90 days of the receipt of a completed application of the Secretary’s determination.

“(c) **AGREEMENT.**—Upon approval of an application, the Secretary and the applicant shall enter into a comprehensive agreement covering the entire period of the grant.

#### **“SEC. 2168. REPORTS AND EVALUATIONS.**

“(a) **REPORT.**—Each Teachers Institute receiving a grant under this subpart shall report annually to the Secretary on the progress of the Institute in achieving the purpose of this subpart.

“(b) **EVALUATION AND DISSEMINATION.**—The Secretary shall evaluate the activities funded under this subpart and submit an annual report regarding the activities assisted under this subpart to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by Teachers Institutes.

“(c) **REVOCAION.**—If the Secretary determines that a Teachers Institute is not making substantial progress in meeting the purposes of the grant by the end of the second

year of the grant under this subpart, the Secretary may take appropriate action, including revocation of further payments under the grant, to ensure that the funds available under this subpart are used in the most effective manner.

**"SEC. 2169. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated for grants, including planning grants, and technical assistance under this subpart—

- "(1) \$4,000,000 for fiscal year 2008;
- "(2) \$5,000,000 for fiscal year 2009;
- "(3) \$6,000,000 for fiscal year 2010;
- "(4) \$7,000,000 for fiscal year 2011; and
- "(5) \$8,000,000 for fiscal year 2012."

(b) TABLE OF CONTENTS.—The table of contents of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 note) is amended by inserting after the item relating to section 2151 the following:

**"SUBPART 6—TEACHERS PROFESSIONAL DEVELOPMENT INSTITUTES**

- "Sec. 2161. Short title.
- "Sec. 2162. Findings and purpose.
- "Sec. 2163. Definitions.
- "Sec. 2164. Authority to make grants.
- "Sec. 2165. Eligible activities.
- "Sec. 2166. Understandings and procedures.
- "Sec. 2167. Application, approval, and agreement.
- "Sec. 2168. Reports and evaluations.
- "Sec. 2169. Authorization of appropriations."

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 354—EXPRESSING THE SENSE OF THE SENATE REGARDING THE 35TH ANNIVERSARY OF THE ENACTMENT OF THE CLEAN WATER ACT**

Mr. LAUTENBERG (for himself, Mr. VITTER, Mrs. BOXER, and Mr. INHOFE) submitted the following resolution; which was considered and agreed to:

**S. RES. 354**

Whereas 35 years ago, on October 18, 1972, the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500) were enacted;

Whereas those amendments formed the basis of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly known as the "Clean Water Act"), the principal Act governing water pollution in the United States;

Whereas substantial improvements to the water quality of the United States have resulted from a successful partnership among Federal, State, and local governments, the private sector, and the public;

Whereas, since 1972, the Federal Government has provided more than \$82,000,000,000 to States and communities for wastewater infrastructure and other assistance;

Whereas clean water is a natural resource of tremendous value and importance to the United States;

Whereas there is resounding public support for the continued protection and restoration of United States rivers, streams, lakes, wetlands, and marine waters;

Whereas maintaining and improving water quality is essential to protecting public health, fisheries, wildlife, and watersheds, and for ensuring abundant opportunities for public recreation and economic development;

Whereas it is the responsibility of all levels of government and all citizens to ensure the availability of clean water for future generations;

Whereas water pollution problems persist throughout the United States, and significant challenges lie ahead in the effort to protect and restore the water resources of the United States;

Whereas in the most recent National Water Quality Inventory of the 19 percent of the nations' rivers and streams assessed 45 percent of rivers and streams were impaired, of the 37 percent of the nation's assessed lakes, ponds and reservoirs, 47 percent were impaired and of the 35 percent of the nation's assessed bays and estuaries, 32 percent were impaired; the remainder of the assessed waters met their intended uses;

Whereas further development and innovation of water pollution control programs and advancement of water pollution control research and technology are necessary and desirable; and

Whereas October 18, 2007, is the 35th anniversary of the enactment of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly known as the "Clean Water Act"); Now, therefore, be it

*Resolved*, That, as the United States marks the 35th anniversary, on October 18, 2007, of the enactment of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500), which formed the basis for the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly known as the "Clean Water Act"), it is the sense of the Senate that all citizens of the United States and all levels of government should—

(1) recognize and celebrate the accomplishments of the United States under that Act; and

(2) recommit to achieving the objectives of that Act of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 3404. Mr. SCHUMER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3405. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3406. Mr. BROWNBACK (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3407. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3408. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3409. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3410. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3411. Mr. DURBIN (for himself and Mr. BUNNING) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3412. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3413. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3414. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3415. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3416. Mr. INHOFE (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3417. Mr. INHOFE (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3418. Mr. LIEBERMAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3419. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3420. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3421. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3422. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3423. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3424. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3425. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3426. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3427. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3428. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3429. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3430. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3431. Ms. LANDRIEU (for herself and Mr. ALEXANDER) submitted an amendment intended to be proposed by her to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3432. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3433. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3434. Mr. BURR (for himself and Mr. GREGG) submitted an amendment intended

to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3435. Mr. CONRAD (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3436. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3437. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3438. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3439. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3440. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3441. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3442. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3443. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3444. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3445. Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3446. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3404.** Mr. SCHUMER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 7 and 8, add the following:

SEC. 521. Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106-313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting “1996, 1997,” after “available in fiscal year”; and

(B) by inserting “group I,” after “schedule A.”;

(2) in paragraph (2)(A), by inserting “1996, 1997, and” after “available in fiscal years”; and

(3) by adding at the end the following:

“(4) PETITIONS.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in schedule A

not later than 30 days after the date on which a completed petition has been filed.”.

**SA 3405.** Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

SEC. \_\_\_\_\_. Not later than 9 months after the date of enactment of this Act, the Government Accountability Office shall submit a report to Congress that contains an assessment of the process for hiring and managing administrative law judges and makes recommendations on ways to improve the hiring and management of administrative law judges.

**SA 3406.** Mr. BROWNBACK (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. \_\_\_\_\_. Notwithstanding any other provision of law, a local educational agency that receives funds appropriated under this title shall not distribute any form of contraceptives to students under the age of 16.

**SA 3407.** Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. \_\_\_\_\_. Notwithstanding any other provision of this Act, under the heading “OFFICE OF NATIONAL COORDINATOR FOR HEALTH INFORMATION” an additional \$2,500,000 shall be available under section 241 of the Public Health Service Act to carry out Health Information Technology Network Development, and the amount available under the heading “GENERAL DEPARTMENTAL MANAGEMENT” under the heading “OFFICE OF THE SECRETARY” shall be decreased by \$2,500,000.

**SA 3408.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. In addition to any other amounts appropriated in this Act, up to \$2,000,000 shall be available to the Centers for Disease Control and Prevention and the Health Resources and Services Administration for the Traumatic Brain Injury (TBI) Surveillance,

Registries, Prevention, and National Education/Public Awareness Program under the Traumatic Brain Injury Act of 1996 (as amended by the Children's Health Act of 2000, Public Law 106-310) and the State Traumatic Brain Injury (TBI) Grant Program under such Act (as so amended).

**SA 3409.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. In addition to any other amounts appropriated in this Act, \$1,000,000 shall be available to the Centers for Disease Control and Prevention for the Traumatic Brain Injury (TBI) Surveillance, Registries, Prevention, and National Education/Public Awareness Program under the Traumatic Brain Injury Act of 1996 (as amended by the Children's Health Act of 2000, Public Law 106-310) and \$1,000,000 shall be available to the Health Resources and Services Administration for the State Traumatic Brain Injury (TBI) Grant Program under such Act (as so amended).

**SA 3410.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, line 14, insert before the period the following: “, of which \$800,000 shall be made available to fund epilepsy patient education, awareness, outreach, and surveillance activities to be conducted by the CURE Epilepsy Foundation”.

**SA 3411.** Mr. DURBIN (for himself and Mr. BUNNING) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 106, line 24, insert before the period the following: “; *Provided further*, That funds may be made available for grants to Federal commissions that support museum and library activities, in partnership with libraries and museums that are eligible for funding under programs carried out by the Institute of Museum and Library Services”.

**SA 3412.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading "LIMITATION ON ADMINISTRATIVE EXPENSES" under the heading "SOCIAL SECURITY ADMINISTRATION" shall be increased by \$150,000,000.

(b) Section 205(c)(2)(G) of the Social Security Act (42 U.S.C. 405(c)(2)(G)) is amended—

(1) by inserting "(i)" after "(G)"; and

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

"(i)(I) Beginning January 1, 2008 and ending December 31, 2008, the Commissioner of Social Security shall impose the applicable fee determined under subclause (II) for each replacement social security card issued to an individual. The Commissioner of Social Security may waive the imposition of the fee required under this clause if such imposition would be against equity and good conscience.

"(II) For purposes of subclause (I), the applicable fee determined under this subclause is—

"(aa) for 2008, \$30.00; and

**SA 3413.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated in this Act may be provided to any local education agency that has a policy that allows for the distribution of birth control to a child under 18 years of age, without the separate, prior, written consent of a parent or guardian of such child.

**SA 3414.** Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In section 110, add at the end the following:

(c) Notwithstanding section 115(e) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 825(e)), any requirement of a regulation issued under section 115(e) that requires that a mine rescue team participate at least annually in 2 local mine rescue contests or at least annually in mine rescue training at the underground coal mine covered by the team shall not apply to a State-sponsored mine rescue team—

(1) that is composed of State employees;

(2) whose members are familiar with the operations of the mines the team covers through the performance of the members' regular duties; and

(3) that conducts mine rescue training at least once semi-annually.

**SA 3415.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) The Comptroller General of the United States shall conduct a study of

the effectiveness and timeliness of the four-tiered system used to determine the frequency and priority for surveying and certifying providers and suppliers participating or desiring to participate in the Medicare or Medicaid program. The study shall include an examination of the impact of such system on health care providers and suppliers that have not previously been surveyed and certified for participation in either such program.

(b) Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a), together with such recommendations as the Comptroller General determines appropriate.

**SA 3416.** Mr. INHOFE (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 76, strike line 24 and all that follows through line 7 on page 77.

**SA 3417.** Mr. INHOFE (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 7, insert before the period the following: ", and in addition only where allowed by and in accordance with the policies of the publishers who have conducted the peer-review and accepted the manuscripts for publication".

**SA 3418.** Mr. LIEBERMAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated or otherwise made available in this Act or any other Act making appropriations to the agencies funded by this Act may be used to close or otherwise cease to operate the field office of the Social Security Administration located in Bristol, Connecticut, before the date on which the Commissioner of Social Security submits to the appropriate committees of Congress a comprehensive and detailed report outlining and justifying the process for selecting field offices to be closed. Such report shall include—

(1) a thorough analysis of the criteria used for selecting field offices for closure and how the Commissioner of Social Security analyzes and considers factors relating to transportation and communication burdens faced by elderly and disabled citizens as a result of field office closures, including the extent to which elderly citizens have access to, and competence with, online services; and

(2) for each field office proposed to be closed during fiscal year 2007 or 2008, including the office located in Bristol, Connecticut, a thorough cost-benefit analysis for each such closure that takes into account—

(A) the savings anticipated as a result of the closure;

(B) the anticipated burdens placed on elderly and disabled citizens; and

(C) any costs associated with replacement services and provisional contact stations.

**SA 3419.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) The Comptroller General of the United States shall conduct a study to evaluate the Social Security Administration's plan to reduce the hearing backlog for disability claims at the Social Security Administration and the Social Security Administration's current and planned initiatives to improve the disability process, as contained in the report submitted to the Senate on September 13, 2007, pursuant to Senate Report 110-107.

(b) Not later than 5 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a), together with such recommendations as the Comptroller General determines appropriate.

**SA 3420.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) The Comptroller General of the United States shall conduct a study to evaluate the Social Security Administration's plan to reduce the hearing backlog for disability claims at the Social Security Administration and the Social Security Administration's current and planned initiatives to improve the disability process, as contained in the report submitted to the Senate on September 13, 2007, pursuant to Senate Report 110-107.

(b) Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a), together with such recommendations as the Comptroller General determines appropriate.

**SA 3421.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated in this Act may be provided to any local education agency that has a policy that allows

for the distribution of birth control to a child under 17 years of age, without the separate, prior, written consent of a parent or guardian of such child.

**SA 3422.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated in this Act may be provided to any local education agency that has a policy that allows for the distribution of birth control to a child under 16 years of age, without the separate, prior, written consent of a parent or guardian of such child.

**SA 3423.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated in this Act may be provided to any local education agency that has a policy that allows for the distribution of birth control to a child under 15 years of age, without the separate, prior, written consent of a parent or guardian of such child.

**SA 3424.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated in this Act may be provided to any local education agency that has a policy that allows for the distribution of birth control to a child under 14 years of age, without the separate, prior, written consent of a parent or guardian of such child.

**SA 3425.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated in this Act may be provided to any local education agency that has a policy that allows for the distribution of birth control to a child under 13 years of age, without the separate, prior, written consent of a parent or guardian of such child.

**SA 3426.** Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an

amendment intended to be proposed by her to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. \_\_\_\_\_. (a) In addition to amounts otherwise appropriated under this title for the National Health Service Corps, there shall be made available to the National Health Service Corps an additional amount so that the total amount available for such Corps is \$131,500,000.

(b) Notwithstanding any other provision of this Act, amounts made available under this Act for the administrative and related expenses for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by the amount necessary to provide for the additional amount made available under subsection (a).

**SA 3427.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert:

It is the sense of the Senate that a portion of the funds at the National Institute of Diabetes and Digestive and Kidney Diseases be used for hemodialysis clinical trials.

**SA 3428.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 4 and 5, insert the following:

SEC. \_\_\_\_\_. (a) In addition to any other amounts appropriated or otherwise made available under this Act, \$8,000,000 shall be available to carry out activities under the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005 (Public Law 109-18).

(b) Amounts made available under this Act for consulting services for the Departments of Labor, the Department of Health and Human Services, and the Department of Education shall be further reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by \$8,000,000.

**SA 3429.** Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, line 8, before the period, insert the following: "Provided further, That not later than 365 days after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress a report regarding

the impact of the North American Free Trade Agreement (in this section, referred to as the 'Agreement') on jobs in the United States. The report shall cover the period beginning on the date the Agreement entered into force with respect to the United States through December 31, 2007, and shall include on a industry-by-industry basis, the information regarding the number and type of jobs lost in the United States as a result of the agreement and the number and type of jobs created as a result of the Agreement."

**SA 3430.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. \_\_\_\_\_. (a) Not later than May 31, 2009, the Comptroller General of the United States shall submit a report to Congress on student preparation techniques to meet State academic achievement standards and achieve on State academic assessments.

(b) The report required under subsection (a) shall include a compilation of data collected from surveying a representative sample of schools across the Nation to determine the range of techniques that schools are using in order to prepare students to meet State academic achievement standards and achieve on State academic assessments, including the extent to which schools have—

- (1) extended the school day;
- (2) hired curriculum specialists to train teachers or work with individual students or small groups of students;
- (3) de-emphasized academic subjects of which State academic achievement standards and assessments are not required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);
- (4) used commercial test preparation material;
- (5) provided increased professional development for teachers;
- (6) targeted low-performing students for specialized instruction or tutoring;
- (7) instituted formative or benchmark exams;
- (8) distributed old exam questions to teachers and students and focused instruction on these old exam questions;
- (9) increased instructional time on tested subjects; or
- (10) used any other techniques to prepare students to meet State academic achievement standards and achieve on State academic assessments.

(c) The data collected pursuant to this section shall be reported—

- (1) as data for all schools; and
- (2) as data disaggregated by—
  - (A) high-poverty schools;
  - (B) low-poverty schools;
  - (C) schools with a student enrollment consisting of a majority of minority students;
  - (D) schools with a student enrollment consisting of a majority of non-minority students;
  - (E) urban schools;
  - (F) suburban schools;
  - (G) rural schools; and
  - (H) schools identified as in need of improvement under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316).

(d) The representative sample described in subsection (b) shall be designed in such a manner as to provide valid, reliable, and accurate information as well as sufficient sample sizes for each type of school described in subsection (c).



**SA 3431.** Ms. LANDRIEU (for herself and Mr. ALEXANDER) submitted an amendment intended to be proposed by her to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 3, strike the period at the end and insert “*Provided further*, that of such funds \$251,394,000 shall be for public charter schools, of which \$214,783,000 shall be for Charter Schools Grants and \$36,611,000 of which shall be for the Credit Enhancement for Charter School Facilities Program.”.

**SA 3432.** Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. \_\_\_\_\_. (a) In addition to other amounts made available in this title, \$6,000,000 shall be made available for trauma care activities.

(b) Amounts made available under this Act for consulting services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by \$6,000,000.

**SA 3433.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. \_\_\_\_\_. Prior to January 1, 2008, the Secretary of Education may not terminate any voluntary flexible agreement under section 428A of the Higher Education Act of 1965 (20 U.S.C. 1078-1) that exists on the date of enactment of this Act. With respect to an entity with which the Secretary of Education has a voluntary flexible agreement under section 428A of the Higher Education Act of 1965 (20 U.S.C. 1078-1) on the date of enactment of this Act that is not cost neutral, the Secretary of Education shall, not later than December 31, 2007—

(1) negotiate to enter, and enter, into a new voluntary flexible agreement with such entity so that the agreement is cost neutral, unless such entity does not want to enter into such agreement; or

(2) renegotiate such existing voluntary flexible agreement so that the agreement is cost neutral.

**SA 3434.** Mr. BURR (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, line 7, strike “\$756,556,000” and insert “\$786,556,000”.

On page 66, line 10, strike the period and insert “, and of which \$189,000,000 shall be used to support advanced research and development of medical countermeasures, consistent with section 319L of the Public Health Service Act.”.

On page 79, between lines 4 and 5, insert the following:

SEC. \_\_\_\_\_. Notwithstanding any other provision of this Act, amounts appropriated in this Act for the administration and related expenses for the departmental management of the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced by a pro rata percentage required to reduce the total amount appropriated in this Act by \$30,000,000.

**SA 3435.** Mr. CONRAD (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. PERMANENT AUTHORIZATION OF CONRAD STATE 30 PROGRAM.**

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking “and before June 1, 2008”.

**SA 3436.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

“*Provided further*, That the Secretary of Education shall assess the impact on education felt by students in states with a high proportion of federal land compared to students in non-public land states. The study shall consider current student teacher ratios, trends in student teacher ratios, the proportion of property tax dedicated to education in each state, and the impact of these and other factors on education in public land states. The Secretary shall submit the report not later than 1 year after the date of the enactment of this Act.”

**SA 3437.** Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. \_\_\_\_\_. Notwithstanding any other provision of law, no funds shall be made available under this Act to modify the HIV/AIDS funding formulas under title XXVI of the Public Health Service Act.

**SA 3438.** Mr. BINGAMAN submitted an amendment intended to be proposed

by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

**GENERAL PROVISIONS**

SEC. 401. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading “LIMITATION ON ADMINISTRATIVE EXPENSES” under the heading “SOCIAL SECURITY ADMINISTRATION” shall be increased by \$160,000,000.

(b) Notwithstanding sections 1816(c) and 1842(c)(2) of the Social Security Act (42 U.S.C. 1395h(c) and 1395u(c)(2)) or any other provision of law—

(1) any payment from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) or from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t) for claims submitted under part A or B of title XVIII of such Act for items and services furnished under such part A or B, respectively, that would otherwise be payable during the period beginning on September 29, 2008, and ending on September 30, 2008, shall be paid on the first business day of October 2008; and

(2) no interest or late penalty shall be paid to an entity or individual for any delay in a payment by reason of the application of paragraph (1).

(c) Section 323 of title 31, United States Code, is amended to read as follows:

**“§ 323. Investment of operating cash**

“(a) To manage United States cash, the Secretary of the Treasury may invest any part of the operating cash of the Treasury for not more than 90 days. The Secretary may invest the operating cash of the Treasury in—

“(1) obligations of depositories maintaining Treasury tax and loan accounts secured by pledged collateral acceptable to the Secretary;

“(2) obligations of the United States Government; and

“(3) repurchase agreements with parties acceptable to the Secretary.

“(b) Subsection (a) of this section does not require the Secretary to invest a cash balance held in a particular account.

“(c) The Secretary shall consider the prevailing market in prescribing rates of interest for investments under subsection (a)(1) of this section.

“(d)(1) The Secretary of the Treasury shall submit each fiscal year to the appropriate committees a report detailing the investment of operating cash under sub-section (a) for the preceding fiscal year. The report shall describe the Secretary’s consideration of risks associated with investments and the actions taken to manage such risks.

“(2) For purposes of paragraph (1), the term ‘appropriate committees’ means the Committees on Financial Services and Ways and Means of the House of Representatives and the Committees on Finance and Banking, Housing, and Urban Affairs of the Senate.”.

**SA 3439.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows

At the end of title IV, add the following:

#### GENERAL PROVISIONS

SEC. 401.(a) Notwithstanding any other provision of this Act, the amount appropriated under the heading "LIMITATION ON ADMINISTRATIVE EXPENSES" under the heading "SOCIAL SECURITY ADMINISTRATION" shall be increased by \$160,000,000.

(b) Notwithstanding any other provision of this Act, an additional \$25,000,000 of the funds provided under the first paragraph under the heading "LIMITATION ON ADMINISTRATIVE EXPENSES" under the heading "SOCIAL SECURITY ADMINISTRATION" shall be used to conduct re-determinations of eligibility under title XVI of the Social Security Act.

(c) Section 323 of title 31, United States Code, is amended to read as follows:

#### "§ 323. Investment of operating cash

"(a) To manage United States cash, the Secretary of the Treasury may invest any part of the operating cash of the Treasury for not more than 90 days. The Secretary may invest the operating cash of the Treasury in—

"(1) obligations of depositories maintaining Treasury tax and loan accounts secured by pledged collateral acceptable to the Secretary;

"(2) obligations of the United States Government; and

"(3) repurchase agreements with parties acceptable to the Secretary.

"(b) Subsection (a) of this section does not require the Secretary to invest a cash balance held in a particular account.

"(c) The Secretary shall consider the prevailing market in prescribing rates of interest for investments under subsection (a)(1) of this section.

"(d)(1) The Secretary of the Treasury shall submit each fiscal year to the appropriate committees a report detailing the investment of operating cash under subsection (a) for the preceding fiscal year. The report shall describe the Secretary's consideration of risks associated with investments and the actions taken to manage such risks.

"(2) For purposes of paragraph (1), the term 'appropriate committees' means the Committees on Financial Services and Ways and Means of the House of Representatives and the Committees on Finance and Banking, Housing, and Urban Affairs of the Senate."

**SA 3440.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

#### GENERAL PROVISIONS

SEC. 401.(a) Notwithstanding any other provision of this Act, the amount appropriated under the heading "LIMITATION ON ADMINISTRATIVE EXPENSES" under the heading "SOCIAL SECURITY ADMINISTRATION" shall be increased by \$90,000,000.

(b) Section 1848(1)(2)(A) of the Social Security Act (42 U.S.C. 1395w-4(1)(2)(A)), as amended by section 6 of the TMA, Abstinence Education, and QI Programs Extension Act of 2007 (Public Law 110-90), is amended by striking "\$1,350,000,000" and inserting "\$70,000,000, but in no case shall expenditures from the Fund in fiscal year 2008 exceed \$720,000,000" in the first sentence.

(c) Section 323 of title 31, United States Code, is amended to read as follows:

#### "§ 323. Investment of operating cash

"(a) To manage United States cash, the Secretary of the Treasury may invest any part of the operating cash of the Treasury for not more than 90 days. The Secretary may invest the operating cash of the Treasury in—

"(1) obligations of depositories maintaining Treasury tax and loan accounts secured by pledged collateral acceptable to the Secretary;

"(2) obligations of the United States Government; and

"(3) repurchase agreements with parties acceptable to the Secretary.

"(b) Subsection (a) of this section does not require the Secretary to invest a cash balance held in a particular account.

"(c) The Secretary shall consider the prevailing market in prescribing rates of interest for investments under subsection (a)(1) of this section.

"(d)(1) The Secretary of the Treasury shall submit each fiscal year to the appropriate committees a report detailing the investment of operating cash under subsection (a) for the preceding fiscal year. The report shall describe the Secretary's consideration of risks associated with investments and the actions taken to manage such risks.

"(2) For purposes of paragraph (1), the term 'appropriate committees' means the Committees on Financial Services and Ways and Means of the House of Representatives and the Committees on Finance and Banking, Housing, and Urban Affairs of the Senate."

**SA 3441.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. \_\_\_\_ (a) Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall offer to enter into a contract with the National Academy of Sciences under which the Academy shall complete—

(1) not later than 20 months after the date of enactment of this Act, a report to assess the toxicological, epidemiological, and related scientific evidence on the effects of lead on sensitive subpopulations, particularly children, including—

(A) an examination of the relationships of blood lead levels, including levels below 10 micrograms lead per deciliter of blood, with deficits in cognitive functioning and other health effects, including public health impacts;

(B) a review of estimates, trends, and distributions of lead exposures in children and other sensitive subpopulations;

(C) an identification of the scientific basis for residential lead standards, practices for lead sampling in buildings, and data gaps; and

(D) recommendations for future research; and

(2) not later than 2 years after the date of enactment of this Act, a report to assess existing and forthcoming research on the links between chemical contaminants and reproductive health, including—

(A) a review of developmental effects, including effects on fetal development and long-term effects that may be manifested in adults in the form of infertility, impaired fertility, and related conditions;

(B) a review of the current state of efforts by practitioners to compile environmental histories of patients with reproductive disorders, including infertility, poor pregnancy outcomes, and reproductive tract abnormalities and cancers;

(C) a review of available research on the value of environmental histories;

(D) guidance for health care professionals as to the most effective methods of compiling environmental histories described in subparagraph (C); and

(E) criteria for determining the reproductive and developmental toxicity of chemicals, including early indicators of potential reproductive and developmental toxicity.

(b) The Secretary shall use to pay the cost of completing the report under subsection (a)(1) \$750,000, and to pay the cost of completing the report under subsection (a)(2) \$1,000,000, which amounts shall be derived by transfer, on a pro rata basis, from each account from which travel expenses for the Department of Labor, the Department of Health and Human Services, and the Department of Education are paid, so as to decrease the overall amounts available for those travel expenses by \$1,750,000.

**SA 3442.** Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

#### SECTION 1. RECAPTURE OF UNUSED EMPLOYMENT-BASED VISA NUMBERS.

(a) IN GENERAL.—Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106-313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting "1994, 1996, 1997, 1998" after "available in fiscal year";

(B) by striking "or 2004" and inserting "2004, or 2006"; and

(C) by striking "be available" and all that follows and inserting the following: "be available only to—

"(A) employment-based immigrants under paragraph (1), (2), and (3)(A)(i) and (ii) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b));

"(B) the family members accompanying or following to join such employment-based immigrants under section 203(d) of such Act (8 U.S.C. 1153(d));

"(C) those immigrant workers who had petitions approved based on Schedule A, Group I under section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor; and

"(D) aliens seeking immigrant visas who:

(1) are otherwise admissible under the INA;

(2) achieve the highest scores on the Scholastic Aptitude Test or the American College Testing placement exam administered in that fiscal year; and

(3) take the exams described in (2) above in the English language.";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "1999 through 2004" and inserting "1994, 1996 through 1998, 2001 through 2004, and 2006"; and

(B) in subparagraph (B), by amending clause (ii) to read as follows:

"DISTRIBUTION OF VISAS.—The total number of visas made available under paragraph (1) from unused visas from the fiscal years

1994, 1996 through 1998, 2001 through 2004, and 2006 shall be distributed as follows:

“(I) The total number of visas made available for immigrant workers who had petitions approved based on Schedule A, Group I under section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor, shall not be less than 61,000.

“(II) The total number of visas made available for qualifying immigrants under paragraph (1)(D) of section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106-313; 8 U.S.C. 1153 note), as amended by this Act shall not be greater than 17,000.

“(III) The total number of visas remaining from the total made available under paragraph (1) shall be allocated to employment-based immigrants with approved petitions under paragraph (1), (2), or (3)(A)(i) and (ii) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) and their family members accompanying or following to join under section 203(d) of such Act (8 U.S.C. 1153(d)).”

(3) by adding at the end the following:

“(4) **FEE FOR RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.**—

“(A) **IN GENERAL.**—In addition to required filing fees, the Secretary shall impose a \$1,500 recapture fee upon each petitioning employer who uses a visa number recaptured under this section.

“(B) The fee required under paragraph (A) shall not be imposed for the use of such visas if the employer demonstrates to the Secretary that—

“(I) the employer is a health care facility that is located in a county or parish that received individual and public assistance pursuant to Major Disaster Declaration number 1603 or 1607; or

“(II) the employer is a health care facility that has been designated as a Health Professional Shortage Area facility by the Secretary of Health and Human Services as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e).”

“(5) **DOMESTIC WORKER ENHANCEMENT ACCOUNT.**—

“(A) **ESTABLISHMENT.**—There is established in the general fund to the Treasury a separate account which shall be known as the “Domestic Worker Enhancement Account.” Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under this section.

“(B) **USE OF FUNDS.**—Amounts deposited pursuant to paragraph 1(C) shall be made available to the Secretary of Health and Human Services for programs and projects described in subpart 1 of part A of title VIII of the Public Health Service Act (42 U.S.C. §§201 et seq.). Amounts deposited pursuant to paragraph 1(A) and (B) shall be made available to the Secretary of Labor for programs and projects described in Workforce Investment Act of 1998 (P.L. 105-220).

## **SECTION 2. CAPITATION GRANTS TO INCREASE THE NUMBER OF NURSING FACULTY AND STUDENTS.**

Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by adding at the end the following:

### **“SEC. 832. CAPITATION GRANTS.**

“(a) **IN GENERAL.**—For the purpose described in subsection (b), the Secretary, acting through the Health Resources and Services Administration, shall award a grant each fiscal year in an amount determined in accordance with subsection (c) to each eligible school of nursing that submits an application in accordance with this section.”

“(b) **PURPOSE.**—A funding agreement for a grant under this section is that the eligible school of nursing involved will expend the

grant to increase the number of nursing faculty and students at the school, including by hiring new faculty, retaining current faculty, purchasing educational equipment and audiovisual laboratories, enhancing clinical laboratories, repairing and expanding infrastructure, or recruiting students.

“(c) **GRANT COMPUTATION.**—

“(1) **AMOUNT PER STUDENT.**—Subject to paragraph (2), the amount of a grant to an eligible school of nursing under this section for a fiscal year shall be the total of the following:

“(A) \$1,800 for each full-time or part-time student who is enrolled at the school in a graduate program in nursing that—

“(i) leads to a master's degree, a doctoral degree, or an equivalent degree; and

“(ii) prepares individuals to serve as faculty through additional course work in education and ensuring competency in an advanced practice area.

“(B) \$1,405 for each full-time or part-time student who—

“(i) is enrolled at the school in a program in nursing leading to a bachelor of science degree, a bachelor of nursing degree, a graduate degree in nursing if such program does not meet the requirements of subparagraph (A), or an equivalent degree; and

“(ii) has not more than 3 years of academic credits remaining in the program.

“(C) \$966 for each full-time or part-time student who is enrolled at the school in a program in nursing leading to an associate degree in nursing or an equivalent degree.

“(2) **LIMITATION.**—In calculating the amount of a grant to a school under paragraph (1), the Secretary may not make a payment with respect to a particular student—

“(A) for more than 2 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a master's degree or an equivalent degree;

“(B) for more than 4 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a doctoral degree or an equivalent degree;

“(C) for more than 3 fiscal years in the case of a student described in paragraph (1)(B); or

“(D) for more than 2 fiscal years in the case of a student described in paragraph (1)(C).

“(d) **ELIGIBILITY.**—In this section, the term ‘eligible school of nursing’ means a school of nursing that—

“(1) is accredited by a nursing accrediting agency recognized by the Secretary of Education;

“(2) has a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent for each of the 3 academic years preceding submission of the grant application; and

“(3) has a graduation rate (based on the number of students in a class who graduate relative to, for a baccalaureate program, the number of students who were enrolled in the class at the beginning of junior year or, for an associate degree program, the number of students who were enrolled in the class at the end of the first year) of not less than 80 percent for each of the 3 academic years preceding submission of the grant application.

“(c) **REQUIREMENTS.**—The Secretary may award a grant under this section to an eligible school of nursing only if the school gives assurances satisfactory to the Secretary that, for each academic year for which the grant is awarded, the school will comply with the following:

“(1) The school will maintain a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent.

“(2) The school will maintain a graduation rate (as described in subsection (d)(3)) of not less than 80 percent.

“(3)(A) Subject to subparagraphs (B) and (C), the first year enrollment of full-time nursing students in the school will exceed such enrollment for the preceding academic year by 5 percent or 5 students, whichever is greater.

“(B) Subparagraph (A) shall not apply to the first academic year for which a school receives a grant under this section.

“(C) With respect to any academic year, the Secretary may waive application of subparagraph (A) if—

“(i) the physical facilities at the school involved limit the school from enrolling additional students; or

“(ii) the school has increased enrollment in the school (as described in subparagraph (A)) for each of the 2 preceding academic years.

“(4) Not later than 1 year after receiving a grant under this section, the school will formulate and implement a plan to accomplish at least 2 of the following:

“(A) Establishing or significantly expanding an accelerated baccalaureate degree nursing program designed to graduate new nurses in 12 to 18 months.

“(B) Establishing cooperative interdisciplinary education among schools of nursing with a view toward shared use of technological resources, including information technology.

“(C) Establishing cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including for the use of the interdisciplinary team approach to the delivery of health services.

“(D) Integrating core competencies on evidence-based practice, quality improvements, and patient-centered care.

“(E) Increasing admissions, enrollment, and retention of qualified individuals who are financially disadvantaged.

“(F) Increasing enrollment of minority and diverse student populations.

“(G) increasing enrollment of new graduate baccalaureate residency programs to prepare nurses for practice in specialty areas where nursing shortages are most severe.

“(I) Increasing integration of geriatric content into the core curriculum.

“(J) Partnering with economically disadvantaged communities to provide nursing education.

“(K) Expanding the ability of nurse managed health centers to provide clinical education training sites to nursing students.

“(5) The school will submit an annual report to the Secretary that includes updated information on the school with respect to student enrollment, student retention, graduation rates, passage rates on the national Council Licensure Examination for Registered Nurses, the number of graduates employed as nursing faculty or nursing care providers within 12 months of graduation, and the number of students who are accepted into graduate programs for further nursing education.

“(6) The school will allow the Secretary to make on-site inspections, and will comply with the Secretary's request for information, to determine the extent to which the school is complying with the requirements of this section.

“(f) **REPORTS TO CONGRESS.**—The secretary shall evaluate the results of grants under this section and submit to Congress—

“(1) not later than 18 months after the date of enactment of the \_\_\_\_ Act of 2007, an interim report on such results.

“(2) not later than September 30, 2010, a final report on such results.

“(g) APPLICATION.—An eligible school of nursing seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

“(h) AUTHORIZATION OF APPROPRIATIONS.—The Secretary of the Treasury shall make available to the Secretary of Health and Human Services an amount equal to the total amount of fees collected in the Domestic Worker Enhancement Account, established under paragraph (5) of section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106-313; 8 U.S.C. 1153 note) as amended.

“(d) ATTESTATION BY HEALTH CARE WORKERS.—

(1) ATTESTATION REQUIREMENT.—Section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following:

“(E) HEALTH CARE WORKERS WITH OTHER OBLIGATIONS.—

“(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other health care worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.

“(ii) OBLIGATION DEFINED.—In this subparagraph, the term ‘obligation’ means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other health care worker in consideration for a commitment to work as a physician or other health care worker in the alien's country of origin or the alien's country of residence.

“(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

“(I) the obligation was incurred by coercion or other improper means;

“(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

“(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.”.

(2) EFFECTIVE DATE; APPLICATION.—

(A) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(B) APPLICATION BY THE SECRETARY.—Not later than the effective date described in subparagraph (A), the Secretary of Homeland Security shall begin to carry out subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act, as added by paragraph (1), including the requirement for the attestation and the granting of a waiver described in clause (iii) of such subparagraph (E), regardless of whether regulations to implement such subparagraph have been promulgated.

**SA 3443.** Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him

to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. \_\_\_\_\_. (a) The amount appropriated under the heading “DISEASE CONTROL, RESEARCH, AND TRAINING” under the heading “CENTERS FOR DISEASE CONTROL AND PREVENTION” in this title is increased by \$1,000,000.

(b) The amount appropriated under the heading “GENERAL DEPARTMENTAL MANAGEMENT” under the heading “OFFICE OF THE SECRETARY” in this title is increased by \$1,000,000.

(c)(1)(A) The Secretary of Health and Human Services (acting through the Director of the National Institute for Occupational Safety and Health) shall conduct, and shall invite the University of Utah and West Virginia University to participate in conducting, a study of the recovery of coal pillars through retreat room and pillar mining practices in underground coal mines at depths greater than 1500 feet.

(B) The study shall examine the safety implications of retreat room and pillar mining practices, with emphasis on the impact of full or partial pillar extraction mining.

(C) The study shall consider, among other things—

(i) the conditions under which retreat mining is used, including conditions relating to—

(I) seam thickness;

(II) depth of cover;

(III) strength of the mine roof, pillars, and floor; and

(IV) the susceptibility of the mine to seismic activity; and

(ii) the procedures used to ensure miner safety during retreat mining.

(2)(A) Not later than 1 year after beginning the study described in paragraph (1), the Secretary shall submit a report containing the results of the study to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(B) The report shall include recommendations to enhance the safety of miners working in underground coal mines where retreat mining in room and pillar operations is utilized. Among other things, the recommendations shall identify means of adapting any practical technology to the mining environment to improve miner protections during mining at depths greater than 1500 feet, and research needed to develop improved technology to improve miner protections during mining at such depths.

(3) Not later than 90 days after the submission of the report described in paragraph (2) to Congress, the Secretary of Health and Human Services shall publish a notice in the Federal Register describing the actions, if any, that the Secretary intends to take based on the report.

**SA 3444.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I, insert the following:

SEC. \_\_\_\_\_. (a) The amount appropriated under the heading “SALARIES AND EXPENSES” under the heading “MINE SAFETY AND HEALTH ADMINISTRATION” in this title is increased by \$500,000.

(b) The amount appropriated under the heading “SALARIES AND EXPENSES” under the heading “DEPARTMENTAL MANAGEMENT” in this title is decreased by \$500,000.

(c)(1) The Secretary of Labor (acting through the Assistant Secretary of Labor for Mine Safety and Health), in consultation with the Secretary of Health and Human Services (acting through the Director of the National Institute for Occupational Safety and Health) shall, using the increased funds provided under subsection (a) conduct a study on the effects of the closure of the Western Mining Technology Center, closed in 2000. In conducting the study, the Secretary of Labor shall examine the effect of the Center's closure on the safety of deep cover mining, and shall provide an estimate of the resources necessary to establish a new center, located in the Intermountain West, relating to western mining technology. In conducting the study, the Secretary shall consult with interested groups representing business and labor organizations.

(2) The Secretary of Labor shall submit to the appropriate committees of Congress a report containing the results of the study conducted under paragraph (1).

**SA 3445.** Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. \_\_\_\_\_. (a) In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional \$3,000,000 for the Centers for Disease Control and Prevention to make grants under the State Heart Disease and Stroke Prevention Program.

(b) Amounts made available under this Act for consulting services for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be further reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by \$3,000,000.

**SA 3446.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 10, strike the colon and insert

“Provided further, That, no less than 25% of the new grants under the Elementary and Secondary School Counseling program, shall be awarded to local education agencies that demonstrate a need for additional counseling services due to the impact of a federally declared major disaster or emergency.”

## PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Stephanie Trifone of my staff be granted the privileges of the floor for the duration of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## EXECUTIVE SESSION

## PROTOCOL TO TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION WITH DENMARK

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 1, the Protocol Treaty of Friendship Commerce, and Navigation with Denmark; that the protocol be advanced through its various parliamentary stages up to and including the presentation of ratification, and that there now be a division vote on the resolution.

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

A division has been requested.

Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification agreed to is as follows:

## RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION

*Resolved (two-thirds of the Senators present concurring therein), the Senate advises and consents to the ratification of the Protocol between the United States of America and the Kingdom of Denmark to the Treaty of Friendship, Commerce and Navigation of October 1, 1951, signed at Copenhagen on May 2, 2001 (Treaty Doc. 108-8).*

Mr. REID. I ask unanimous consent that the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate now return to legislative session.

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

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

## 35TH ANNIVERSARY OF THE ENACTMENT OF THE CLEAN WATER ACT

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to S. Res. 354.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 354) expressing the sense of the Senate regarding the 35th anniversary of the enactment of the Clean Water Act.

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

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc; that any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 354) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 354

Whereas 35 years ago, on October 18, 1972, the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500) were enacted;

Whereas those amendments formed the basis of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly known as the "Clean Water Act"); the principal Act governing water pollution in the United States;

Whereas substantial improvements to the water quality of the United States have resulted from a successful partnership among Federal, State, and local governments, the private sector, and the public;

Whereas, since 1972, the Federal Government has provided more than \$82,000,000,000 to States and communities for wastewater infrastructure and other assistance;

Whereas clean water is a natural resource of tremendous value and importance to the United States;

Whereas there is resounding public support for the continued protection and restoration of United States rivers, streams, lakes, wetlands, and marine waters;

Whereas maintaining and improving water quality is essential to protecting public health, fisheries, wildlife, and watersheds, and for ensuring abundant opportunities for public recreation and economic development;

Whereas it is the responsibility of all levels of government and all citizens to ensure the availability of clean water for future generations;

Whereas water pollution problems persist throughout the United States, and significant challenges lie ahead in the effort to protect and restore the water resources of the United States;

Whereas in the most recent National Water Quality Inventory of the 19 percent of the nations' rivers and streams assessed 45 percent of rivers and streams were impaired, of the 37 percent of the nation's assessed lakes, ponds and reservoirs, 47 percent were impaired and of the 35 percent of the nation's assessed bays and estuaries, 32 percent were impaired; the remainder of the assessed waters met their intended uses;

Whereas further development and innovation of water pollution control programs and advancement of water pollution control research and technology are necessary and desirable; and

Whereas October 18, 2007, is the 35th anniversary of the enactment of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly known as the "Clean Water Act"); Now, therefore, be it

*Resolved*, That, as the United States marks the 35th anniversary, on October 18, 2007, of the enactment of the Federal Water Pollution Control Act Amendments of 1972 (Public

Law 92-500), which formed the basis for the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly known as the "Clean Water Act"), it is the sense of the Senate that all citizens of the United States and all levels of government should—

(1) recognize and celebrate the accomplishments of the United States under that Act; and

(2) recommit to achieving the objectives of that Act of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States.

## LAURENCE C. AND GRACE M. JONES POST OFFICE BUILDING

Mr. REID. Madam President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 3233, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3233) to designate the facility of the United States Postal Service located at Highway 49 South in Piney Woods, Mississippi, as the "Laurence C. and Grace M. Jones Post Office Building."

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

Mr. REID. Madam President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

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

The bill (H.R. 3233) was ordered to a third reading, was read the third time, and passed.

Mr. REID. Madam President, I ask unanimous consent that S. 2131, the Senate companion, be discharged from the Homeland Security Committee and be placed on the calendar.

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

## PROGRAM

Mr. REID. Madam President, Monday night—my announcement to everyone here today—could be that we have a significant number of votes. It is very likely we will certainly have more than one vote and we hope that vote will start around 5:30. Senators HARKIN and SPECTER have worked together and their staffs have worked together trying to come up with what they can clear. They have Monday during the day to work on this also. We are going to try to clear most everything out Monday night so we can finish the bill Tuesday, as agreed upon.

## ORDERS FOR MONDAY, OCTOBER 22, 2007

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it

stand adjourned until Monday, October 22; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and then there be a period of morning business until 3 p.m., with the time equally divided and controlled

between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each; that at 3 p.m. the Senate resume consideration of H.R. 3043.

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

ADJOURNMENT UNTIL MONDAY,  
OCTOBER 22, 2007, AT 2 P.M.

Mr. REID. Madam President, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 2:02 p.m., adjourned until Monday, October 22, 2007, at 2 p.m.