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## Senate

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

The PRESIDING OFFICER. Today's prayer will be offered by the guest Chaplain, Pastor Sunday Adelaja from Kiev, Ukraine.

### PRAYER

The guest Chaplain offered the following prayer:

O, Lord of creation, we acknowledge Your lordship today, Your sovereignty, love, and power. We ask that You will bless the United States of America in these days of great uncertainties.

Bless the leaders of this great Nation with the wisdom needed to lead the Nation in the right direction. As leaders, we realize there are some things we want but do not need and some things we need but do not want. You have promised to meet our needs but not satisfy our greed. Help us to realize our decisions have a destiny, our choices have consequences, our path has a purpose, our faith has a foundation, our home has a hope, and this country has a cause.

Acknowledging that as America goes, so goes our world, I ask for a sweeping, weeping, and reaping revival throughout this great Nation. May Your Kingdom come and Your will be done in America as it is in heaven. Help us to remember that America is great because America is good. If America ceases to be good, it will cease to be great. God of heaven, please help America to continue to be good.

In Jesus' Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB, a Senator from the State of Virginia, 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, April 23, 2007.

To the Senate:

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

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Mr. President, today the time until 2:45 is equally divided, with the majority controlling the first portion of the time. Senator CASEY is here and will be using that time to do a tribute. At 2:45 today, the Senate will resume consideration of S. 761, the competitiveness bill. While there are no rollcall votes today, I understand the managers are working on some amendments which could be offered today. Later this week, we expect to receive the supplemental conference report, and the Senate will act on that report prior to concluding business this week.

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 2:45 p.m., with Senators permitted to speak therein, with the first half controlled by the majority leader or his designee and the second half controlled by the minority leader or his designee.

The Senator from Pennsylvania.

(The remarks of Mr. CASEY pertaining to the submission of S. Res. 166 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. CASEY. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

### IRAQ FUNDING

Mr. THOMAS. Mr. President, I come to the floor to talk about an issue that seems to be the most pressing of any we have before us; that is, to fund our troops in Iraq.

I came to the floor on the 64th day following the President's submission to the Congress of legislation for funding our troops in the field. I believed it was important that we urge Congress to complete its work on this legislation immediately. How could there be anything more pressing than making funding available for our troops? Certainly, the time is now.

It is now day 77, and we still don't have a bill to send to the President. It is time we do so. In fact, the conference committee has not even met. Even though both houses of Congress have passed the measure, they have yet to come together between the Houses in order to do something. Our military leaders are people in the best position

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



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to prioritize the needs of our troops. They are the ones who know what needs to be done and what the timing is. They have left no doubt that this funding is urgently needed, without arbitrary deadlines or unrelated pork, both of which are in the bill.

Unfortunately, there are a number of Members who want to call the shots and micromanage the execution of the war. I understand there are different views about the war. There are different views about what our role should be. But the fact is, we are there now. We have had a change in direction. We have some new ideas, new leadership. But we have the troops there. They need to be supported financially so they cannot only do their job, certainly, but protect themselves. If we don't get this funding to the troops, the first thing to be cut without this supplemental will be facilities maintenance throughout the services, particularly the Army.

In addition, counseling programs for both troops and their families will have to be cut back. As to this idea that there is no hurry, that we can find the money somewhere else, Members need to be sure they understand that finding it somewhere else takes it away from someone else who has earned it, either through service or families of service people. More and more troops and their families are seeking counseling, and reducing funding at this critical time certainly needs to be avoided.

Failing to act immediately will have real-life impacts on military personnel. I should think we could come to that understanding. I don't know quite what the timing is seeking to do—apparently, impress on the President the points of view being made on the other side of the aisle or whatever. But he has made it clear what he is going to do. We know that. We know we have to go there and get it vetoed, come back and find something that is acceptable. All that takes time. All the time we spend puts more risk on the military and their families.

I believe failing to enact this legislation very soon will have real-life impacts on our military personnel. I can't find much reason for that. If we can't take care of our troops' mental health and see that they aren't living in dilapidated barracks, we will have a hard time ensuring they are able to fight when the Nation calls. I hope we can continue to remember what giving these people are doing, what they are sacrificing. We need, of course, to support them.

It is very simple. If our troops don't have the training to deploy, then our soldiers and sailors overseas cannot come home, and that is kind of the situation we are increasingly in now. At this point the only priority should be funding our troops in the field. Even though we have other work to do, certainly if we look at priorities, what could be more important than dealing with the needs of our troops overseas.

I don't know if James Baker would have been any clearer when we reiter-

ated that the Iraq Study Group report does not set timetables or deadlines for the troop withdrawal.

James Baker said:

The [Iraq Study Group] report does not set timetables or deadlines for the removal of troops, as contemplated by the supplemental spending bill the House and the Senate passed. In fact, the report specifically opposes that approach. As many military and political leaders told us, an arbitrary deadline would allow the enemy to wait us out and strengthen the positions of extremists over moderates.

Several months ago the President indicated he would establish a new direction in Iraq. General Petraeus is back in Washington today to report on the counterinsurgency plan. Certainly, it isn't doing everything we want it to yet. It hasn't achieved success yet. But it is moving in the right direction. We have a change in people. We have a change in leadership. We have a change in the plan. It has only been 3 months since we installed the general and only 60 percent of the troops are in place he had wanted and suggested were necessary. Despite these modest improvements, the other side wants to pack up and admit defeat. They are also claiming the war is lost, and that is unfortunate, especially when our troops hear those comments. In any event, I hope this Congress does what is responsible and sends the President a bill. Our troops deserve to know Congress will provide them with the funding they need to succeed.

I wanted to talk on that issue. It is one of the most important we have. I look forward to proceeding with what will be before us on the floor now, education. Sharpening up our competitiveness is very important. I am hopeful we can assure Members that this program with this money and additional spending will have some impact. As we look at it, we have lots of programs that are designed to strengthen education, yet we don't have a very good measurement of whether those dollars are causing things to happen that we hoped they would.

I look forward to that.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CORNYN. Mr. President, may I inquire how much time remains in morning business on our side?

The ACTING PRESIDENT pro tempore. Nine minutes.

Mr. CORNYN. I thank the Chair.

#### EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. CORNYN. Mr. President, for the past several weeks, there has been a lot

of debate and discussion about the emergency supplemental appropriations bill that has been pending now before Congress for more than 2 months. Completion of this emergency supplemental is critical for our troops serving on the front lines and for their families here at home.

The President has requested, and Congress should be prepared to send immediately to the White House, a clean bill that meets our obligations to the troops. This legislation should not be used as a vehicle to pass billions of dollars of unrelated Federal spending or impose artificial deadlines on our commanders in the field. We have to move forward with this important military funding legislation because our troops deserve nothing less.

I want to highlight a few of the items that are included in this supplemental appropriations bill so our colleagues can appreciate how essential it is to get these funds to our troops as soon as possible.

This funding will ensure that our forces who are engaged in operations overseas have the very best force protection equipment available, as well as the most effective weaponry, communications gear, munitions, and other essential items.

For example, high priority items in the supplemental for our forces in Iraq and Afghanistan include: funding for body armor and other personal protection items; aircraft survivability components, radios, night vision equipment, armored vehicles, and high mobility, multipurpose vehicle Fragmentation Kits; funding for Improvised Explosive Device Defeat Systems, at \$2.4 billion.

Yes, that Improvised Explosive Device Defeat System is the very type of technology we need to protect our troops from the type of weapon that has been more responsible than virtually any other for injuring our soldiers.

In the supplemental, more than \$5 billion in funding is designed for the ongoing surge of U.S. forces to support General Petraeus's revised strategy in Baghdad. Nearly \$4 billion in funding is to accelerate the transition of two Army brigade combat teams and establish a new Marine Corps regimental combat team. Nearly \$2 billion is to increase the size of the Army and Marine Corps to build combat capability, and lengthen the time soldiers and marines have between deployments.

There is some very important equipment our troops are being denied while we linger in passing this important supplemental. As I mentioned a moment ago, IEDs, or improvised explosive devices, continue to strike our troops during ambushes, and IEDs are responsible for a substantial number of the casualties.

The Marines and the Army have responded to enemy tactics with the acquisition of substantial numbers of up-armored HMMWVs and advanced armor kits for other vehicles. But the Army

and Marines must continue to develop and field a mine-resistant ambush protected, MRAP, combat vehicle fleet capable of sustained operations on an IED-heavy battlefield.

A type of the so-called MRAP is depicted on this chart I have in the Chamber. I believe this particular one shown here is known as the Cougar. What is distinctive about this vehicle, which is so important to get to our troops, is it represents a change in technology, with a V-shaped hull underlying this vehicle, which actually will disperse the energy from an improvised explosive device away from the troops located inside the vehicle.

I had occasion to visit a manufacturing facility located in Sealy, TX, owned by Armor Holdings, which is constructing these very same vehicles, which are the subject of some of the funds contained in the supplemental.

The President's fiscal year 2007 supplemental request asked for \$1.83 billion for mine-resistant ambush protected, or MRAP, vehicles like this one shown in the picture. In addition, Senator BIDEN offered an amendment, which passed the Senate 98 to 0, that provided an additional \$1.5 billion in funding for these critical MRAP vehicles. The total MRAP funding in the supplemental is now almost \$4 billion.

From what I saw in Sealy at the Armor Holdings facility, and from what I have heard from our troops, this is exactly the kind of equipment they need but which is now being delayed as Congress continues to debate this supplemental appropriations bill.

The mine-resistant ambush protected vehicle is an armored combat vehicle capable of providing superior protection to our warfighters against these kinds of IEDs.

According to Marine Corps BG John Allen, Deputy Commander of Coalition Forces in Anbar Province, in more than 300 attacks since last year, no marines have died while riding in a new fortified MRAP armed vehicle. There has been an average of less than one injured marine per attack on the vehicles, while attacks on other types of vehicles caused more than two casualties per attack, including deaths, according to Brigadier General Allen.

Our deployed servicemembers in Iraq and Afghanistan deserve this latest class of armored protection to protect them against the ever-present IED threat, and they do not need funding for this important vehicle to be held up.

Let me close by highlighting the effect of delayed supplemental funding on our military.

The Army announced on April 16 that because of the lack of passage of this supplemental, it will materially slow spending to various places. In order to stretch the money it has, the Army will tell commanders to slow spending in certain areas so war-related activities and support to families can continue. The Department of Defense will also request that Congress approve the

temporary reprogramming of \$1.6 billion from Navy and Air Force pay accounts to the Army's operating account.

Beginning in mid-April—about this time—the Army has begun to slow the purchase of repair parts and other supplies, relying instead on existing inventory to keep equipment operational. Priority will be given to repair and refurbishment of immediately needed war-fighting equipment, while training and other nonmission critical equipment repair will be deferred.

In addition, the purchase of day-to-day supplies with governmental charge cards will be restricted, nonessential travel will be postponed or canceled, and shipment of equipment and supplies will be restricted or deferred altogether, unless needed immediately for war efforts. The Army has added it will also delay the repair of facilities and environmental programs unless the work is for safety or health reasons, or has effects on family support.

These actions carry significant consequences, including substantial disruption to installation functions, decreasing efficiency, and potentially further degrading the readiness of non-deployed units.

These decisions may actually add to the Army's costs over time. Just as importantly, as Army Deputy Budget Director William Campbell said in the New York Times:

Frankly, what I worry about is that second- or third-order effect that might affect a soldier or a soldier's safety or his ability to do a mission.

Mr. Campbell said:

As we put these brakes on, I do worry about the impact that we don't know about, that someone will take some action trying to do the right thing, but it will have a negative impact on the ability of a soldier to do his or her job.

The New York Times also reported that unless the budget standoff is resolved by the end of June, Pentagon officials have warned that units preparing to go to Iraq may not have enough money to undertake all of their required training.

It should go without saying, but apparently it needs to be said again, our troops need this funding, and they need it soon. Without it, it is simply a fact that our troops will be put at increased risk. We have been ready for weeks to work in good faith to pass a clean supplemental funding bill the President can sign as soon as possible. But every day we do not fund our troops is a day their ability to fight this war is weakened and they are exposed to additional danger.

Mr. President, I yield the floor and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## AMERICA COMPETES ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 761, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 761) to invest in innovation and education to improve the competitiveness of the United States in the global economy.

### AMENDMENT NO. 904

Mr. BINGAMAN. Mr. President, I send an amendment to the desk on behalf of myself and Senator ALEXANDER.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. ALEXANDER, proposes an amendment numbered 904.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the 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 strike the NIST working capital fund provision)

On page 44, beginning with line 16 strike through line 2 on page 45.

On page 45, line 3, strike "(d)" and insert "(c)".

On page 47, line 8, strike "(e)" and insert "(d)".

On page 47, line 21, strike "(f)" and insert "(e)".

Mr. BINGAMAN. Mr. President, at this point I will yield the floor. I know my colleague from Tennessee wishes to speak about a variety of issues, and then there is another amendment which we also will be sending to the desk for Senator INOUE, who will be here fairly shortly, related to provisions that have come from the Commerce Committee.

Mr. President, I yield the floor.

Mr. ALEXANDER. Mr. President, we have Senator INOUE here, who has played a major role in the development of this legislation, and I believe we will have a little later Senator STEVENS, who is right behind me now, and Senator DOMENICI after that. So I am going to let the two distinguished chairs of the Commerce Committee speak.

Mr. INOUE. Mr. President, technological innovation is the lifeblood of U.S. economic growth and well-being. To achieve growth and success, the United States must continue to support the two critical components necessary during the early stages of the innovation ecosystem: education and basic research.

A pipeline of well-educated secondary school students feeds into the college ranks, which in turn feeds into the graduate schools. Graduate students engage in challenging and cutting edge

research led by principal investigators that often are funded by Federal grants. Many times the students and scientists will make a breakthrough discovery of innovation and attempt to commercialize it. If successful, they will have created the next great generation, great American company that sells the next great product, employing thousands of people and driving this economy's economic growth further.

The United States has the luxury of claiming many of the world's top scientific minds. These leading scientists either emigrate to the United States because we provide some of the best facilities and resources or they are home grown, having excelled through the U.S. educational system to reach the top echelons of their respective disciplines. However, this premier standing we have enjoyed in the past is in serious jeopardy. As a result, many believe our economic prosperity is at risk.

Today the Senate has a unique opportunity to respond to the Nation's defining economic challenge in the 21st century, and that is how to remain strong and competitive in the face of the emerging challenges from India, China, and the rest of the world. We have examined the expert reports and today the Senate is considering S. 761, the America COMPETES Act.

S. 761 is a bipartisan product of several committees including: the Health, Education, Labor and Pensions Committee; the Energy Committee; and the Commerce, Science, and Transportation Committee. As chairman of the Commerce Committee, which was instrumental in developing Divisions A and D of the bill, I encourage my colleagues to support S. 761.

Many point out that the United States' declining scientific prowess is palpable. They cite, for example, the country's dismal proficiency scores: less than one-third of U.S. fourth-graders performed at or above a level deemed "proficient" and about one-fifth of eighth-graders lacked the competency to perform basic math computations. U.S. 15-year-olds ranked 22 out of 28 Organization for Economic Co-Operation Development, OECD, countries tested in mathematics. This is a troubling statistic. In math and science education our country is losing ground to the likes of Germany, China, and Japan. In the United States, only 32 percent graduate with college degrees in science and engineering, while 36 percent of German undergraduates receive degrees in science and engineering. In China it is 59 percent, and in Japan, 66 percent of undergraduates receive science and engineering degrees.

In 2004, China graduated over 600,000 engineers; India, 350,000; and the United States, less than 70,000. These statistics are alarming and will have dire consequences as the U.S. talent pipeline begins to dry up. To respond, the America COMPETES Act emphasizes science, education, and technology as

the keystones of a comprehensive American competitiveness agenda.

We considered programs in several agencies. Within the Department of Commerce, the National Institute of Standards and Technology, NIST, is charged with promoting U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology. The bill would continue NIST on a 10-year doubling path and promote high-risk, high-reward research within the agency.

Also within the Department of Commerce, the National Oceanic and Atmospheric Administration, NOAA, conducts significant basic atmospheric and oceanographic research, including climate change research. Its management decisions and operational programs rely on a strong scientific and technical underpinning. Some have argued that the ocean truly is the last frontier on Earth, and ocean research and technology may have broad impacts on improving health and understanding our environment. Toward this end, our committee included modest provisions on NOAA research and education, which we hope to strengthen during the course of debate on S. 761.

The bill also includes the National Aeronautics and Space Administration in the administration's competitiveness agenda. Like the oceans, space captivates the minds of our young people and can help attract them into a lifelong study of science.

America COMPETES continues the Senate's commitment to doubling the funding of the National Science Foundation. The Foundation is the Nation's premier investment in undirected, basic science. The bulk of its funding is distributed as competitive grants. The bill includes provisions to ensure all States, including small States like Hawaii, can share in important research funding. After all, good ideas know no boundaries. In order to be strong, we will need the ideas and leadership of researchers and entrepreneurs in every corner of the Nation.

I was pleased to work with my colleagues on the HELP Committee to develop the NSF education provisions. I am proud to have included programs to encourage women to have careers in science, technology, mathematics, and engineering.

In recent years, we have passed legislation affecting interagency research in nanotechnology, information technology, computer security, climate change, oceans and human health, earthquake research, wind research, and aeronautics research. The America COMPETES Act provides for a Science Summit to encourage interactivity and knowledge sharing between science, scientists, and industry.

I would like to end by noting that technology and innovation pervade many policy problems that the Commerce Committee and the Congress face. Changes in telecommunications policy are being driven by innovation. In particular, low broadband penetra-

tion is cited as a factor in the loss of competitiveness in many U.S. regions. Also, our transportation infrastructure would benefit from increased investment and deployment of new technologies, such as investment in technologies that can increase energy independence.

To succeed in a whole host of arenas, we need scientific discoveries and a technologically savvy workforce. If enacted, the America COMPETES Act can provide the first step for this country to get back into the global race. Many countries are looking to overtake us to claim technological and economic superiority. While we continue to lead, we cannot take this lead for granted. I fully support what we are trying to accomplish with the America COMPETES Act and I look forward to working with my colleagues towards its final passage.

Mr. President, working with Senators STEVENS, HUTCHISON, other committee members, and members of other committees, we have developed a small package of amendments to the Commerce Committee sections of the bill. We took an expansive view of American competitiveness and wanted to ensure that the research agencies in our Government and jurisdiction could fully participate in interagency programs to address innovation and competitiveness.

This amendment is just the provisions regarding the National Oceanic and Atmospheric Administration, to align them with those addressing the National Aeronautics and Space Administration. I hope we can agree to even stronger provisions to promote ocean education. The oceans, like outer space, hold such a lure for young people and can draw them into a lifelong study in key fields of science, technology, engineering, and mathematics. These students may someday invent products that keep our Nation economically competitive.

The amendment also strikes a provision related to the sale of standard reference materials by the National Institute of Standards and Technology that could have resulted in a million dollars of direct spending. With this amendment, the bill contains no direct spending.

The amendment adjusts the authorization levels for the National Science Foundation, so that the increase will not fluctuate but will be a consistent 15 percent annually.

As amended, the fiscal year 2008 level for NSF is \$300 million over the President's requested level, reflecting the \$302 million in new education programs authorized in the bill. In addition, the amendment changes the authorized funding level for NSF's education and human resources programs to \$1.05 billion in fiscal year 2008, and for the experimental program for competitive research, to \$125 million in fiscal year 2008. These programs would grow annually from fiscal year 2009 to fiscal year 2011 at the same rate that NSF overall funding grows.

Finally, there are a series of technical changes to the bill that, first, add mathematics and engineering and technology in the Science Summit in section 1101; second, change the goal for increasing participation in two NSF fellowship and traineeship programs to a 4-year goal, matching the pendency of the authorizations in the bill; and third, on behalf of Senator HUTCHISON, we make a clarifying change to section 4006 regarding NSF priorities.

Mr. President, I appreciate all of my colleagues' help in improving the Commerce Committee section and look forward to adopting this modest agreement and amendment so that we can begin to debate S. 761 in earnest.

I yield the floor.

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

Mr. ALEXANDER. Mr. President, before the Senator from Alaska speaks and while the Senator from Hawaii will be here for a while longer, I wanted to call attention to their leadership on this bill and their sense of urgency about the importance of it in the Commerce Committee.

I wanted to relate specifically an event a year ago, in August, in Beijing, China, which I related on the floor when the bill was introduced. I think it puts into perspective why so many Senators on both sides of the aisle have worked on that, why the bill is being introduced by both the Democratic and Republican leaders, and why it came directly to the floor and is ready for action.

Senator STEVENS and Senator INOUE took a group of Senators to China. They were especially well received—this Congressional Medal of Honor winner and this Flying Tiger pilot who flew the first cargo plane into Beijing toward the end of World War II. As a result, we spent an hour with President Hu and another hour with the No. 2 man, Vice Premier Wu. We talked about all of the things one would expect in that discussion: North Korea, Iran, and Iraq. But the subject, I recall, about which both of those leaders of China were most animated was the subject we are discussing on the floor today: How is China going to increase its brainpower advantage so it can create more jobs?

President Hu told us that he had done what we are doing today but in the Chinese way. He had, a month earlier, gone to the Great Hall of the People in China and assembled their national academy of science and engineering of China and established a 15-year goal for innovation and declared they would spend a certain amount in research and investment. That was the way they were going to raise their standard of living to compete with the United States. We see that with the recruitment of Chinese-born scholars who were educated in the United States and are going back to China to create even better universities there. We saw, under the sponsorship of these

two Senators, that the two top leaders of that country understand very well America's brainpower advantage, which has been the greatest source of this remarkably high standard of living we have, and the fact that we produce 30 percent of all of the money in the world for just 5 percent of the people. I wanted to acknowledge their leadership and put into perspective that visit just last year in China.

Mr. INOUE. Mr. President, I agree wholeheartedly with my friend. We should not take the Chinese goal lightly. They mean business.

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

Mr. STEVENS. Mr. President, I strongly support S. 761, which Senator INOUE just discussed. This is the America COMPETES Act. Fifty-six Senators, including members of both parties' leadership and several committee chairmen, are cosponsors of this important legislation.

When it was first brought to my attention last year, I tried to see if we could organize a joint committee of the Congress to act on this subject because I believe it is extremely important. Having read the Augustine report, I knew we had to move as quickly as possible. That was not possible last year, but I believe it is this year.

Many reports have revealed the serious competitive challenges we face. In 2003, the Organisation for Economic Co-operation and Development, OECD, compared 15-year-old students living in 40 industrialized nations. For America, the results were very dire. Our students placed 16th in reading, 23rd in science, and 29th in math.

Carl Sagan said it best when he wrote this:

We live in a society exquisitely dependent on science and technology, in which hardly anyone knows anything about science and technology.

Another report I mentioned before, the Augustine report, entitled "Rising Above the Gathering Storm," contains the findings of the Commission chaired by Norman Augustine, the retired chairman and CEO of Lockheed Martin. This study also paints an alarming picture of America's ability to compete in the 21st century.

Economists informed Commission members that "about half of the U.S. economic growth since World War II has been the result of technological innovation." But Commission members also discovered that our young people now spend more time watching television than they do in school or studying for school. They determined that hiring one engineer in America now carries the same cost as hiring eight engineers in India. They reported that 38 percent of the scientists and engineers with doctorates in our country were born abroad. If those young men and women choose to live and work in other countries, America will face a severe shortage of talented workers.

If we are to maintain our competitive edge, we must improve the education

our students receive in science, technology, engineering, and mathematics. We must equip our teachers with the tools and resources they need, and we must encourage those who study in America to stay in America.

This legislation we are now considering is a tremendous step forward in these efforts. S. 761 seeks to ensure our Nation remains the global leader in innovation. It would increase Federal investment in basic research, improve educational opportunities for young students to become excited about these fields, and develop an innovation infrastructure appropriate for the 21st century.

The America COMPETES Act is the result of bipartisan cooperation between three committees: Commerce, Energy, and HELP. Since last year, these committees have worked together to address key concerns and solutions identified by the Council on Competitiveness and the National Academies.

A number of Senators also deserve recognition for their leadership on this matter: Senators BINGAMAN, ALEXANDER, ENSIGN, HUTCHISON, DOMENICI, INOUE, KENNEDY, LIEBERMAN, MIKULSKI, and NELSON. They all deserve our deepest gratitude, and I am sure there are others. Without their hard work and dedication, our bill would not have reached the Senate floor.

In closing, let me say that educating the next generation of American innovators must be a priority for this Congress. Our Nation is at the crossroads, and the decisions we make today will affect us for decades to come. This bill, when enacted, will reaffirm our commitment to America's economic future. I urge each of our colleagues to support its swift passage.

I thank the Chair.

Mr. ALEXANDER. Mr. President, I wish to say to the Senator from Alaska that if he, who last year was President pro tempore of the Senate, and Senator INOUE, one of our leading Senators on the Democratic side, had not from the beginning placed such a priority on this legislation, it could never have made its way through the committees and reached this point. So I salute them for their willingness to look into our country's future and see the importance of this issue.

Mr. President, if the Senator from Hawaii doesn't have further comments at the moment, I might use the time for the next few moments to talk about a couple of items. One is how we got here with this legislation and, two, more about what it does.

First, let me say on behalf of the leadership, Senators REID, MCCONNELL, BINGAMAN, INOUE, and others, we hope that Senators will bring their amendments today, or early. Let us see them so that we can talk about them and, if necessary, vote on them.

The Democratic leader and the Republican leader have created an environment in which we can deal with this bill in the way the Senate ought to be

dealing with a piece of legislation that is at least on a subject as important as any other subject that will be before us. In other words, the bill is on the floor. We are ready to receive amendments. We are ready to vote on amendments, if necessary. I am sure the Democratic leader, who will announce his schedule, would like to finish the bill by Wednesday sometime because we have other important legislation to consider this week. So I hope we make the most of today, tomorrow, and Wednesday.

Just a word about how the Senate got here. I mentioned earlier that in China, President Hu could simply call a meeting in the Great Hall of the People and, with his national academies of science and engineering, declare that: This is where we are going for the next 15 years. In China, that works pretty well, and that is likely where they are going. They have very specific goals, for example, for the amount of gross domestic product they will be spending on research and development, what they will be doing with their universities, and how they hope to improve their schools.

In the United States, we have to work in a little different way. The result we have here today with this legislation, which is 2,008 pages long—and I know that because I reread it over the weekend. It came in a different way.

Senator BINGAMAN and I, with the encouragement and sponsorship of Senator DOMENICI, who was chairman of one of the affected committees here, literally asked the National Academy of Sciences this question a couple of years ago: What are the top 10 actions in priority order that Federal policymakers could take over the next 10 years to help the United States keep our advantage in science and technology?

We figured that Members of Congress were not necessarily the best ones to make those recommendations. I am sure the Presiding Officer has some idea of some math or science program he thinks might be best or at least he has two or three friends who have an idea. I know the Senator from Hawaii has one. I have five or six myself. We thought perhaps we should ask the people who are supposed to know.

We asked the National Academy of Sciences, the Academy of Engineering, and the Institute of Medicine exactly what should we in the Congress be doing. It is my view most ideas fail around here for the lack of an idea, so we asked them specifically for an idea.

The academies took us seriously. They assembled an all-star panel of business, Government, and university leaders headed by Norman Augustine, as the Senator from Alaska said, the former chairman and CEO of Lockheed Martin, a member himself of the National Academy of Engineering. That panel included three Nobel Prize winners.

Those very busy people, including university president Bob Gates, now

Secretary of Defense, and the Nobel Prize winners, gave up their summer, and they took our question seriously. Exactly what does the United States need to do to keep our brain power advantage, is really the question. We asked for 10 and they gave us 20 recommendations.

The recommendations are in this report, "Rising Above the Gathering Storm," to which the two Senators have referred. To their credit, they put it in priority order. I will talk more in a minute about what the priorities are.

They started with kindergarten through 12th grade, 10,000 teachers, 10 million minds, K-12 science and math education: "Sowing the Seeds through Science and Engineering Research," "Best and Brightest in Science and Engineering Higher Education," "Incentives for Innovation and the Investment Environment." They gave us 20 recommendations in priority order.

That was not the only idea before the Senate at that time, nor were those of us in the Senate the only ones involved. Representatives SHERWOOD BOEHLERT and MARK GORDON of the House Committee on Science had joined us in asking this question. I know Representative GORDON, who is now chairman of the House Science Committee, moved forward quickly to introduce in the House of Representatives similar legislation.

What did we do when we got these 20 recommendations? As I mentioned, they were not the only recommendations. Senator BINGAMAN and Senator HUTCHISON, for example, had been working for many years to increase the number of children, especially low-income children, who could take the advanced placement courses. Those are a ticket to college, and there are a lot of bright kids who don't have the money to pay for the tests or who go to schools where the teachers are not trained to teach the courses. They have been working on that for a long time. Senator BOND from Missouri and Senator MIKULSKI of Maryland have been speaking about this for a long time. Then there was an excellent piece of legislation by Senator LIEBERMAN and Senator ENSIGN which had in it recommendations from the Council on Competitiveness. Many of those recommendations were then included in the Commerce Committee's hearings and deliberations.

So the question is how to take all this information in the Senate where people have lots of different ideas and get it all together into one bill and get it passed. Senator STEVENS said: Let's form a joint committee. That is a little harder to do than before. Senator INOUE once served on a joint committee—well, it was a special committee in the Watergate days, but there are not that many around here because we have our own committees.

What happened was our senior Members of the Senate, such as Senator STEVENS and Senator INOUE, Senator ENZI and Senator KENNEDY, Senator

DOMENICI and Senator BINGAMAN, just by the force of their own personalities worked together to create an environment with the help of a lot of staff members to say: Let's take all of these ideas and let's work in a genuinely bipartisan way.

We then had a Republican Congress last year. Senator DOMENICI, who will be here a little later this afternoon, was chairman of the Energy Committee. He went to the White House to talk with the President about this issue. He invited me to go with him, but he didn't just invite me, he invited Senator BINGAMAN, his ranking Democrat, to go with him. So all the way we have worked together on this legislation.

Then we sat down shortly after this report came out, which I suppose was in 2005 in the fall, and had a series of what we call homework sessions. We invited representatives from the National Science Foundation, the U.S. Department of Energy, the U.S. Department of Education, the President's science adviser, and a whole variety of other people within the administration who were already working on these subjects to get their advice about these ideas and other ideas as we formed legislation. That is the kind of input this legislation has had.

Finally, Senator DOMENICI and Senator BINGAMAN introduced what we call the PACE Act, Protect America's Competitive Edge Act. Symbolically, it had 70 cosponsors in the Senate—34 Republicans and 35 Democrats.

So we have gotten to the beginning of 2006. I will say a little bit more in a moment about exactly what was in that legislation, but let me continue with the process because it is fairly remarkable and helped to produce this legislation which I found in rereading it over the weekend is remarkably coherent. It is in plain English. It is organized by sections. I could understand virtually every section. I have been reading it as we went along. Maybe this is a model for other complex legislation we have in the Senate.

The President, in his State of the Union Address in 2006, and again this year, put the issue front and center with what he called his American competitiveness agenda. The President included \$6 billion in his budget for just the first year. In March of last year, the Energy Committee reported eight provisions related to energy research and math and science education for students and teachers in association with the National Labs. So eight provisions of the Augustine report were reported out by the Energy Committee.

Then in May the Commerce Committee reported a bill that included ideas from the Augustine report, as well as the President's Council on Competitiveness. We had it from two committees.

Then the immigration bill passed the Senate. The immigration bill didn't finally become law, but it passed the Senate with pretty big numbers, and



included within it were three provisions that tackled some of the most archaic provisions in our immigration laws, those provisions which basically prevent our insourcing of brain power.

We have more than 500,000 foreign students who come here every year to study. They include some of the brightest people in the world, and we make them swear before they come that they will go home when, in fact, we should want most of them to stay here and create jobs for us so we can keep our standard of living.

So three provisions from the Augustine report were in that immigration bill that passed the Senate last year, and it is my hope that when the Senate takes up immigration legislation before Memorial Day, which the majority leader has said we are likely to do, that legislation will, again, have the provisions from the Augustine report and other recommendations that will make it easier to attract and keep in our country the brightest men and women from around the world. If they are going to create good jobs somewhere, let's create them in the United States for Americans to have.

The Defense authorization bill included a provision related to support for early career researchers funded by the Pentagon. There are so many good applications from so many talented people in the United States for basic research or even applied research that the investigators, as they are called, are sometimes in their forties before they win their first grant. That is discouraging to many of the brightest young minds in the United States. These recommendations have sought to include changes, and the Defense authorization bill last year took a step in that direction.

One of the major recommendations of both of the reports I just mentioned was making permanent the research and development tax credit so that our brightest manufacturing jobs can stay here rather than be created overseas.

In the so-called tax extender last year, the tax credit was temporarily extended, and so that was dealt with last year. Last year, just before Senators went home for the elections in October, the two leaders, Senator Frist then the majority leader, and Senator REID then the Democratic leader, introduced a package—it was numbered S. 3936—that included the work of the Energy and Commerce Committees and added an education component to improve our children's knowledge of math, science, and critical foreign languages.

That bipartisan product was the work of the chairman and ranking members of the Health, Education, Labor, and Pensions Committee and the Commerce and Energy Committees.

We tried to be good stewards of the public money as we went through this process. That working group last year trimmed \$3 billion from what the committees passed in order to make it

more affordable. We did our best to stay close to the President's budget number, although we slightly exceeded that number.

This year, to bring us to where we are today, the majority leader, Senator REID, and Senator MCCONNELL, the Republican leader, took that bill, the one introduced last year by Senator Frist and Senator REID, and reintroduced it by removing authorizations for 2007 since we have already finished work on 2007 and are looking ahead to 2008. That is the bill we are considering today, the America COMPETES Act.

That is a long train ride. To those who may be outside the Senate, they may think that is unnecessarily complex. We didn't really need to know all that. I think it is important for the American people to know all that. It is especially important for Senators and their staffs to know all that because virtually every Member of the Senate has had 2 years to get their say. I know on the Commerce Committee there have been long meetings of members of both sides. I know that is true with the staff meetings. Not all would write every provision of the bill the way it is, but that is the nature of work in the Senate. It is a very good piece of legislation. It may be improved on the Senate floor by amendment, but it has been a long and good process.

Mr. INOUE. Will the Senator yield?

Mr. ALEXANDER. I yield.

Mr. INOUE. Mr. President, I commend my colleague, Senator ALEXANDER, for his broad and very intricate history of the bipartisanship. If all of us in this body followed this process on all major legislation, this would be a historic session, and I hope it is so. This will be one of the first I can look back to and say we tried and we succeeded. And I think we are going to succeed. I thank the Senator from Tennessee very much.

Mr. ALEXANDER. Mr. President, I thank the Senator. His example with Senator STEVENS is a good example for all of us. I hope he is right. The American people know we all have our principles, and we have our politics. They know that. But I believe they also know there are some issues that are simply too big for one party to solve, whether it is Iraq, whether it is immigration, whether it is energy independence, whether it is affordable health care. And one of those issues is how do we keep our brain power advantage so we can keep our jobs from going overseas to India and China.

It will take a comprehensive approach. We take for granted sometimes that we produce 30 percent of all the money in the world for 5 percent of the people. That is one of my favorite statistics. If I were a citizen of China or of India and I was looking at the United States and I saw that disproportionately our wealth comes from our brain power, I would be encouraged because many of the brightest people in the world are in China and in India, wonderful researchers, wonderful sci-

entists. There is no reason in the world that they cannot use that great resource they have to improve their standard of living, and they are setting about to do it.

If the Senator from Hawaii has no objection, I thought I might talk a little about what is in the bill, just to go over it.

As I said, for those who like to read whole bills, it is 208 pages, but any contractor will tell you that it is cheaper to start from scratch in building a house sometimes than remodeling it. I think we may have found something here working together in a bipartisan way. In starting from scratch, we actually may have produced a better organized bill, more straightforward than trying to remodel a lot of existing laws. But here is what we sought to do.

Based upon these recommendations, this legislation doubles funding for the National Science Foundation over 5 years. Now, this is the work of Senator INOUE and Senator STEVENS and their committee. This is merely an authorization bill—it doesn't appropriate a penny, but it has to be within the budget. Senator BINGAMAN offered an amendment, which I joined in with during our budget discussion, and it created room in the budget, nearly \$1 billion of room in the budget, for the first year appropriations of the America COMPETES Act. So these dollars are within the budget, and I will talk a little more about the dollars a little later.

I might say one thing about the dollars. The dollars are an additional \$16 billion in spending over the next 4 years. That is real money. But we might remember on what else we spend money. That is about 2 months of the war in Iraq. We spend about \$8 billion a month on the war in Iraq. We spent \$237 billion on debt last year, \$378 billion on Medicare, \$545 on Social Security, and \$100 billion or so on hurricanes. These are all very important priorities, but somehow we have to put gas in the engine, and the gas in the engine is our brain power advantage.

We have to invest in research, education—K-12—in order to keep the advantage that creates the dollars that pay these bills for our most important programs. But we have worked hard. We have worked hard to have fiscal discipline. The \$16 billion over the next 4 years that this bill would authorize to spend, and which is within the budget for this year, is a significant savings over the original legislation last year. More than \$3 billion over the 4 years in authorized funding has been cut from last year's competitiveness bills passed by the Energy and Commerce Committees.

We also worked hard to avoid duplicative undergraduate scholarship programs that were proposed in earlier legislation, and it reduced the cost of a number of other proposed and existing programs. For example, the Robert Noyse scholarship program of the National Science Foundation was very

similar to a recommendation of the Augustine report. So after discussions with the National Science Foundation in our homework sessions, we thought, well, why create a new duplicative program when we already have a good one. So we simply sought to expand it.

With regard to the education and energy portions of the bill, the total cost closely tracks the President's proposed American Competitive Initiative. Remember, he put in \$6 billion in his budget last year. The President has proposed over 10 years doubling research funding at the National Science Foundation, the National Institute of Standards and Technology, and the Department of Energy's Office of Science. The cost of the commerce portion of this legislation is a bit higher, but that is because Chairman INOUE and Co-chairman STEVENS agreed last year that they wanted to double the National Science Foundation's funding at a faster rate, of about 5 years rather than 10. So I would argue that this is pro-growth legislation and a small price to pay for that growth in our standard of living.

Mr. President, I would say to the Senator from Hawaii that any time he would like to interrupt my presentation, I hope he will.

Some of the specific provisions are the doubling of funding for the National Science Foundation, I just mentioned, from \$5.6 billion in the current year to \$11.2 billion in 2011. Before I arrived, the Congress doubled funding for the National Institutes of Health with a great payoff, most people felt, in terms of our health and research for cures for diseases. But we did not do as good a job during that period of time on the physical sciences, which are also important to the health sciences. This, hopefully, will begin to change that.

Second, setting the Department of Energy's Office of Science on track to double in funding over 10 years, and increasing from \$3.6 billion in the current year to \$5.2 billion in fiscal year 2011; establishing the innovation acceleration research program, which will direct Federal agencies funding research and science and technology to set as a goal dedicating approximately 8 percent of their research and development budgets toward high-risk frontier research. This was a recommendation of both of the major organizations, the Augustine committee and the Council on Competitiveness.

What this means is that there are so many good proposals before the peer review and merit review groups that give out basic research grants that they obviously tend to be a little more conservative when presented with so many good ideas. The disadvantage of that is that it reduces the impulse to take a few risks, to roll the dice, or to try some idea that has less of a chance of succeeding but might be the next Google or the next hybrid or the next Internet or the next stealth invention. So this legislation encourages all through the America COMPETES Act

in virtually every section that we fund, the idea of setting as a goal—not a mandate but as a goal—8 percent of the research and development budget toward this high-risk frontier research.

Next, it authorizes bringing the National Institute of Standards and Technology up from \$703 million next year to \$937 million in fiscal year 2011. It would direct NASA to increase funding for basic research. It will authorize coordinating ocean and atmospheric research and education at the National Oceanic and Atmospheric Administration and other agencies to promote U.S. leadership in these important fields. This has been a major priority of Senator INOUE, as well as others.

The Augustine committee, at our request, was asked to give us some priorities and not just give us a random list. And I might say, when they gave us 20 recommendations instead of 10, and they gave them in priority, they didn't just go out and get the first 20 they heard about. Over the summer, the working group of 21 members—and I am sure the Council on Competitiveness did the same—considered hundreds of ideas. So our leading scientists and the people we asked to give us their best advice on science and their best advice on medicine and their best advice on engineering, they waded through dozens and dozens of operating programs and other ideas and gave us just a handful of the best ideas.

This has been a tremendously important screening process. I believe one reason this has been so broadly accepted in the Senate and by those outside the Senate is that it is not just one Senator's idea of what is a great math program or another's best friend's idea of a good research program. This is, in effect, a merit-based, peer-reviewed set of recommendations and an answer to the question as to what are the most important things we can do to keep our brain power advantage.

So, No. 1, authorizing competitive grants to States to better align elementary and secondary education with knowledge and skills needed for success in colleges and universities and the Armed Forces.

Now, what that means in plain English is to make sure our elementary, middle, and high schools are teaching what students need in order to go to college, to go to work, and to go to the Armed Forces. That is the key.

Next, strengthen the skills of thousands of math and science teachers by establishing training and educational programs at summer institutes hosted by the National Laboratories, and increasing support for the teacher institutes at the National Science Foundation's institutes.

One Senator said to me the other day: This is new, isn't it, the idea of giving the National Laboratories such a specific role in training outstanding math and science teachers and inspiring math and science students to learn and achieve more in math and science?

The answer is, yes, it is new. But the feeling of the Augustine commission and others is that we have a crisis in math and science. And that is not too strong a word.

The former Governor of North Carolina, Jim Hunt, told me the University of North Carolina only graduated three physics teachers in a recent year from its college of education. So we are not going to learn much physics if we don't have anybody teaching much physics. So why not take advantage of these remarkable National Laboratories we have around the country. I guess there are about two dozen or so of them, like the Oak Ridge Laboratory in the State of Tennessee, but there is also Los Alamos and Lawrence Livermore. They are all around the country. If you are going to inspire a student or inspire a teacher to be active in math and science, why not place them in an environment for 4 weeks in the summer with some of the finest math and science researchers and individuals in the United States?

It would be a choice for a young musician—give them a choice whether to be on the road with Johnny Cash or be in the business office at the Grand Ole Opry, and they will go on the road every time because that is how a singer learns to be a singer. And that is how a student learns what they can do with math and the joy of mathematics.

When I was Governor of Tennessee we created summer academies—we called them the Governor's schools—for outstanding students and teachers of various subjects. About 20 States have done the same thing. We have found it is the best money we ever spent to offer 4 weeks at the University of Tennessee connected to the Oak Ridge National Laboratory for 200 of the most outstanding high school juniors interested in science and math. The teachers love to teach them, the students love to come. Instead of becoming a nerd in their rural school, suddenly they are with 200 peers, and they are all celebrated for their academic achievements. Why not use these National Laboratories to our advantage?

No other country in the world has the National Laboratories that we have. One thing they can do is to help inspire the next generation of math and science students and improve this generation and the next generation of math and science teachers.

So expanding the Robert Noyce teaching scholarship program at the National Science Foundation—this is a very fine program at the National Science Foundation which has had for a long time a role in education as well as research. This program trains individuals to become math and science teachers in high-need local education agencies.

Assisting States in establishing or expanding statewide specialty schools in math and science. Now, I don't know whether the State of Virginia or the State of Hawaii has a full-time residential school in science and math. I know



the State of North Carolina does, and I went to see it. Governor Jim Hunt set it up. I went to see it when I was Governor. We didn't believe we had enough money to create one in Tennessee, so we created those summer academies about which I just spoke. But Governor Bredesen, our current Democratic Governor of Tennessee, wants to start, and has made a very small start, of what we call in the legislation a specialty school in math and science, and several other States have followed North Carolina's example. This would help States up to about a 50-percent level. All the rest of the money would have to be private, State, or local.

Establish schools like the North Carolina residential high school for math and science. Not only will it give gifted students a greater knowledge, but it helps us compete with the world. North Carolina has felt as though over the last 20 years it has helped keep many of those bright students in North Carolina because if they go there to school, they may go there to college, or at least they may come back if they go somewhere else, and then they create more jobs and build up that economy.

Facilitating the expansion of advanced placement in international baccalaureate programs by increasing the number of teachers prepared to teach those courses and foreign language courses. The AP courses, advanced placement courses, are a ticket to success. College entrance examiners read them carefully. If you get a 4 or a 5—those are the highest grades in math or science—or if you take several of them, your chances of being admitted to a variety of institutions are increased. But they are offered to a very limited number of the students—not limited by their brains but limited by their money. They either do not have the money to pay for the tests or they do not go to the schools where there are enough teachers who are trained to teach in the preparation for their tests.

This builds on a program in Houston, TX, which has been very successful in the last 10 years, of expanding the opportunities for low-income students to take more advanced placement courses to prepare for college and also to train teachers to meet that demand.

Senator HUTCHISON and Senator BINGAMAN have been two of the leaders in this for 10 years in the Senate.

There are a variety of other proposals. Adopting another program from Texas, the You Teach program—this wasn't sent over from the White House although this is two straight Texas programs; this is from the National Academy of Sciences, because they have a terrific program at the University of Texas at Austin, where they take students who are enrolled in chemistry and recruit them into the College of Education with an attractive scholarship and then the idea was to pay them \$10,000 a year to teach at a high-needs school for 5 years after they leave. In other words, they get the people into teaching and they will put

them in the schools where they are needed the most. That is called the You Teach program. It would expand that.

There was a program from the University of Pennsylvania which would take teachers who are now teaching and give them intensive summer training and improve their ability to teach math and science, all toward the same objectives.

Then the President proposed Math Now grants, improving the teaching of mathematics in the elementary and middle schools. That is in here as well, after it went through the process. Then we expand the programs to increase the number of students who study critical foreign languages and become proficient. That was recognized here for a variety of reasons as a part of keeping our brain power advantage.

Finally, there are a number of proposals that would identify continuing organizations within the White House and Cabinet councils and other studies to try to keep a spotlight on this subject.

This is not the whole answer to the book "The World Is Flat." It is on the same subject. It is part of the answer. It is a good start. In fact, it is a very good beginning. But we need to continue this attention to our position in competitiveness.

What I have tried to review here is how this legislation came to the floor, why it has attracted this unusual leadership from the majority leader and Republican leader, why it has had such a sense of urgency from senior leaders such as Senator INOUE, Senator STEVENS, and others, why today it has 56 sponsors, why the House of Representatives is considering legislation on a parallel track, and why I believe there is no more important piece of legislation that will come before us in this session of Congress.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 904, WITHDRAWN

Mr. INOUE. Mr. President, on behalf of the distinguished chairman of the Energy Committee, I ask unanimous consent to withdraw the pending amendment.

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

#### AMENDMENT NO. 906

Mr. INOUE. Mr. President, I am pleased to send to the desk a managers' package, which I described earlier, from the Commerce Committee.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for himself and Mr. STEVENS, proposes an amendment numbered 906.

Mr. INOUE. I ask unanimous consent the 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 strike the provisions regarding the working capital fund and to amend certain provisions regarding the National Science Foundation)

On page 5, beginning on line 13, strike "science and technology" and insert "science, technology, engineering, and mathematics".

On page 25, line 5, strike "education" and insert "education, consistent with the agency mission, including authorized activities".

Strike from line 16 on page 44 through line 2 on page 45.

On page 45, line 3, strike "(d)" and insert "(c)".

On page 47, line 8, strike through the end of line 20.

On page 47, line 21, strike "(f)" and insert "(d)".

On page 49, between lines 17 and 18, insert the following:

#### SEC. 1503. NOAA'S CONTRIBUTION TO INNOVATION.

(a) PARTICIPATION IN INTERAGENCY ACTIVITIES.—The National Oceanic and Atmospheric Administration shall be a full participant in any interagency effort to promote innovation and economic competitiveness through near-term and long-term basic scientific research and development and the promotion of science, technology, engineering, and mathematics education, consistent with the agency mission, including authorized activities.

(b) HISTORIC FOUNDATION.—In order to carry out the participation described in subsection (a), the Administrator of the National Oceanic and Atmospheric Administration shall build on the historic role of the National Oceanic and Atmospheric Administration in stimulating excellence in the advancement of ocean and atmospheric science and engineering disciplines and in providing opportunities and incentives for the pursuit of academic studies in science, technology, engineering, and mathematics.

On page 170, strike lines 20 through 23 and insert the following:

- (1) \$6,729,000,000 for fiscal year 2008;
- (2) \$7,738,000,000 for fiscal year 2009;
- (3) \$8,899,000,000 for fiscal year 2010; and
- (4) \$10,234,000,000 for fiscal year 2011.

On page 172, line 19, strike "Foundation, for each of the fiscal years 2008" and insert the following: "Foundation, for fiscal year 2008, \$1,050,000,000, and, for each of the fiscal years 2009".

On page 172, line 25, strike "2007" and insert "2008".

On page 173, line 5, strike "5-year" and insert "4-year".

On page 173, line 21, strike "an additional 250" and insert "additional".

On page 174, line 5, strike "5-year" and insert "4-year".

On page 174, line 17, strike "an additional 250" and insert "additional".

On page 183, line 4, strike "restrict or bias" and insert "inhibit".

On page 183, line 5, strike "against" and insert "for".

On page 184, beginning on line 2, strike "1862g), for each of fiscal years 2008" and insert the following: "1862g), for fiscal year 2008, \$125,000,000, and, for each of fiscal years 2009".

On page 184, line 8, strike "2007" and insert "2008".

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. Mr. President, I wish to speak to the amendment, the managers' package the Senator from Hawaii has proposed. I wish to make two points about it.

The first is it reduces the cost of the bill by \$280 million over 4 years. That is important to all of us and it is especially important to some of us. We are trying to spend money wisely.

At the same time, there are significant increases in the National Science Foundation education programs—about \$300 million, in fact, over the President's requested level. But it is important that we know what these are. They are directly in line with the recommendations of the Augustine report and the Council on Competitiveness. Remember, we asked them to put these recommendations in priority order. The first thing is not the R&D tax credit, it is not bringing in more foreign students—it is not. The first thing was kindergarten through 12th grade math and science education. That is where our academies believed we had the biggest problem. So this new money for education programs in the National Science Foundation goes to graduate research fellows, to graduate education, research traineeships for a program called Professional Science Masters. This is a program where colleges are helping students earn master's degrees, not necessarily with the goal of going on to a Ph.D., but a master's degree that might take you on into a highly technical field in business; in other words, making us more competitive. It includes the Robert Noyce scholarships, which were expanded to help train more math and science teachers, and the teachers institutes in the summer.

These programs are education programs of the National Science Foundation, but we save \$280 million over 4 years, and we have directed those toward nonduplicative programs that are consistent with the commission reports.

I wonder if, before Senator DOMENICI speaks, I could say a word. Senator DOMENICI is here. He is going to speak now. I am going to step to the side while he does. But I wish to say a word about Senator DOMENICI's crucial role.

I have already spoken to the fact that without the sense of urgency of Senators INOUE and STEVENS, we would never have gotten to this point. But Senator DOMENICI was there at the beginning of this work. Even though, in our caucus, only one Senator is more senior, he stepped back and created an environment so Senator BINGAMAN and I and many other Senators

could work on this. He watched it very carefully, he supervised it, he chaired it, but he left room for us, many of us, to work on this.

When it came time to go to the White House, it was Senator DOMENICI who asked the President if we could come see him. It was Senator DOMENICI who, rather than go down by himself as a Senator might have done, invited his junior colleague, me, to go with him. But more important than that, he invited his senior colleague, the Democratic Senator from New Mexico, Senator BINGAMAN, to go. It was Senator DOMENICI who insisted in the Energy and Commerce Committee he chaired that all this work be done in a bipartisan way. So because of that and the way Senators STEVENS and INOUE work, we were able to do this.

It was a Domenici-Bingaman piece of legislation called the Protect America's Competitiveness Act that was introduced last year with 70 sponsors, 35 Democrats and 35 Republicans.

So before, Senator DOMENICI came, I thanked and saluted other Senators whose leadership has made a difference. But no one has been more responsible for this piece of legislation coming through.

Now that the assistant Democratic leader is here, I want to use this occasion to say how much I, and many of us, appreciate the way he and the majority leader have handled this piece of legislation; created an environment in which we have it on the floor in a way it can succeed. Senator DURBIN, the Presiding Officer, has been a strong supporter of this legislation and a co-sponsor of it from the beginning. I also wanted to recognize that.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, it is now over 60 years ago that a brilliant, charismatic man arrived on the scene in my home State of New Mexico. He cut an odd figure and began a strange recruiting effort for a secret project at an undisclosed location for an undetermined period of time.

Who was this man and what was the upshot? His name was J. Robert Oppenheimer, a brilliant and charismatic American physicist. We all know something of him, and we might have different views, one from another. But he was collecting the best scientific minds of his time worldwide, not just Americans, for he had the Fermis from Italy, husband and wife. Some say, as they assessed the brilliance of the team, Enrico Fermi led the pack. I don't know which; it was 60 years ago. But I do know they were asked and recruited by Mr. J. Robert Oppenheimer. He was collecting the minds and taking them on a mysterious journey to a remote mesa in New Mexico. The task was to develop the first atomic bomb. The collective scientific brain power of the Manhattan Project, and the awesome power it

produced, would change the world forever. The scientists at Los Alamos ushered in a new era. Their sacrifice and their ingenuity created a story for the ages.

More specifically, their legacy for us is to consider today, and is to find out that there is great value in an awesome power of science and mathematics education. That is what brings me to the Senate floor, and that is why I rise in strong support of this bill under consideration.

Today is a great day. Today the Senate begins a process of rising above the gathering storm. Let's hope. Let's hope. Those words, "Rising Above The Gathering Storm," are part of the title of the National Academy of Science report released in 2005 on American future competitiveness and standard of living of our people. The report was written by a distinguished group chaired by a former Lockheed chairman, chief executive officer Norm Augustine. Mr. Augustine's committee included three Nobel laureates, presidents of leading American universities, including then Texas A&M president and current Secretary of Defense, Robert Gates, and the chief executive officers of corporations with global reach.

After an intensive 10 weeks, the committee presented a significant challenge to our Nation. The findings of the "Gathering Storm" report and the 20 communications within tell us one thing above all else: America is not doing enough to harness and develop its national brain power. Yes, that is a strange thing to say. We are not doing enough to harness and develop our national brain power. Today we are here to begin to remedy this problem and to meet the challenge set forth in the report.

I am so grateful that even after 34 years in the Senate I can find an issue such as this to get excited about. I can find an issue such as this that Senators from both sides of the aisle can get excited about. They do not talk about their parties when we have these meetings. Most interesting. Maybe they go back to their rooms and talk about the Democratic party, how it can use this report, or the Republican party. They talk about America's brain power is on the wane, meaning that, believe it or not, we can do something about it. That is a nice observation. We can do something about the waning brain power of America; meaning these young kids, 9, 10, 11, 12, 13, 14, 15, 16, 18 years of age, have within them the same collective brain power that was present when Oppenheimer went looking for the best. It was not just assumed that there were smart people; they knew there were people with brain power. Right? They just didn't have them in place. They were scattered about. Fermi was over here, some guys were over in Eastern Europe, and a bunch of them were over on the West Coast. But somebody had to put them together. They collected brain power that unlocked the atomic bomb.

Now, we are not going to do that. What we are trying to do is look back and say, how do we do the things that experts tell us will, in fact, increase the brain power of our people. It is there the same as it is in China. They are just producing more. Does it mean they have more? No, it does not. It means they have decided it is the greatest thing for them, so they are educating more and more and more. So is India. We are sitting over here with all of the greatest institutions to do the educating, but we do not have—it has not been coalesced even around the essence of a plan that has, as its goal, brain power collection, brain power enhancement; brain power is on the wane. Let's build it back.

That is what we are trying to do. Today, we begin to remedy the problem and meet the challenges set forth in the report called the "Gathering Storm." It tells us in a few pages why it is a storm. It tells us in a few pages why it is a gathering storm. It tells us in a few pages that we are actually selling ourselves short. It tells us if we do not decide to build this brain power back, we are going to lose. We are going to lose a war which some of us do not even know we are fighting. We are going to lose the war for brain power equality and we do not even know we are fighting.

This "Gathering Storm" report identifies the two challenges linked to scientific and engineering excellence: first, creating high quality jobs for the American people, and, secondly, responding to America's need for clean, affordable, and reliable energy.

The report was aimed at enhancing our Nation's human financial knowledge and capital to ensure our prosperity. It addressed increasing America's talent pool by vastly improving science and mathematics education in kindergarten through grade 12. The report, "Gathering Storm," called for significant advances in science and engineering programs in our Nation's higher education, improving our economic policy, from intellectual property protection to research and development tax credits and tax incentives for U.S.-based innovation.

The report also provides us with some worrisome indicators. The following few facts should sound alarm bells throughout this Chamber and this Nation. I trust people will listen. Senators have participated from both sides of the aisle, from all vintages. Some are young, some have just come, they are excited, some have been here a long time. I am not going to say such as the Senator from New Mexico, I am going to say such as the Senator from Hawaii, and he is enthused. Some have been even here as long as the Senator from Alaska, and that is a long time, longer than me, and he is excited. Right? What it means is if you put the right plate in front of us, we can get excited about doing something for our great country.

This report provided us with some worrisome indicators. I am going to

tell you about them in a minute. In 2001, U.S. industries spent more on tort litigation than research and development. Look at that. That is not happening to our competitors, I tell you.

If we want people over here to say, well, there is some good to that, we are gaining something on that, well, we will have an awfully long dialog on the floor on that one fact. Are we gaining that much benefit for the American people out of our tort system, as we are when we say that costs us as much in dollars? It says here: Industry spent more on litigation than it did on research and development.

Chemical companies closed 70 facilities around the United States in 2004. I might say to my friend, of the 120 chemical companies being built at the time of the release of the Augustine report with a price tag of \$1 billion or more, 1 was in the United States and 50 were in China. Got it? Those are chemical plants. People say: Oh, chemical plants; bad stuff. We are not talking about chemical plants, bad stuff. We are talking about chemical plants where you use the chemical product for all kinds of things that make you a strong nation, that make things for people to use in their house, that make things you can use outdoors. The chemical plants are an evidence of basic industry, and America built 1, China built 50. That is pretty startling, is it not?

Of the nearly 1.1 million U.S. high school seniors who took the college entrance exam in 2002, less than 6 percent had plans to study engineering. That is a 33-percent decrease from 10 years earlier. Pretty big stuff. Meanwhile, more than 50 percent of the U.S. science and engineering workforce is approaching retirement. Startling.

Now, Senators, these statistics show that the challenge to our Nation's standard of living is before us and the Senate must act. I am proud to join this bipartisan group of Senators introducing the America COMPETES Act of 2007, commonly referred to as the competitiveness bill.

Through this legislation, we are addressing nearly every one of the recommendations made by this significant report. Enacting this bill will be a culmination of a remarkable cooperative effort, with work cutting across three Senate committees, and with valuable contributions from a large number of colleagues in the Senate. This bill has the support of both leaders in the Senate and the collective support of our Nation's boardrooms, classrooms, and laboratories.

I will speak briefly about the area of the bill over which the Energy and Natural Resources Committee has jurisdiction. We know that following through on recommendations of the Augustine Commission will require new commitments and participation from several Federal agencies. The Department of Energy has a major role to play in meeting this challenge. This legislation doubles funding for the Of-

fice of Science over the next decade—that is healthy and hearty, and many will look forward to it with great enthusiasm—the largest source of Federal support for basic science in the physical sciences. The President called for the increase in announcing his American Competitiveness Initiative last year.

The Augustine report stressed the importance of increasing our national commitment to basic research in the physical sciences. The America COMPETES Act responds by putting the Department of Energy Office of Science on a path to double in funding over the next decade. As the largest Federal funder of basic research in the physical sciences, the Office of Science is of critical importance.

More than 58 Nobel Prize winners since 1936 have been supported by the Department of Energy at some time in their careers. Eighteen Nobel Prizes have been awarded to Department of Energy laboratory employees and another 13 to researchers who employed the National Laboratory facilities in their award-winning discoveries. Most of the 40 winners of the prestigious Enrico Fermi Presidential awards have done research supported by the Department.

A few years ago, we made a commitment to double funding in the National Institutes of Health to support the biological sciences. We made good on that commitment. We said it, and we did it. It is now time that we address the role physical sciences play and stand together to support such growth of key agencies such as the DOE Office of Science. By doing so, we will not be taking away from other Department functions or laboratory resources.

In fact, I was cosponsors with Senators BINGAMAN and ALEXANDER to an amendment in this year's budget resolution. We have a few people who know something about that, too. It is rather tricky, and sometimes you have to do some things you don't quite understand. Then you catch on. But we did put in a billion dollars for new authorizations provided in that budget, so that the legislation we are going to enact will not take money from Peter to pay Paul. We won't be taking money out of the Department of Energy to pay for the new items in the Department of Energy. We would be called down here on the floor, and we would lose. I hope we have done it right so we can prove our point.

This bill leverages the tremendous talent and technological investment of our laboratories and its system. These new provisions will build on education and outreach work the labs have undertaken for years. Through this legislation, the national labs will provide opportunities for high school students from across the Nation to gain hands-on experience in science and engineering fields; assist States in establishing specialty schools in math and science; strengthen the skills of thousands of

math and science teachers by establishing training and education programs at summer institutes hosted at National Laboratories; establish partnerships between the National Laboratories and local high schools and centers of excellence in math and science.

I have spoken quite a bit recently about the importance of engaging China in the challenge of energy security and global climate change. I have written to the President about this important issue. It should be clear to all of us that our energy, environmental, and educational challenges cannot be considered in a bubble; rather, they must be considered in light of global competitiveness, challenges that face us all. To maintain our technological edge, we must improve our educational systems and the research and development we do in corporations, universities, and Government laboratories throughout our Nation. This must lead us to higher brainpower for our people.

The challenge is great, like others this Nation has faced. The challenge was great 60 years ago in New Mexico. They were busy trying to put a team together to build the first atomic bomb—can you imagine—from scratch. The idea alone is all they had. They put it together and built it. They found the manpower to do it. We have the manpower. We are just not using it. We are not letting it build itself as required.

I commend the authors of the Augustine report. I commend my colleagues for their hard work on this legislation. I am hopeful we will rise above the gathering storm. If we do, people will say: You had a lot to do, maybe more than you thought, but you sought out and found what was most important; that is, taking the gathering storm and making sure it did not end up hurting our great Nation but, rather, was the stimulus for us to increase the collective brainpower of our young people.

I yield the floor.

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

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

Mr. CHAMBLISS. Mr. President, I rise today in strong support of a bill that addresses many of the challenges facing Georgia and our Nation during this time of increasing global competitiveness. I am a cosponsor of the America COMPETES Act because it will ensure that the United States will be able to sustain a vigorous economy, an unrivaled national defense, a first-rate health care and education system, a healthy environment, and a hopeful and prosperous future for generations to come.

Although the United States has the strongest scientific and technological

enterprise in the world, we are now experiencing the slow but steady effects of globalization. These effects, led most notably by modern advances in communications, have made the world a smaller place and have dramatically increased worldwide competition.

The leadership in science and technology that the United States has enjoyed since World War II is being seriously threatened by the burgeoning and thriving economies and workforces in countries such as China and India. I believe in order to keep our competitive edge and to maintain our dominance in the fields of science, technology, engineering, and mathematics, it is imperative we make a long-term investment in our future scientists, professors, and engineers. We can do so by improving science and mathematics education, and by providing schools, universities, and research centers throughout the country with necessary funding.

Recently, Microsoft Corporation founder Bill Gates testified before Congress, and he said:

The U.S. cannot maintain its economic leadership unless our workforce consists of people who have the knowledge and skills needed to drive innovation.

Mr. President, that is a very accurate statement, and that is why we need to pass this bill. With the funding and programs provided for in this bill, it will be easier to educate and grow an innovative workforce that is highly skilled and highly trained. The America COMPETES Act recognizes that better educated students make a smarter, more efficient workforce. And that is an important investment for this Nation.

As an example of what funding for science and mathematics education can do, let me tell you about a program that is doing great things in my home State of Georgia. The Georgia Academy of Mathematics, Engineering, and Science, or GAMES, was established at Middle Georgia College in Cochran, GA, during the fall of 1997. GAMES is a residential, joint enrollment program for top-performing high school juniors and seniors. The program allows students to obtain high school and college credits simultaneously while enrolled in full-time college courses. Most students in the GAMES program major in mathematics, science, or engineering.

The GAMES program enrollment continues to grow each year and has earned the reputation of an academic alternative for gifted students all across Georgia. Over the 10 years this program has been in existence, students who have been accepted into GAMES have averaged a 3.85 GPA and an SAT score of 1246. After completing the GAMES program, 48 percent of the students enrolled in the program have transferred to the Georgia Institute of Technology. The GAMES program allows these students to earn a firm foundation in science, technology, and physics before entering Georgia Tech.

Many GAMES graduates are pursuing and/or have received their Ph.D. in

mathematics, science, or engineering. I commend Dr. Richard Federinko, president of Middle Georgia College, and the entire faculty and staff for their hard work in making the GAMES program a major success.

GAMES is just one program in one State, and we need more like it throughout the country. This legislation will open the door and perhaps expand these types of programs into other States and allow more bright young people to enter the fields of science, math, and technology.

My fellow colleagues, time is of the essence. We can no longer afford to be complacent and just assume the United States will continue to be the world's leading innovator. Without action, our grandchildren face the genuine possibility of living in an America that is not the preeminent leader in scientific and technological advancements. I urge each of you to join me in support of this critical piece of legislation.

I want to particularly commend my long-time dear friend, Senator LAMAR ALEXANDER from Tennessee, for playing a leading roll in the drafting of this legislation and for working so hard to make sure the policy in this legislation is the right kind of policy to promote science, math, and technology in our schools, not just from the eighth grade forward, from the ninth grade forward, but from kindergarten forward.

I say to Senator ALEXANDER, I know he has been ably assisted by Senator BINGAMAN, as well as others, in a bipartisan way to make sure America's educational system continues to be the preeminent system in the world and that we give these bright minds the opportunity to develop, and that we make sure—from the standpoint of developing engineers in the future, from the standpoint of developing medical researchers in the future, from the standpoint of developing doctors and other types of engineers in that field—we continue to lead the world not just in the production of individuals from a numbers standpoint but in the production of quality individuals to develop technology, to develop our research capability, as well as to make sure from a professional standpoint we have the engineers and the physicians who will continue to lead the world.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Georgia for his comments but, more importantly, for his leadership. We usually think of Senator CHAMBLISS in terms of leadership on intelligence matters, Armed Services matters, on agricultural matters, where he is the ranking member. But from the very beginning on this legislation, he has been out front.

I can remember when Norm Augustine, chairman of the Augustine committee, came to the Senate and had a dinner with us right around the corner. Senator CHAMBLISS was one of the first

Senators there. He has been one of the major leaders in this endeavor for the last 2 years. His comments about the Georgia residential high school for math and science illustrates a good way to help take this legislation from the abstract and put it in concrete terms. Section 3171 of this legislation, specialty schools for math and science, will assist States in establishing or expanding such residential high schools for math and science.

I spoke a little earlier on the floor about North Carolina's math and science program which they have had for 25 years. Tennessee is a little behind. We haven't had one yet; we have summer governor schools for math and science. This legislation would authorize the Congress to appropriate funds which could pay for up to 50 percent of the cost of operating that school in Georgia which would permit Georgia, if it wished, to expand that school. The Senator cited in his remarks one good reason to do it in addition to the Nation's competitiveness. I think I heard him say 48 percent of the students went to Georgia Tech. So if our goal is to keep bright students at home to create jobs for us in the United States, a more specific goal is to keep bright Georgia students at home so they can create jobs for Georgians.

Mr. CHAMBLISS. Mr. President, if the Senator will yield for a question through the Chair.

Mr. ALEXANDER. Certainly.

Mr. CHAMBLISS. I simply say the Senator is exactly correct; 47 percent of our students do go on to Georgia Tech. I wish we could get more of them at the University of Georgia where they happened to let me go, but at Georgia Tech we are doing a terrific job of taking these bright young minds that are being developed, as we said earlier, not just at the eighth and ninth grade level, but thanks to you and the leadership of folks like you, at a much earlier age. Our GAMES program, incidentally, was put into effect and implemented by our former colleague Senator Zell Miller, when he was the Governor of our State, and somebody whom I know you worked very closely with over the years. It is a great concept. It is forward thinking, as this legislation is very forward thinking from the standpoint of making sure that these great minds are developed at a very early age.

Again, I thank the Senator from Tennessee for his great work on this and I commend this legislation to all of our colleagues.

Mr. ALEXANDER. I thank the Senator.

Mr. President, our former colleague Zell Miller was Lieutenant Governor of Georgia when I was a Governor. He was a professor by profession and he was always interested in education and very skillful in education policy. Every Governor I know spends a lot of time trying to think of how we are going to recruit jobs. Well, if you study it, you learn after a while you don't recruit

nearly as many as you grow. The way you grow them is with brain power. So the single best thing any State can do to create the largest number of good new jobs in that State is to keep the brightest kids at home. Governor Miller, when he was there, initiated the HOPE scholarship, which played a major role in attracting many of the brightest Georgia students, and I would say many of the brightest Tennessee students to come across the border to go to the University of Georgia, and then the residential school for math and science did the same. This legislation would permit every other State to do the same, and it is just one of the things it would do.

If I may, if the Senator from Georgia is finished with his remarks, he has highlighted an area I wish to enlarge on. Sometimes our legislation, particularly when we talk about big phrases such as competitiveness and globalization, takes us off into the stratosphere and one might say: Well, what does that have to do with me? We have just talked about one example. If you are the Governor of Georgia or Tennessee or Illinois and you are thinking: What can I do over the next 10 years to grow the largest number of good new jobs, a residential school for math and science is a very good start.

I remember as Governor, after we recruited the Nissan plant and the Saturn plant, I was feeling pretty good. Then I counted up the number of jobs, and it was 10,000 or 12,000 jobs in a State that employs 2.5 million people. We were losing 200,000 or 250,000 jobs per year, so we had to be creating that many more. In our country, in the United States of America, we are losing jobs all the time. We don't want that to happen, but that is happening. So the real test of our society is: Can we create a lot more good new jobs than we are losing, a constant supply of good new jobs. Most of that comes from the subject of this legislation: from brain power, better schools, better colleges, better universities, more research, and especially technological innovation.

Illinois, I am told, already has such an academy: the Illinois Math and Science Academy, a residential high school. I am sure the Presiding Officer is very familiar with it. He may have helped start it, given his long tenure in the Congress. This legislation would give it an opportunity as well to expand.

On the subject of creating new jobs, the chief State school officers are in town. That means the superintendent of education of Illinois and Tennessee's commissioner of education are here in town. I am meeting with them tomorrow at about noon for a while, and what I can tell them—even though they probably heard all about math and science they want to hear through No Child Left Behind—is we are doing a number of things to help them at least authorize funding to help them succeed. For example, we are author-

izing grants to States to promote alignment of elementary and secondary education with knowledge and skills. That means in plain English helping States line up the math and science they are teaching with what you need to know to go into the Armed Forces, what you need to know to go to college, what you need to know to go to work. Sometimes there is not a good fit there. This would help schools and education systems, those chief State school officers, do that.

The second thing we would be doing is strengthening the skills of thousands of math and science teachers by using our national laboratories in Illinois, New Mexico, Tennessee, and around our country, and a host of summer institutions and academies for outstanding teachers of math and science, as well as for students, but especially for teachers.

I found in my experience as Governor, one of the most successful and productive things we did were Governors' schools, where we would take the Governors' schools for teachers of mathematics or teachers of reading, or students of international affairs, and the students would come for 2 to 4 weeks—sometimes it would only be teachers, but the students would come, you would bring in a core of faculty members from around the State, too. It would inspire those students so much, and what could be more inspiring for math and science teachers than to have a chance to be at the National Labs with Nobel Prize winners and some of the outstanding scientists in the world. It would refresh them, excite them, improve their skills, and help them carry a sense of mission back to their classrooms to inspire a new generation of math students and hopefully math and science teachers.

I can say to the chief State school officers of our various States, we are expanding the Robert Noyce teacher scholarship program at the National Science Foundation to recruit and train individuals to become math and science teachers in high-need, local education agencies. We are finding as we review No Child Left Behind in elementary and secondary education that 80 percent of our schools are, we can say, achieving, or even high achieving. In other words, their students, by category, are meeting what we call adequate yearly progress, so let's catch them doing something right. About 5 percent of those schools—I have missed it in one category—I would say they are still achieving pretty well. Only about 15 percent of the schools are high need, and usually what we find is they are children of low income, children whose parents haven't been able to help them, children whose parents have neglected them, children who have not yet learned English, children who have just arrived in this country and may not be in the same school in January they were in October, children who are hard to teach, and children who need more than even good teachers are usually able to give them. I am coming to

the conclusion that we need to train teachers especially to help these children. About 10 or 15 percent of all the children in our public schools across the country are these children, and these are the ones we are leaving behind.

Well, we are expanding teacher scholarship programs at the National Science Foundation to recruit and train individuals to become math and science teachers in high-need educational agencies. We are assisting, we have just said, teachers in establishing statewide specialty schools in math and science, and we will use the National Laboratories' staff to help with that. For example, if Tennessee wants to expand the new math and science academy Governor Bredesen has established—I salute him for doing it; he has wanted to do it for a while, but it is expensive and he only has a few students in it. This legislation makes it possible to use the National Laboratory staff to help Governor Bredesen in Tennessee expand and enlarge and make better the summer residential school for math and science.

I can say to the chief State school officers tomorrow, and they can take it back to their States across the country, that if the Congress enacts this legislation sponsored by the majority leader and the Republican leader, with 56 Senators on both sides of the aisle, its goal is to train 70,000 more teachers so they can teach advanced placement courses in math, sciences, and foreign language, so we can bring to the number of 700,000 the number of students who can take advanced placement courses in math, sciences, and critical foreign language.

As we have said before in the debate on this bill, students who don't get to take those AP courses now don't take them because they are not smart enough or because their brains don't work well enough; they don't take it often because they can't afford it or because the teachers aren't available to teach them in the schools they attend, so this will help to remedy that.

I can say to the chief State school officers, Governor Jim Hunt of North Carolina, one of our leading educators in America, a former Governor for 16 years in that State, who testified before the President's Commission on Higher Education that the University of North Carolina only graduated three physics teachers in 1 year at its College of Education. As I mentioned earlier, if we are not teaching physics, nobody is going to be learning it. So what are we going to do about that?

What this suggests is that after reviewing programs from all over the country, the Augustine commission recommends that we expand the You Teach program at the University of Texas. So there will be money that may be appropriated under this law that would permit universities to do as they do in Texas, in Austin, to go into the chemistry and biology programs and recruit students who are majoring in those science subjects, or a student who is majoring in math, and give

them a scholarship to go to the College of Education and become a teacher of chemistry or biology or math.

Now, the Augustine report recommended that we then pay \$10,000 a year in fellowships for those students so they can go into teaching in high-need areas, rather than for IBM or Google or Dell or some other high-paying job. That part of our provision is not in this legislation, the \$10,000 fellowship. I would like to see it in there.

Senator REID, the majority leader, the principal sponsor of this legislation, suggested when he introduced the bill the other day, that he had a very good experience—he and Paul Simon, the former distinguished Senator from Illinois—with finding ways to give stipends to teachers of math and science so they would stay in teaching. Well, this You Teach program at the University of Texas is now going to be available in Michigan, Tennessee, and other States around the country so we can recruit outstanding students into teaching.

In addition, the Augustine commission, after reviewing dozens and dozens and dozens of programs, found an especially good program at the University of Pennsylvania in science called Penn Science, and instead of recruiting students into teaching, it takes existing teachers and puts them through continuous training during the summer and during the year so they can be even better teachers of science.

I can say to the chief State school officers who are meeting in Washington, DC today that this legislation will permit you in Wyoming and in Tennessee and in New York and in Michigan and wherever to create a partnership between our National Laboratories and local high-need schools to establish centers of excellence in math and science education. So suddenly you match up a high-needs school with one of the greatest National Laboratories in the world. What can be more exciting for the teachers in that school or the students? It might go from being a high-needs school to one with a line around the block of students waiting to get in the door.

This legislation also has significant authorization for funding for a program called Math Now. This is the President's proposal, from his American Competitiveness Act which has been included in this legislation, and it would provide grants to improve math instruction in the elementary and middle grades and provide targeted help to struggling students so all students can master grade level math standards.

Finally, I can say to the chief State school officers who are meeting in Washington—and I will say it to them directly tomorrow at lunch—that the bill also authorizes expanding programs to increase the number of students from elementary school through postsecondary education who study critical foreign languages. We find this not just in our military needs in Iraq and Afghanistan and around the world, but we increasingly live in a worldwide economy, and our students, our citi-

zens will be better citizens, more effective citizens, if more of us speak more than one language. There is a long list.

There are 10 or 11 programs that either expand or create efforts to, as the Augustine commission says, “increase America's talent pool by vastly improving K through 12 science and mathematics education.”

Senator BINGAMAN, I, Senator DOMENICI, and the House Members asked our national academies: Please tell us exactly what we need to do to keep our brain power advantage so we can keep our jobs. We understand that since World War II, more than half of this remarkably high standard of living we have has come through innovation and technology. We understand that and we have an idea or two and we have friends with an idea or two about what to do, but tell us exactly what to do about it. Tell us in priority order. They put down K–12—vastly improving K–12 science and mathematics education.

I see the Senator from New Mexico is present. We have had a good discussion this afternoon. Some of the principal advocates have been here, and I especially appreciate Senators STEVENS and INOUE who have given a great sense of urgency to this legislation. The Presiding Officer, Senator STABENOW, has as well. Michigan has a tremendous number of research institutes and great universities that add fuel to the economic resurgence of that State and every other State.

Really, we are all interested in this legislation. The key is, How do we put it together in a way that we can get it through this interesting process we call the Senate? I think we are reasonably close to doing that, thanks to the senior leadership of this body and Senator BINGAMAN and Senator DOMENICI on the Energy Committee.

Madam President, I will conclude my remarks now and yield the floor to Senator BINGAMAN.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, I appreciate the good work my colleague from Tennessee, as comanager of the bill, has been doing on this issue, as I have been unavoidably detained over in the Energy Committee.

It is my understanding, unless someone knows otherwise, that all debate expected on the pending amendment has taken place. As far as I have been informed, the Senate is ready to dispense with the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 906) was agreed to.

AMENDMENT NO. 908

Mr. BINGAMAN. Madam President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 908.



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

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

The amendment is as follows:

On page 55, lines 21 and 22, strike "engineering)" and insert "engineering and technology)".

On page 56, line 8, after "engineering" insert "and technology".

On page 56, line 24, strike "mathematics and science" and insert "mathematics, science, engineering, and technology".

On page 59, line 6, strike "mathematics and science" and insert "mathematics, science, and, to the extent applicable, technology and engineering".

On page 59, line 15, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 60, line 6, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 60, line 10, before "that" insert "in mathematics, science, and to the extent applicable, technology and engineering".

On page 61, lines 8 and 9, strike "mathematics and science" and insert "mathematics, science, and, to the extent applicable, technology and engineering".

On page 62, line 14, strike "mathematics or science" and insert "mathematics, science, technology, or engineering".

On page 65, lines 16 and 17, strike "MATHEMATICS AND SCIENCE" and insert "MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING".

On page 65, line 19, strike "MATHEMATICS AND SCIENCE" and insert "MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING".

On page 66, lines 8 and 9, strike "Mathematics and Science" and insert "Mathematics, Science, Technology, and Engineering".

On page 67, line 9, strike "Mathematics and Science" and insert "Mathematics, Science, Technology, and Engineering".

On page 67, lines 16 and 17, strike "math and science" and insert "mathematics, science, and technology".

On page 68, lines 21 and 22, strike "mathematics or science (including engineering)" and insert "mathematics, science, or engineering".

On page 69, lines 4 and 5, strike "mathematics or science" and insert "mathematics, science, or technology".

Beginning on page 69, line 25 through page 70, line 1, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 70, lines 10 and 11, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 71, line 7, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 71, line 10, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 71, line 18, strike "mathematics and science" and insert "mathematics, science, and, to the extent applicable, technology and engineering".

On page 72, line 23, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

On page 73, lines 18 and 19, strike "mathematics and science" and insert "mathematics, science, and to the extent applicable, technology and engineering".

On page 73, lines 23 and 24, strike "mathematics and science" and insert "mathematics, science, technology, and engineering".

Mr. BINGAMAN. Madam President, for the information of Senators, this amendment makes a series of clarifying changes in the bill that are technical in nature. It is not controversial, as far as I have been informed. I am informed by the leadership that they would like to leave this pending at this point. We will proceed that way in case a Member decides to come and speak on it.

Madam President, 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. BINGAMAN. Madam President, 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. BINGAMAN. Madam President, I ask unanimous consent that the Senate now be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. BINGAMAN. I yield the floor and 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. BINGAMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 1185 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### PARTIAL-BIRTH ABORTION

Mr. KYL. Madam President, I wanted to say a few words about the Supreme Court's decision last week in *Gonzales v. Carhart*. In that opinion, the Court held constitutional the Partial-Birth Abortion Act of 2003, a law that passed this Senate with strong bipartisan support, including my own.

I was heartened by this decision, and not just because partial-birth abortion is a disgusting act that should never be performed in a civilized society. I am also heartened because this decision represents a step towards restoring the American people's right to govern themselves through their elected representatives.

For too long, the Supreme Court has set itself up as an antagonist to the people and has shown unfortunate disregard for the judgments of those our governmental system is supposed to serve.

The decision yesterday is a departure from that trend, and it should give us all cautious optimism that the Supreme Court is coming around to a

greater level of respect for the elected branches on questions of fundamental moral values.

I also want to send a word of congratulations and thanks to the man who made this legislation a reality, former Senator Rick Santorum. During the debates on this bill back in 2003, I can remember Senator Santorum being on the Senate floor virtually full-time, taking on all comers, engaging on every point, showing his skills as a debater, and displaying the passion and spirit that defined him during his two terms in the Senate.

Senator Santorum was our leader in the debates on this bill, and the Supreme Court's affirmation of the bill's constitutionality yesterday should be a moment of great pride for our former colleague. This bill is part of his legacy, and we owe him a debt of gratitude.

#### FILIPINO VETERANS EQUITY ACT

Mr. AKAKA. Madam President, I wish to update our colleagues on an important issue that the Veterans' Affairs Committee is dealing with; namely, providing long overdue recognition to all those veterans of the Philippines Armed Forces who served under U.S. command during the Second World War.

Recently, the Veterans' Affairs Committee, which I am privileged to chair, held a hearing on S. 57, the Filipino Veterans Equity Act of 2007. This important legislation, introduced by my good friend and senior Senator, Mr. INUYE, would end more than 50 years of inequality for Filipino veterans who have served our country, and it has my strong support. During our hearing, the committee received testimony from Filipino veterans who spoke of their service under U.S. military command and their difficulties with a VA system that doesn't recognize them as veterans.

Until 1946, the Philippines was not completely independent from the United States. When America entered the Second World War, the Filipino military was a part of the U.S. Armed Forces, under the command of the U.S. Armed Forces of the Far East. All military forces of the Commonwealth of the Philippines were ordered by President Franklin D. Roosevelt to serve under the command of the U.S. military, and they served bravely, fighting for our country and their freedom.

In 1946, Congress limited veterans' benefits to only a portion of Filipinos who served in World War II. While some of the inequity has been corrected in recent years, this injustice still remains. Filipino veterans of the U.S. military do not have equal access to the health care and benefits they have earned through service. S. 57 would end the inequity and give Filipino veterans who fought under the command of U.S. military the benefits and care they earned.

Some who oppose S. 57 say we cannot afford it. While I, too, am concerned

about costs, I am committed to finding offsets to cover the expense. After all, fiscal responsibility is not the only kind of responsibility there is. Our country has a deeper responsibility to the men and women who have served in our military, whether they were born in America or the Philippines. We need a solution that is both morally responsible to Filipino veterans and fiscally responsible with taxpayer dollars.

Many of the brothers-in-arms of those who testified at our hearing have since passed away, never having been recognized by the United States for their service. I find that shameful. Following the hearing, I asked myself how we could stray from our moral commitment to these men for over half a century and then argue that it is too expensive to give those who are left the benefits they have earned.

With that in mind, let us look to fulfill both responsibilities, rather than neglecting the Filipino veterans who remain with us today. We have gone down that path for over half of a century, denying them care and benefits. Today we find many Filipino veterans living their twilight years in the pain of poverty, without access to the relief available to other veterans of the U.S. Armed Forces. Allowing this to go on without searching vigorously for a realistic solution is not the responsible response. These veterans deserve better.

#### NATIONAL SMALL BUSINESS WEEK

Ms. SNOWE. Madam President, today I commemorate National Small Business Week, which President Bush designated for April 22–28, 2007. As ranking member of the Senate Committee on Small Business and Entrepreneurship, I simply cannot understate the vital role of small business in our Nation's economy. Small businesses comprise 99 percent of all businesses in the United States, employ more than half of the total private sector workforce, and are responsible for the creation of more than two-thirds of all new jobs each year. It is essential that we in Congress continue to support small businesses' efforts to grow and do what they do best—create new jobs.

If there is one concern we have all heard time and again, it is the exorbitant cost to small businesses of providing health insurance to their employees. In fact, small business owners in all 50 States have cited rising health insurance costs as their number one concern. Health insurance premiums have increased at double-digit percentage levels in 4 of the past 6 years—far outpacing inflation and wage gains. According to the Kaiser Family Foundation, last year the average health policy for an individual was \$4,242; the average family plan cost \$11,480.

As we are all well aware, these sharply rising costs are leading fewer and fewer small businesses to offer health insurance to their employees. Accord-

ing to Kaiser, in 2002, 58 percent of our Nation's smallest businesses, those with less than 10 employees, offered health insurance. In 2004, only 52 percent were able to offer their employees health insurance. Today, just 48 percent of our smallest businesses are now able to offer health insurance as a workplace benefit. As you can see, that is a 10 percentage point reduction over the past 5 years. Clearly, we are heading in the wrong direction.

Further compounding the problem is the fact that small group insurance markets exhibit no real competition. No competition means higher costs. And higher costs mean no health insurance. I recently requested a Government Accountability Office report, which revealed a staggering consolidation in the State small group insurance markets. Today, the five largest carriers now have more than a 75 percent market share in 26 States—and control 98 percent of the small group market in Maine.

This trend is simply unacceptable and represents nothing short of a crisis—and one that can and must be fixed, now. In the Senate, I have been a longstanding champion of small business health plans and I have introduced legislation in the past two Congresses that would allow small businesses to “pool” together, across State lines, and offer uniform health insurance plans to their employees, at significantly lower costs.

I firmly believe that small business health plans are a critical solution to the small business health insurance crisis. It is a matter of simple fairness. Just like larger businesses and unions, I believe small businesses should have the option to purchase health plans across State lines with uniform benefits packages. It would allow them to shop for affordable, quality plans with much lower administrative costs while at the same time drastically shrinking the ranks of the nearly 47 million Americans living without health insurance.

Moving forward this year, we need to leave no stone unturned in our search for solutions to this crisis. For example, we should examine ways to use the Tax Code as a mechanism for increasing access to health care, including through “pooling mechanisms, and injecting competition into the State small group insurance markets. This is why I am currently working with a number of my colleagues in the Senate, on both sides of the political aisle, to forge a bipartisan bill that will pass the Senate and be signed into law. Senate Finance Committee Chairman BAUCUS has announced that we will soon consider health care legislation in the Finance Committee—and I look forward to a robust productive debate there. I also thank Senator ENZI for all of his tremendous efforts in getting legislation passed through the HELP Committee last year, and for having that legislation considered on the Senate floor for the first time ever.

Frankly, now is a time for action, not words. It is incumbent upon this Congress to think “outside of the box” to solve this crisis. We need to consider all options on the table, including a number of recently passed State reforms. We are at a critical juncture on this issue. The United States has the greatest health care system in the world, and yet nearly 47 million Americans are uninsured. Our goal ought to be providing health care access for all, and that means greatly expanding coverage so that we can significantly reduce our Nation's uninsured.

We must figure out how to solve the persistent criticisms that have mired small business health insurance legislation in Congress. We must address how to allow health insurers to provide lower cost products to small businesses across State lines while maintaining the most widely accepted and necessary benefits and services. We must tackle questions of how to “rate,” or price, these products—and also how this can be done in a uniform manner, without jeopardizing consumer protections. And we can and we must do all this without injuring existing health insurance markets in the States. Plain and simple, Congress must bring up small business health insurance legislation this year, in a bipartisan, comprehensive way that can secure significant bipartisan support.

#### NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mr. LEAHY. Madam President, last week we joined together in the aftermath of the tragic killings at Virginia Tech to mourn and support the families of the victims and the Virginia Tech community. This week we join together once again to commemorate National Crime Victims' Rights Week.

Yesterday marked the official beginning of National Crime Victims' Rights Week. Since 1981, communities in Vermont and across the Nation have observed this week through candlelight vigils and public rallies to renew our commitment to crime victims and their families. It is important, especially during this time of national sorrow, that we recognize the needs of crime victims and their family members and work together to promote victims' rights and services.

We have been able to make some progress during the past 26 years to provide victims with greater rights and assistance. In particular, I have been honored to support passage of the Victims of Crime Act of 1984, VOCA, Public Law 98-473, which established the Crime Victims Fund, “the Fund.” The fund allows the Federal Government to provide grants to State crime victim compensation programs, direct victim assistance services and services to victims of Federal crimes. Nearly 90 percent of the fund is used to award State crime victim compensation and victim assistance formula grants. These

VOCA-funded victim assistance programs serve nearly 4 million crime victims each year, including victims of domestic violence, sexual assault, child abuse, elder abuse, and drunk driving, as well as survivors of homicide victims. Our VOA-funded compensation programs have helped hundreds of thousands of victims of violent crime.

The Crime Victims Fund is the Nation's premier vehicle for supporting victims' services. It bears repeating that the Crime Victims Fund does not receive a dime from tax revenue or appropriated funding. Instead, it is made up of criminal fines, forfeited bail bonds, penalties, and special assessments.

Since fiscal year 2000, Congress has set a cap on annual fund obligations expressly for the purpose of ensuring "that a stable level of funding will remain available for these programs in future years." The "rainy day" fund created by this spending cap has been used to make up the difference between annual deposits and distributions three times during the past 7 years.

The future of the fund is being threatened, however. After 26 years of progress, the Bush administration is proposing to rescind all amounts remaining in the fund at the end of fiscal year 2008. That would leave the fund with a balance of zero going into fiscal year 2009 and create a disastrous situation for providers of victims' services. Over the last few years, the Senate has successfully blocked several past attempts by this administration to rescind the fund's remaining balance and has supported the retention of all amounts deposited into the fund. Over the past 6 years, the Bush administration has squandered record surpluses and racked up \$8.5 trillion in Federal debt. It is wrong to try to pay for its failed fiscal policies by emptying out the Crime Victims Fund. These resources are appropriately set aside to assist victims of crime.

In order to preserve the fund once again, Senator CRAPO and I, joined by more than a dozen other Senators are sending a letter this week to the Senate Appropriations Committee asking that the committee oppose the administration's proposal to empty the Crime Victims Fund and, instead, permit those amounts to remain in the fund, in accordance with law, to be used for the important programs and services needed by crime victims.

Also, last week the Vermont Department of Corrections received a \$400,000 grant from the U.S. Department of Justice to implement a Statewide Automated Victim Information and Notification, SAVIN, system to provide timely notifications to crime victims who request it. Programs like these give crime victims some peace of mind and facilitate communication among the courts and corrections and other law enforcement officials.

We need to renew our national commitment to crime victims. The Senate can help by recognizing the importance

of the Crime Victims Fund and supporting its essential role in helping crime victims and their families meet critical expenses, recover from the horrific crimes they endured, and move forward with their lives. I urge Senators on both sides of the aisle to honor our longstanding commitment to crime victims by working together to commemorate victims of crime and to preserve the Crime Victims Fund.

#### ADDITIONAL STATEMENTS

##### CONGRATULATING DR. HOWARD-YANA SHAPIRO

• Mr. BINGAMAN. Madam President, I wish to congratulate Dr. Howard-Yana Shapiro, who will receive the Organic Leadership Award on May 7, 2007. The award is bestowed annually by the Organic Trade Association on individuals who have demonstrated leadership and vision in furthering the goals of organic agriculture.

Dr. Shapiro has had a very impressive career in organic agriculture, having been involved with sustainable agricultural and agroforestry systems, plant genetics, and food production systems for over 35 years. He is best known as the principal author of "Gardening for the Future of the Earth," which shows how to "create natural bounty in your own backyard and help save the planet one seed at a time."

During his long and diverse career, Dr. Shapiro has been a community gardening activist, a university professor for 15 years, twice a Fulbright Scholar, twice a Ford Foundation Fellow, and winner of the National Endowment for the Humanities Award. He has worked with indigenous communities, non-governmental organizations, governmental agencies, and private institutions throughout the world, including Conservation International, World Wildlife Fund, U.S. Department of Agriculture, U.S. Agency for International Development, U.S. Forest Service, ICRAF, The World Agroforestry Centre, Smithsonian Tropical Research Institute, and many other national and regional agricultural institutions in Mexico, Brazil, Ecuador, Bolivia, Costa Rica, Honduras, Ghana, Nigeria, Cameroon, Senegal, South Africa, Vietnam, Indonesia, Papua New Guinea, and Australia.

Most recently, Dr. Shapiro has held a leadership role in Seeds of Change, the largest certified organic seed company in the country. Located along the Rio Grande in El Guique, NM, Seeds of Change, a division of Mars, Incorporated, is a pioneering cultivator of organically grown seeds for home and market growers, a leader in the organic foods industry, and a valued resource for organic farmers. Dr. Shapiro has been dedicated to Seeds of Change since its inception and was a key figure during the launching of the Seeds of Change 100 percent certified organic food line in the United States, Europe, Australia, and Japan.

I am proud that New Mexico is home to Seeds of Change and that the company, and organic agriculture as an industry, has been so well served by the expertise and vision of Dr. Shapiro throughout its growth. Again, I congratulate Dr. Howard-Yana Shapiro for receiving the Organic Trade Association's highest honor. I thank him for his commitment to furthering organic agriculture around the world, and I wish him continued success in the years ahead.●

##### MOUNTAIN HOME AIR FORCE BASE

• Mr. CRAIG. Madam President, today with great pride I honor Mountain Home Air Force Base for their recent achievement of winning the Commander in Chief's Annual Award for Installation Excellence for an Air Force base. Over 85 Active-Duty Air Force installations competed this year for the award, and I was extremely pleased to get word that Idaho's own Air Force base came out the winner.

Over the years, I have worked very closely with the different wing commanders at Mountain Home Air Force Base to ensure that their installation will provide our soldiers with the best living conditions and optimal training space to ensure that should they be called to duty, they would be fully prepared. I know firsthand that the work being done both at home and abroad by our airmen and soldiers at Mountain Home Air Force Base is among the best our military can offer.

Over 500 airmen and crew from Mountain Home Air Force Base are currently deployed in Afghanistan in support of our joint mission with NATO to provide freedom and security from terrorist, and they are serving with great courage and determination. I know that their fellow servicemembers, the Idaho delegation, and all of Idaho await their return and they will be greeted with a hero's welcome. Although they are not in Idaho to celebrate this very prestigious honor from the Secretary of Defense, the Secretary of the Air Force, and the Commander in Chief, I know that their contributions greatly aided in Mountain Home Air Force Base receiving this award.

COL Tony Rock, wing commander of the 366 Fighting Wing at Mountain Home Air Force Base, expressed his pride of winning this award but gave the credit to the 4,000-plus men and women who operate the base on a daily basis. Colonel Rock was quoted as saying, "This award validates the hard work, commitment and pride of all our Gunfighters who work together to make Mountain Home the best base in the Air Force. I am simultaneously humbled and awed to be part of this team and lead our Gunfighters as we continue to prove we are the premier combat wing in the entire Air Force."

I couldn't agree more with Colonel Rock's statement.

Again, I would like to extend the appreciation and congratulations of myself and all of Idaho to the soldiers and

civilians at Mountain Home Air Force Base for their incredible work serving and protecting our Nation.●

#### NATIONAL SMALL BUSINESS ASSOCIATION ANNIVERSARY

● Mr. KERRY. Madam President, today I honor the distinguished 70-year history of the National Small Business Association. This member-driven organization continues to take the lead on important issues facing small businesses and is the oldest small business advocacy group in the United States. It is especially fitting that we recognize this organization during National Small Business Week.

The NSBA can trace its founding back to DeWitt M. Emery, a determined small business owner struggling to keep his business running in the midst of the Great Depression. As owner of the Monroe Letterhead Corporation in Akron, OH, Mr. Emery labored to keep his small business running while feeling burdened by the increasing cost of doing business—including higher material costs and wages.

Frustrated by the lack of support for small businesses in national politics, and inspired by an idea to make his and his peers' voices heard, Mr. Emery founded the National Small Business Men's Association on November 13, 1937. One hundred sixty small business owners out of 200 who received Mr. Emery's recruitment letter joined the organization that now boasts a reach of over 150,000 small businesses.

In keeping with the organization's responsiveness to the ever-changing small business climate, and to be more inclusive of the growing number of women small business owners, the group changed its name in 1962 to the National Small Business Association.

In 1986, the organization changed its name again to National Small Business United when it joined with Small Business United, or SBU, a rival organization that started 5 years earlier. SBU and its member groups, such as the Smaller Business Association of New England, or SBANE, helped establish the current organization's vast network of small business affiliates. After the merger, the new organization became responsible for running the SBANE-created Washington Presentation. In addition to SBANE, some of the other NSBA affiliates are the Arizona Small Business Association, the Small Business Association of Michigan, Missouri Merchants and Manufacturers Association, SMC Business Councils, Council of Smaller Enterprises and Small Business California. Thanks to its strong affiliates NSBA has emerged as a vibrant grassroots organization.

In 2003, the oldest small business advocacy group changed its name back to the National Small Business Association. Through its name changes and merger, the organization's commitment to representing small business owners has been unwavering, and to-

day's group boasts a wide variety of members from carpenters to investors, from manufacturers to grocers. NSBA truly represents the diversity of our Nation's small businesses. As chairman of the Committee on Small Business and Entrepreneurship, I work with NSBA's members in my State and across the Nation, welcoming their insights and unique perspective.

I find it important to note that today's small business owners struggle with some of the same issues that plagued Mr. Emery in 1937, and many new issues. From access to capital to health care, we will continue to work with small businesses as they strive to maintain and grow their firms—and as they make a significant contribution to our economy. Through the efforts of advocacy groups like the NSBA working with us to pass legislation, we have been able to assist thousands of determined small business owners like Mr. Emery. The tireless work of the NSBA is testament to the resolve and spirit of small business owners, and I am gratified that the current organization leads the charge on many important issues. I invite the Senate to join me in honoring NSBA and its distinguished history of nonpartisan work on behalf of small businesses.●

#### MESSAGES FROM THE HOUSE

At 2 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1257. An act to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation.

H.R. 1495. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The message also announced that the Speaker removes Mr. PRICE of North Carolina, as a conferee and appoints Ms. KILPATRICK of Michigan, to fill the vacancy thereon, on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

The message further announced that pursuant to 22 U.S.C. 276h and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Mexico-United States Interparliamentary Group: Mr. MCCAUL of Texas, Mr. WELLER of Illinois, Mr. DREIER of California, Mr. MACK of Florida, and Mr. FORTUNO of Puerto Rico.

The message also announced that pursuant to 22 U.S.C. 276d, clause 10 of rule 1, and the order of the House of January 4, 2007, the Speaker appoints

the following Members of the House of Representatives to the Canada-United States Interparliamentary Group: Mr. MANZULLO of Illinois, Mr. McCOTTER of Michigan, Mr. STEARNS of Florida, Mr. ENGLISH of Pennsylvania, and Mr. BROWN of South Carolina.

#### ENROLLED BILLS SIGNED

At 3:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1003. An act to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

H.R. 1130. An act to amend the Ethics in Government Act of 1978 to extend the authority to withhold from public availability a financial disclosure report filed by an individual who is a judicial officer or judicial employee, to the extent necessary to protect the safety of the individual or a family member of that individual, and for other purposes.

#### MEASURES REFERRED

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

H.R. 865. An act to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska; to the Committee on Energy and Natural Resources.

H.R. 1257. An act to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation; to the Committee on Banking, Housing, and Urban Affairs.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1593. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Army that is identified as being case number 04-07; to the Committee on Appropriations.

EC-1594. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General Donald J. Wetekam, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-1595. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Vice Admiral Albert M. Calland III, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-1596. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 17426) received on April 18, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-1597. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 17413) received on April 18, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-1598. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Secretary of the Army's review of the report of the Chief of Engineers on the Ventura River; to the Committee on Environment and Public Works.

EC-1599. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the views of the South Florida Water Management District, the State of Florida, the Department of the Interior, and the Environmental Protection Agency on the Picayune Strand ecosystem restoration project; to the Committee on Environment and Public Works.

EC-1600. A communication from the Chief of the Regulatory Management Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Removal of the Standardized Request for Evidence Processing Timeframe" (RIN1615-AB13) received on April 18, 2007; to the Committee on the Judiciary.

## 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. HARKIN (for himself, Mr. COCHRAN, Mr. KENNEDY, Mr. BURR, Mrs. CLINTON, Mr. COLEMAN, Mr. BINGAMAN, Mr. SMITH, Mrs. BOXER, Mr. DURBIN, Mr. INOUE, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mr. REED, and Mr. BROWN):

S. 1183. A bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 1184. A bill to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. BURR, and Mr. KENNEDY):

S. 1185. A bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 1186. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; to the Committee on the Budget.

By Mr. KERRY:

S. 1187. A bill to require the Architect of the Capitol to develop a plan to reduce car-

bon dioxide emissions from the Capitol complex, with the goal of achieving carbon neutrality at the complex by December 31, 2020; to the Committee on Rules and Administration.

By Mr. LUGAR (for himself, Mr. DURBIN, Mr. BAYH, Ms. STABENOW, and Mr. LEVIN):

S. 1188. A bill to amend the Farm Security and Rural Investment Act of 2002 to enhance the ability to produce fruits and vegetables on covered commodity base acres; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PRYOR (for himself and Mrs. LINCOLN):

S. 1189. A bill to designate the Federal building and United States Courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the "George Howard, Jr. Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mrs. BOXER, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. McCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 165. A resolution relative to the death of Representative Juanita Millender-McDonald, of California; considered and agreed to.

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

S. Res. 166. A resolution commemorating the lifetime achievement of the Reverend Leon H. Sullivan; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 119

At the request of Mr. LEAHY, the name of the Senator from West Vir-

ginia (Mr. BYRD) was added as a cosponsor of S. 119, a bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes.

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 406

At the request of Mrs. HUTCHISON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 406, a bill to ensure local governments have the flexibility needed to enhance decision-making regarding certain mass transit projects.

S. 408

At the request of Mr. CHAMBLISS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 408, a bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

S. 469

At the request of Mr. BAUCUS, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 479

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 548

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 558

At the request of Mr. DOMENICI, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 573

At the request of Ms. STABENOW, the name of the Senator from New York

(Mrs. CLINTON) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 582

At the request of Mr. SMITH, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 626

At the request of Mr. KENNEDY, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Maine (Ms. COLLINS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 638

At the request of Mr. ROBERTS, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 667

At the request of Mr. BOND, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 721

At the request of Mr. ENZI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 721, a bill to allow travel between the United States and Cuba.

S. 746

At the request of Mr. ALLARD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 761

At the request of Mr. REID, the names of the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. AKAKA), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 761, *supra*.

S. 766

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 766, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies of victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 794

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 794, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to expand or add coverage of pregnant women under the Medicaid and State children's health insurance programs, and for other purposes.

S. 858

At the request of Mr. WYDEN, the names of the Senator from California (Mrs. BOXER) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 858, a bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 948

At the request of Mr. LIEBERMAN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 948, a bill to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the National Institute of Child Health and Human Development to study the role and impact of electronic media in the development of children.

S. 960

At the request of Mrs. CLINTON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 960, a bill to establish the United States Public Service Academy.

S. 962

At the request of Mr. BINGAMAN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 962, a bill to amend the Energy Policy Act of 2005 to reauthorize and improve the carbon capture and storage research, development, and demonstration program of the Department of Energy and for other purposes.

S. 968

At the request of Mrs. BOXER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 968, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 991

At the request of Mr. DURBIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1012

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1012, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1042

At the request of Mr. ENZI, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 1060

At the request of Mr. BIDEN, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Washington (Ms. CANTWELL) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1090

At the request of Ms. STABENOW, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1090, a bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

S. 1105

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1105, a bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

S. 1117

At the request of Mr. BOND, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 1125

At the request of Mr. LOTT, the name of the Senator from Colorado (Mr.



SALAZAR) was added as a cosponsor of S. 1125, a bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity.

S. 1146

At the request of Mr. SALAZAR, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1146, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 1173

At the request of Mrs. BOXER, the names of the Senator from Montana (Mr. TESTER) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1173, a bill to protect, consistent with *Roe v. Wade*, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes.

S. CON. RES. 26

At the request of Mrs. CLINTON, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. Con. Res. 26, a concurrent resolution recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States.

S. CON. RES. 27

At the request of Mrs. CLINTON, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. Con. Res. 27, a concurrent resolution supporting the goals and ideals of "National Purple Heart Recognition Day".

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as "National Airborne Day".

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. BURR, and Mr. KENNEDY):

S. 1185. A bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I wanted to take a few minutes of the Senate's time to talk about a bill that I introduced, along with Senator BURR and Senator KENNEDY, entitled the Graduation Promise Act of 2007, or GPA.

This bill would create a Federal-State-local partnership to improve the

Nation's graduation rates and help transform our lowest performing high schools. This is a bill we just introduced today.

I thank Senator BURR and Senator KENNEDY for their commitment to improving our high schools and for increasing graduation rates in this country. I am very pleased to be working with both of them on this legislation. I am also very glad that GPA, this legislation we have introduced, is supported by the Alliance for Excellent Education, by the Center for American Progress, by Jobs for the Future, by the National Council of La Raza, by First Focus, and many other education groups.

Nearly 20 years ago, the Nation's Governors met for the first education summit and, as far as I know, for the only national education summit in our country's history. They met with the first President Bush in Charlottesville, VA. They agreed to set high expectations for education for the coming decade. That was the decade following 1989.

One of those standards they set was for an increase in high school graduation rates to 90 percent by the year 2000. Today, we are not even close to achieving that goal. In fact, the Nation's graduation rate has stagnated at around 70 percent instead of 90 percent. Graduation rates for Hispanic and African-American students are lower than that. In my home State of New Mexico, by some estimates, the graduation rate is less than 60 percent in some high schools.

Many students are entering the ninth grade significantly behind in their reading and mathematics skills. They are ill-prepared to master the challenges of the typical high school curriculum. Not surprisingly, these students are more prone to academic failure and grade retention and, accordingly, the dropout rates among these students are disturbingly high, specifically in the ninth grade.

But low graduation rates are only one broad indicator of the crisis affecting our Nation's high schools. Even if a student makes it to graduation, only a third of all students who enter the ninth grade will graduate with the skills and the knowledge necessary to go on to college or to succeed in the modern workplace. They are not receiving the kind of quality education that permits a seamless transition to a job or postsecondary education. Again, this problem disproportionately affects minority students. Only 16 percent of Hispanic students and 23 percent of African-American students graduate prepared for college, compared to 40 percent for other students.

This situation is simply unacceptable. In the global technology-based economy we live in today, a high school diploma is a minimum qualification for most jobs in our fastest growing sectors. The United States ranks 19th in high school graduation rates among major industrial democracies.

The Federal Government recognized that investments in early childhood and elementary grades are critical to a student's academic growth and success. Still, attention and resources must be sustained throughout the middle and high school years as well if the national goal of leaving no child behind is to be met. Unfortunately, we have not been doing this. Only about 8 percent of all title I dollars go to our high schools today.

Our continued economic security hinges on preparing our young people to enter college and to enter the 21st century workforce. In fact, our national security depends on it.

Fortunately, research has come to light that will help us to better understand the factors behind the low graduation and student performance data. For instance, we can identify the high schools that are producing the majority of dropouts in this country. These schools—roughly 2,000 schools I am referring to—represent about 15 percent of all high schools in the country, and they have persistently low rates of graduation and low rates of grade promotion.

If we look at the typical senior class at one of these high schools, it will have decreased in size by at least 40 percent since the students entered the school 4 years earlier. These high schools are in every State. They tend to be concentrated in urban areas, and they serve more than a third of our African-American and Hispanic students nationwide. Unfortunately, there are 23 of these high schools in my home State of New Mexico.

Research has also shed light on the specific factors that allow us to predict who is going to drop out of high school. We can identify with up to 80 percent accuracy the future dropouts as early as the ninth grade. We can do so by looking at such predictors as course failure, poor attendance, behavior problems, and retention in earlier grades. Students who enter high school significantly lagging behind in their academics and who show signs of becoming disengaged from the school are prone to drop out unless additional support is put in place.

Finally, research-based solutions with solid evidence of success are transforming our high schools with low graduation rates. Restructuring schools into smaller, more personalized learning environments ensures that students become engaged from the time they enter the ninth grade on. Sustained efforts to boost attendance ensure they will not fall further behind.

Schools that have combined these efforts with a high-quality curriculum and structural improvements have been very successful at improving student performance and improving graduation rates. They have done so with transitional math and English for ninth graders that will help them catch up by offering challenging curricula and tangible contextual applications of

learning in order to rekindle the interests of these students and creating teaching teams, targeting professional development for the teachers to help them meet this challenge. A combination of these interventions has improved student performance and increased graduation rates. We know this problem can be solved to meet the goal.

This legislation has been introduced by Senators BURR and KENNEDY, and I hope very much this legislation and many of its provisions can be included when we get to a markup of the No Child Left Behind legislation later this year.

I submit we cannot afford to let the estimated 2,000 failing high schools continue to push students off the path to prosperity. Collectively, these schools serve about 2.4 million students. We need to ensure for the continued prosperity of the country that these students remain in school and graduate with the skills needed to become productive citizens.

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

S. 1185

*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 “Graduation Promise Act of 2007”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) IN GENERAL.—The terms “local educational agency”, “secondary school”, and “State educational agency” have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) GRADUATION RATE.—The term “graduation rate” (except when used as part of the term “averaged freshmen graduation rate”) has the meaning given the term in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)).

(3) HIGH-PRIORITY.—The term “high-priority”, when used with respect to a secondary school, means a school that—

(A) has low student achievement; and  
(B)(i) has a low graduation rate; or  
(ii) feeds students into a high school that has a low graduation rate.

(4) HIGH SCHOOL.—The term “high school” means a secondary school in which the—

(A) entering grade of the school is not lower than grade 6; and  
(B) highest grade of the school is—  
(i) grade 12; or  
(ii) in the case of a secondary school approved by a State to issue a regular diploma concurrently with a postsecondary degree or with not more than 2 years’ worth of postsecondary academic credit, grade 13.

(5) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) SECRETARY.—The term “Secretary” means the Secretary of Education.

(7) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

### TITLE I—HIGH SCHOOL IMPROVEMENT AND DROPOUT REDUCTION FUND

#### SEC. 101. FINDINGS.

The Senate finds the following:

(1) About a third of our Nation’s high school students fail to graduate in 4 years, and another third graduate without the skills and knowledge needed to succeed in college or the workplace. The outcomes for minority students are even worse: only about 52 percent of Hispanic, 56 percent of African-American, and 57 percent of Native-American students graduate on time, compared to 78 percent of white students.

(2) More than a decade after Congress declared a national goal that 90 percent of American high school students graduate from high school we are far from that target and graduation rates have stagnated.

(3) Half of the Nation’s dropouts attend a “dropout factory”—schools where 40 percent or more of the freshman class has disappeared by the time the students reach their senior year. These schools, which are located in nearly every State, primarily serve minority and poor students, and have fewer resources and less qualified teachers than schools in more affluent neighborhoods with larger numbers of white students. In fact, almost half of African-American students and nearly 40 percent of Latino students—compared to only 11 percent of white students—attend high schools in which graduation is not the norm.

(4) If the Nation’s high schools and colleges raise the graduation rates of Hispanic, African-American, and Native-American students to the levels of white students by 2020, the potential increase in personal income across the Nation would add, conservatively, more than \$310,000,000,000 to the United States economy.

(5) If the high school graduation rate for male students increased by just 5 percent, the Nation could save almost \$5,000,000,000 a year in reduced spending on crime-related expenses such as prisons and medical costs for victims. An additional \$2,700,000,000 could be generated in income if these high school graduates went on to college at the same rate as other male students.

(6) A high school diploma is increasingly important for success in the 21st century economy. In fact, an estimated 80 percent of current jobs and approximately 90 percent of the fastest-growing, highest-paying jobs require some sort of education beyond high school.

(7) The Nation spends more than \$1,400,000,000 a year to provide remedial courses to community college students who recently completed high school. And that figure does not include the almost \$2,300,000,000 that the economy loses because students who take remedial courses, particularly in reading, are more likely to leave college without getting a degree, and thereby reduce their earning potential. Across the Nation, 42 percent of community college freshmen and 20 percent of freshmen in 4-year institutions enroll in at least 1 remedial course.

(8) Business and higher education consistently report that students are leaving high school unprepared for the demands of college and the workplace. According to a survey of the National Association of Manufacturers, more than 80 percent of manufacturing companies are experiencing a shortage of qualified workers. More than two-thirds of manufacturing companies said that businesses train employees to raise basic skills, a sure sign that a high school education is deficient even for the few jobs that require nothing further. Forty percent of employers considered graduates deficient in their overall preparation for the workplace.

(9) For decades, Federal funding has largely been spent on grades Pre-K to 6 and higher education, with dramatically less given the middle and high school grades. While children in their early years must build a strong foundation for learning, research also clearly demonstrates the need to continue the investment at each stage of the education process or risk losing much of the benefit of the early effort.

(10) The United States has made some progress in education outcomes in the early years of education and in higher education, but has seen decline in the middle and high school years. In terms of demonstrating return on investment, where Federal educational commitment has been made, positive outcomes have resulted.

(11) Only 8 percent of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) participants are high school students, leaving millions of title I-eligible, high school students in low-performing schools without the focused support, external assistance, and resources for improvement that title I was created to provide. Because title I funds serve as the trigger for school improvement requirements in the Elementary and Secondary Education Act of 1965, this also means that most low-income, low-performing high schools are not required to (or supported to) implement school improvement activities.

(12) While the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) includes a strong focus on identifying low-performing schools, America still needs a comprehensive strategy to support and improve chronically low-performing schools and districts. School improvement strategies should be tailored based on a variety of indicators and data, so that educators can create and implement successful school improvement strategies to address the needs of the individual schools.

(13) Most districts and State educational agencies do not necessarily have the capacity or infrastructure to guide, support, and fund school improvement strategies where they are needed, but good models for turning around low-performing high schools do exist. Federal support should be used to build this capacity based on evidence from successful high schools.

(14) If the Nation is to maintain and increase its competitiveness in the global economy, it must invest in a systemic approach to improving its high schools so that every child graduates prepared for success.

#### SEC. 102. PURPOSES.

The purposes of this title are to—

(1) improve high school student academic achievement and graduation rates;

(2) help States develop a high school improvement system to deliver support and technical assistance to high-priority high schools;

(3) ensure students graduate from high school with the education and skills necessary to compete in a global economy; and

(4) help build the capacity to develop and implement research-based, sustainable, and replicable high school improvement models and interventions for high-priority high schools that engage the whole community.

#### SEC. 103. DEFINITIONS.

In this title:

(1) ADEQUATE YEARLY PROGRESS.—The term “adequate yearly progress” has the meaning given the term in section 1111(b)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)).

(2) **AVERAGED FRESHMEN GRADUATION RATE.**—The term “averaged freshmen graduation rate” means the estimate of the percentage of high school students who graduate on time by dividing the number of graduates with regular diplomas by the estimated size of the incoming freshman class 4 years earlier, expressed as a percentage, as calculated and reported by the National Center for Education Statistics.

(3) **LOW-INCOME LOCAL EDUCATIONAL AGENCY.**—The term “low-income local educational agency” means a local educational agency in which not less than 15 percent of the students served by such agency are from families with incomes below the poverty line.

(4) **MIDDLE GRADES.**—The term “middle grades” means grades 6 through 8.

(5) **POVERTY LINE.**—The term “poverty line” means the poverty line described in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902), applicable to a family of the size involved.

(6) **TECHNICAL ASSISTANCE PROVIDER.**—The term “technical assistance provider” means a nonprofit entity with a proven track record of significantly improving student achievement and outcomes in high-priority high schools.

#### SEC. 104. GRANTS AUTHORIZED.

The Secretary is authorized to make grants to State educational agencies with applications approved under section 109 to establish or expand a differentiated high school improvement system that can improve student achievement and graduation rates, and effectively target resources and technical assistance to high-priority high schools.

#### SEC. 105. ALLOTMENT TO STATES.

(a) **IN GENERAL.**—The Secretary shall make grants to State educational agencies with applications approved under section 109 to enable the States to carry out the activities specified in section 110. Each grant shall consist of the allotment determined for a State under subsection (b)(2).

(b) **DETERMINATION OF ALLOTMENTS.**—

(1) **RESERVATION OF FUNDS.**—From the total amount appropriated for this Act, the Secretary shall reserve—

(A) 4 percent to—

(i) evaluate activities authorized under this title, including supporting large-scale randomized studies of planned variations in school time, such as length of school day, week, and year, teacher effectiveness, class size, teacher training, performance or placement incentives, and other major school improvement inputs, in order to determine the most effective strategies for improving student achievement and outcomes for students attending high-priority high schools; and

(ii) disseminate findings of such evaluations;

(B) 2 percent to provide technical assistance and ongoing regional training programs—

(i) to build the capacity of State educational agencies and local educational agencies to provide technical assistance to improve high-priority high schools;

(ii) to develop the capacity of State educational agencies to effectively manage a differentiated high school improvement system and analyze the capacity of local educational agencies and high schools to effectively implement proven high school reform strategies; and

(iii) to develop, in middle schools served by a local educational agency whose students go on to attend high schools identified by the local educational agency as in need of whole school reforms or replacement, middle grade early indicator warning systems consisting of factors used to identify students who are struggling academically and have poor at-

tendance records or have been suspended in or before the middle grades or are likely to struggle in high school or to not graduate and provide supports to get such students back on track; and

(C) 2 percent to enter into contracts with or provide grants to technical assistance providers to build their capacity to serve more high schools and to support the development or enhancement of research-based whole secondary school reform or new secondary school models.

(2) **STATE ALLOTMENT.**—From the total amount appropriated under section 114 for a fiscal year and not reserved under paragraph (1), the Secretary shall make allotments as follows:

(A) **LOW-INCOME LOCAL EDUCATIONAL AGENCIES.**—From such amount, the Secretary shall allot to each State an amount that bears the same ratio to 50 percent of the sums being allotted as the percentage of students enrolled in schools served by low-income local educational agencies in the State bears to the total of such percentages for all the States.

(B) **LOWEST CALCULATION.**—From such amount, the Secretary shall allot to each State within the lowest one-third averaged freshman graduation rate an amount that bears the same ratio to 25 percent of the sums being allotted as the number of students enrolled in high schools in the State bears to the total of such students in all of such States within the lowest one-third averaged freshman graduation rate.

(C) **MIDDLE CALCULATION.**—From such amount, the Secretary shall allot to each State within the middle one-third averaged freshman graduation rate an amount that bears the same ratio to 15 percent of the sums being allotted as the number of students enrolled in high schools in the State bears to the total of such students in all of such States within the middle one-third averaged freshman graduation rate.

(D) **HIGHEST CALCULATION.**—From such amount, the Secretary shall allot to each State within the highest one-third averaged freshman graduation rate an amount that bears the same ratio to 10 percent of the sums being allotted as the number of students enrolled in high schools in the State bears to the total of such students in all of such States within the highest one-third averaged freshman graduation rate.

(3) **REALLOTMENT.**—If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallocate the amount of the allotment to the remaining States in accordance with this subsection.

(4) **MATCHING FUNDS.**—A State educational agency that receives a grant under this title shall provide matching funds, from non-Federal sources, in an amount equal to 25 percent of the amount of grant funds provided to the State under this title (which may be provided in cash or in-kind, but not more than 10 percent of the amount of grant funds may be provided in-kind) to carry out the activities supported by the grant. In-kind contributions shall be directed toward supporting State educational agency technical assistance efforts or the operation of the State's differentiated high school improvement system.

#### SEC. 106. SECRETARIAL PEER REVIEW AND APPROVAL.

(a) **IN GENERAL.**—The Secretary shall—

(1) establish a peer-review process to assist in the review and approval of State plans;

(2) appoint individuals to the peer-review process who are educators and experts in educational standards, assessments, accountability, high school improvement, dropout prevention, and other educational needs of high school students;

(3) approve a State plan submitted under this title not later than 120 days after the date of the submission of the plan unless the Secretary determines that the plan does not meet the requirements of this title;

(4) if the Secretary determines that the State plan does not meet the requirements of this title, immediately notify the State of such determination and the reasons for such determination;

(5) not decline to approve a State's plan before—

(A) offering the State an opportunity to revise the State's plan;

(B) providing the State with technical assistance in order to submit a successful application; and

(C) providing a hearing to the State; and

(6) have the authority to disapprove a State plan for not meeting the requirements of this title.

(b) **STATE REVISIONS.**—A State plan shall be revised by the State educational agency if required to do so by the Secretary to satisfy the requirements of this title.

(c) **ACCURACY.**—In approving a State plan, the Secretary shall ensure that—

(1) the process the State educational agency proposes for differentiating school improvement actions under section 109(b)(4) will assign high schools to each category in such a way that accurately identifies schools and leads to the implementation of the interventions necessary to meet student needs; and

(2) the minimum expected growth targets proposed by the State educational agency under section 109(b)(2)(B) are meaningful, achievable, and demonstrate continuous and substantial progress.

#### SEC. 107. TECHNICAL ASSISTANCE.

If the Secretary determines that a State does not have the capacity to carry out high school improvement activities, the Secretary shall offer technical assistance to carry out such activities to States directly or through contracts with technical assistance providers.

#### SEC. 108. DIFFERENTIATED HIGH SCHOOL IMPROVEMENT SYSTEM.

(a) **IN GENERAL.**—A State educational agency that receives a grant under this title shall use such funds to establish or expand differentiated high school improvement systems.

(b) **SYSTEM REQUIREMENTS.**—The systems described in subsection (a) shall be designed to do the following:

(1) **IDENTIFY HIGH-PRIORITY HIGH SCHOOLS.**—The system shall be designed to identify high-priority high schools within the State.

(2) **DIFFERENTIATE SCHOOL IMPROVEMENT ACTIONS.**—The system shall be designed to differentiate school improvement actions based on the amount and type of supports necessary to improve student achievement and graduation rates in high schools within the State.

(3) **LOCALLY DRIVEN IMPROVEMENT PLANS.**—The system shall be designed to provide resources to support evidence-based activities chosen by local school improvement teams and based on school performance data.

(4) **TARGET FUNDS.**—The system shall be designed to target resources and support to those high-priority high schools within the State.

(5) **RECOGNIZE PROGRESS.**—The system shall be designed to ensure that high schools making progress on school performance indicators continue to implement effective school improvement strategies identified in their current school improvement plan.

(6) **DEMONSTRATE COMMITMENT.**—The system shall be designed to ensure that high-priority high schools making progress on school performance indicators continue to

have the resources and supports necessary to continue improving high school graduation rates and student achievement.

(7) **BUILD CAPACITY.**—The system shall be designed to build the capacity of the State educational agencies and local educational agencies to assist in improving student achievement and graduation rates in high-priority high schools.

**SEC. 109. STATE APPLICATION TO DEVELOP DIFFERENTIATED HIGH SCHOOL IMPROVEMENT SYSTEMS.**

(a) **IN GENERAL.**—

(1) **IN GENERAL.**—For a State to be eligible to receive a grant under this title, the State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(2) **REVISED APPLICATION.**—The State educational agency shall submit a revised application every 5 years based on an evaluation of the activities conducted under this title.

(b) **CONTENTS.**—Each application submitted under this section shall include the following:

(1) **SCHOOL IMPROVEMENT PROCESS.**—The State educational agency shall describe how the State educational agency will use funds authorized under this title to establish or expand a high school improvement system described in sections 108 and 110.

(2) **SCHOOL PERFORMANCE INDICATORS.**—

(A) **IN GENERAL.**—The State educational agency shall define a set of comprehensive school performance indicators that shall be used, in addition to the indicators used to determine adequate yearly progress, to analyze school performance, determine the amount and type of support the school needs, and guide the school improvement process, such as—

- (i) student attendance rates;
- (ii) earned on-time promotion rates from grade to grade;
- (iii) percent of students who have on-time credit accumulation at the end of each grade;
- (iv) percent of students failing a core, credit-bearing mathematics, reading or language arts, or science course, or failing 2 or more of any course;
- (v) percent of students taking a college preparatory curriculum, which may include percent of students taking Advanced Placement, International Baccalaureate courses, or college courses taken for dual credit;
- (vi) teacher quality and attendance measures;
- (vii) student rates of college enrollment, persistence, and attainment; and
- (viii) additional indicators proposed by the State educational agency and approved by the Secretary as part of the peer-review process described in section 110.

(B) **EXPECTED GROWTH.**—The State educational agency shall define a minimum percent of expected annual growth for each school performance indicator that demonstrates continuous and substantial progress.

(3) **CAPACITY EVALUATIONS.**—

(A) **STATE EDUCATIONAL AGENCY AND LOCAL EDUCATIONAL AGENCY CAPACITY.**—The State educational agency shall describe how it will evaluate and ensure that the State educational agency and local educational agency have sufficient capacity to improve high-priority high schools.

(B) **HIGH SCHOOL CAPACITY AND NEEDS ASSESSMENT.**—The State educational agency shall describe how it will ensure that each high school that does not make adequate yearly progress for 2 consecutive years will undergo a capacity and needs assessment as described in section 111(e) and use such information to assist in determining the amount of the subgrant awarded under section 110(f).

(4) **DIFFERENTIATED SCHOOL IMPROVEMENT.**—The State educational agency shall describe how data from the school performance indicators described in paragraph (2) and indicators used to determine adequate yearly progress will be used by local educational agencies as criteria for placing high schools that do not make adequate yearly progress for 2 consecutive years into 1 of the following school improvement categories:

(A) **SCHOOLS NEEDING TARGETED INTERVENTIONS.**—High schools whose school performance indicators demonstrate a need for targeted interventions to improve student outcomes and make adequate yearly progress.

(B) **SCHOOLS NEEDING WHOLE SCHOOL REFORMS.**—High schools whose school performance indicators demonstrate a need for comprehensive schoolwide reform to improve student outcomes and make adequate yearly progress.

(C) **SCHOOLS NEEDING REPLACEMENT.**—High schools whose school performance indicators demonstrate a need for replacement, as described in section 112(d).

(D) **SPECIAL RULE.**—States may propose systems of differentiation aligned with their existing State accountability systems that include additional categories.

(E) **RULE OF CONSTRUCTION.**—Notwithstanding any other provision of law, for purposes of this title, a high school shall be designated as a school in need of whole school reform or as a school in need of replacement in the case that such high school has—

- (i) a graduation rate of 60 percent or less; or
- (ii) achievement levels below the initial baseline for measuring the percentage of students meeting or exceeding the State's proficient level of academic achievement in either mathematics or English or language arts in accordance with section 111(b)(2)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(E)).

(5) **STATE REVIEW OF LOCAL EDUCATIONAL AGENCY PLANS.**—The State educational agency shall describe the following:

(A) **REVIEW LOCAL EDUCATIONAL AGENCY PLANS.**—The State educational agency shall describe how it will collect and review high school improvement plans of local educational agencies using the peer-review process described in section 110(b) submitted by local educational agencies in accordance with section 111(e).

(B) **ALLOCATION OF SUBGRANTS.**—The State educational agency shall describe how it will award subgrants to local educational agencies using the peer-review process described in section 110(b) in accordance with section 110(f).

(C) **MONITORING OF SCHOOL IMPROVEMENT PLANS.**—The State educational agency shall describe how it will review and monitor the implementation of high school improvement plans of high schools that do not meet the expected growth targets set in accordance with paragraph (2)(B) and defined in the school improvement plan described in section 111(d).

(D) **PROVIDE TECHNICAL ASSISTANCE.**—

(i) **IN GENERAL.**—The State educational agency shall describe how it will provide technical assistance to local educational agencies and high schools that need support to implement high school improvement plans described in section 111(d) and improve graduation rates and student achievement, including through the use of technical assistance providers, where appropriate.

(ii) **SCHOOL IMPROVEMENT TEAMS.**—The State educational agency shall describe how it will assist school improvement teams described in section 111(b), when needed, including how it will—

- (I) support and provide resources and training to school improvement teams;

(II) allocate staff to participate on school improvement teams;

(III) provide technical assistance to the school improvement teams; and

(IV) ensure that the school improvement teams have access to technical assistance providers when needed.

(6) **DEMONSTRATION OF COMMITMENT.**—The State educational agency shall demonstrate how it will provide ongoing support to high schools that need targeted interventions, whole school reforms and replacement, and are making progress on school performance indicators, to ensure continued improvement, including the availability of funds from non-Federal sources.

(7) **MIDDLE GRADE EARLY INDICATOR WARNING SYSTEM.**—The State educational agency shall demonstrate how it will work with local educational agencies with low graduation rates to develop middle grade early indicator warning systems consisting of factors used to identify students who are struggling academically and have poor attendance records or have been suspended in or before the middle grades or are likely to struggle in high school or to not graduate and, where appropriate, provide supports to get such students back on track.

(8) **EVALUATION OF SUCCESS.**—The State educational agency shall describe how, every 5 years, it will evaluate how the activities assisted under this title have been successful in improving student achievement and outcomes of the cohort of students that entered 9th grade 4 years earlier.

**SEC. 110. STATE EDUCATIONAL AGENCY USE OF FUNDS.**

(a) **IN GENERAL.**—A State educational agency that receives a grant under section 105—

(1) may reserve not more than 10 percent of the grant funds to carry out the activities under this title; and

(2) shall use not less than 90 percent of the grant funds to make subgrants to local educational agencies in accordance with subsection (b).

(b) **STATE EDUCATIONAL AGENCY PEER REVIEW.**—A State educational agency that receives a grant under this title shall review applications submitted under section 111 and make awards in accordance with subsection (f) with the assistance and advice of a panel who are educators and experts in—

- (1) educational standards, assessments, and accountability;
- (2) high school improvement;
- (3) dropout prevention; and
- (4) other educational needs of high school students.

(c) **ACCURACY.**—The State educational agency, in consultation with the panel described in subsection (b), shall ensure the local educational agency has designated the school improvement category described in section 109(b)(4) for each high school served by the local educational agency that did not make adequate yearly progress for 2 consecutive years in such a way that accurately identifies schools and leads to the implementation of the interventions necessary to meet student needs.

(d) **OPPORTUNITY TO REVISE.**—If the State educational agency, in consultation with the panel described in subsection (b), determines that the local educational agency's application does not meet the requirements of this title, the State educational agency shall immediately notify the local educational agency of such determination and the reasons for such determination, and offer—

- (1) the local educational agency an opportunity to revise the application; and
- (2) technical assistance to the local educational agency to revise the application.

(e) **TECHNICAL ASSISTANCE.**—The State educational agency shall provide technical assistance to a local educational agency requesting such assistance in preparing the application and needs assessment required under section 111.

(f) **AWARD OF SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.**—

(1) **IN GENERAL.**—A State educational agency that receives a grant under this title shall award subgrants to local educational agencies with applications approved on the basis of—

(A) the quality of the plan to improve student graduation rates and student achievement in high schools that have not made adequate yearly progress for 2 consecutive years; and

(B) the capacity of the local educational agency to implement the plan.

(2) **AMOUNT.**—A subgrant under this section shall be awarded in an amount that is based on—

(A) the number and size of high schools served by the local educational agency needing—

- (i) targeted interventions;
- (ii) whole school reforms; and
- (iii) replacement;

(B) the types of reforms or interventions proposed;

(C) the resources available to the high schools to implement the reforms or interventions proposed; and

(D) the resources available to the local educational agency to implement the reforms or interventions proposed.

(3) **PRIORITY.**—The State educational agency shall first award subgrants to local educational agencies serving high schools needing whole school reforms and replacement. The State educational agency shall award remaining subgrant funds to local educational agencies serving high schools needing targeted interventions.

(g) **AUTHORITY TO INTERVENE.**—If the State educational agency determines that a local educational agency does not have the capacity to implement high school improvement activities described in the school improvement plan, the State educational agency may intervene to implement the high school improvement plans or enter into contracts with technical assistance providers to assist local educational agencies with the implementation of high school improvement plans.

(h) **IMPLEMENTATION OF STATE EDUCATIONAL AGENCY APPLICATION.**—The State educational agency shall use funds under this title to carry out the activities included in the application described in section 109.

(i) **SUPPLEMENT, NOT SUPPLANT.**—A State educational agency that receives a grant under this title shall use the grant funds to supplement, and not supplant, Federal and non-Federal funds available to high schools.

#### **SEC. 111. LOCAL EDUCATIONAL AGENCY IMPLEMENTATION OF SCHOOL IMPROVEMENT SYSTEM.**

(a) **DIFFERENTIATE HIGH SCHOOLS.**—A local educational agency that applies for a subgrant under this title shall designate the category of high school improvement, as described in section 109(b)(4), using data from the school performance indicators as criteria, as prescribed by the State educational agency, for each high school served by such agency that does not make adequate yearly progress for 2 consecutive years.

(b) **SCHOOL IMPROVEMENT TEAMS.**—

(1) **IN GENERAL.**—To be eligible to receive a subgrant under this title, a local educational agency shall convene a school improvement team for each high school served by such agency that does not make adequate yearly progress for 2 consecutive years and is assigned to 1 of the school improvement categories defined in section 109(b)(4), which—

(A) shall include—

- (i) the building principal;
- (ii) teachers representing different grade levels or disciplines;
- (iii) local educational agency staff;
- (iv) parents, including parents of students who have low graduation rates;
- (v) community representatives, including representatives of nonprofit organizations serving young people and the business community; and
- (vi) pupil service representatives; and

(B) may include—

- (i) technical assistance providers, where appropriate; and
- (ii) State educational agency staff when requested by the local educational agency or assigned by the State educational agency.

(2) **COLLABORATION.**—A local educational agency shall ensure collaboration—

(A) of school improvement teams with personnel of middle schools served by the local educational agency whose students go on to attend high schools that are designated as in need of targeted assistance, whole school reform, or replacement, where appropriate; and

(B) between school improvement teams working at different high schools served by the local educational agency, to the extent appropriate.

(c) **DEVELOP STUDENT INDICATORS.**—To be eligible to receive a subgrant under this title, a local educational agency shall develop a set of indicators to determine the number and percent of students who begin high school at high risk for not graduating high school with a regular diploma and describe how the school improvement team will use such indicators to determine the type and intensity of supports each student needs. Such indicators shall include the number and percent of 9th grade students who—

(1) in the 8th grade—

(A) failed a credit-bearing mathematics or reading or language arts course, or 2 or more of any course;

(B) attended school less than 90 percent of the required time; and

(C) received an out-of-school suspension;

(2) repeat the 9th grade;

(3) enter the 9th grade over the average age; or

(4) have experienced interrupted formal education.

(d) **DEVELOP HIGH SCHOOL IMPROVEMENT PLANS.**—The school improvement team convened under subsection (b) shall use data from the school performance indicators, the student indicators, measures used to determine adequate yearly progress, the capacity and needs assessment described in subsection (e), and other relevant data and knowledge of the school to develop a multiyear school improvement plan for each school. Such plan shall—

(1) identify annual benchmarks for school performance indicators that meet or exceed the minimum percentage of expected growth defined by the State educational agency in section 109(b)(2)(B);

(2) define the evidence-based academic and nonacademic interventions and resources necessary to meet annual benchmarks and make adequate yearly progress;

(3) identify the roles of the State educational agency, the local educational agency, the school, and technical assistance providers and service providers, as appropriate, in providing identified interventions and resources necessary to meet annual benchmarks and make adequate yearly progress;

(4) provide for the involvement of business and community organizations and other entities, including parents and institutions of higher education, in the activities to be assisted under this title; and

(5) describe and direct the use of—

(A) any additional funding to be provided by the State educational agency, the local educational agency, or other sources; and

(B) technical assistance providers, where appropriate.

(e) **HIGH SCHOOL CAPACITY AND NEEDS ASSESSMENT.**—

(1) **IN GENERAL.**—To be eligible to receive a subgrant under this title, a local educational agency shall submit, with the application described in subsection (f), to the State educational agency a capacity and needs assessment for each high school served by such agency that does not make adequate yearly progress for 2 consecutive years.

(2) **ASSESSMENT.**—The assessment under paragraph (1) shall be conducted by a school improvement team described in subsection (b) and the local educational agency and shall include—

(A) a description and analysis of the school's capacity to implement needed school improvement activities identified in the school improvement plan, including an analysis of—

(i) the number, experience, training level, responsibilities, and stability of existing administrative, instructional, and noninstructional staff for each high school to be assisted;

(ii) a review of the budget, including how Federal, State, and local funds are currently being spent for instruction and operations at the school level for staff salaries, instructional materials, professional development, and student support services to establish the extent to which existing resources need to and can be reallocated to support the needed school improvement activities; and

(iii) additional resources and staff necessary to implement the needed school improvement activities described in section 112; and

(B) an analysis of the local educational agency's capacity to provide technical assistance, additional staff, and resources to implement the school improvement plan to improve high school performance.

(3) **REQUIREMENTS.**—The information provided in the capacity and needs assessment in coordination with the school improvement plan shall be used to determine the level and direct the use of—

(A) funds requested by the local educational agency for each high school to be assisted under this title;

(B) any additional funding to be provided by the State educational agency, the local educational agency, or other sources; and

(C) technical assistance providers, where appropriate.

(f) **APPLICATION.**—

(1) **IN GENERAL.**—To be eligible to receive a subgrant under this title, a local educational agency—

(A) shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require; and

(B) may request technical assistance from the State educational agency in preparing the application and the capacity and needs assessment required under this section.

(2) **CONTENTS.**—Each application submitted under this section shall use data from the capacity and needs assessment required in subsection (e) and shall include the following:

(A) A description of how the local educational agency used data from the school performance indicators as criteria to designate the school improvement category described in section 109(b)(4) for each high school served by such agency that did not make adequate yearly progress for 2 consecutive years.

(B) An identification of each high school served by the local educational agency that

did not make adequate yearly progress for 2 consecutive years and the designation of the school improvement category for each such school, as described in section 109(b)(4).

(C) A description of the activities to be carried out by the local educational agency under this title and a description of how the activities will be research-based and an explanation of why the activities are expected to improve student achievement and increase graduation rates.

(D) An assurance that the local educational agency will use funds authorized under this title and received from the State educational agency first to meet the needs of high schools served by the local educational agency that need whole school reforms or high schools served by the local educational agency that need replacement.

(E) A description of how the local educational agency will provide for the involvement of parents, business and community organizations, including institutions of higher education, in the activities to be assisted under this title, and the resources such entities will make available to assist in such activities.

(F) An assurance that the local educational agency shall provide ongoing support and resources to high schools that need whole school reforms and that need replacement, and are making progress on school performance indicators, to ensure continued improvement.

(G) A description of how the local educational agency will increase its capacity to improve high schools with low student achievement and graduation rates.

(H) A description of the options that will be provided to high school students served by the local educational agency, such as—

(i) programs for credit recovery for overage or under-credited students; and

(ii) secondary-postsecondary learning opportunities, including dual enrollment programs and early college high schools.

(g) IMPLEMENT HIGH SCHOOL IMPROVEMENT PLANS.—The local educational agency shall use funds to ensure the implementation of school improvement plans.

(h) ENSURE CONTINUOUS HIGH SCHOOL IMPROVEMENT.—

(1) IN GENERAL.—The local educational agency shall ensure the continuous improvement of high schools by evaluating the progress of high schools in making the continuous and substantial progress as defined in the school improvement plan in accordance with the minimum expected growth set by the State educational agency in section 109(b)(2)(B) and determining whether the high school is on track or not on track as provided in paragraphs (2) and (3).

(2) ON TRACK.—Each high school that is meeting the annual benchmarks as defined in the school improvement plan shall continue to implement school improvement activities in accordance with the school improvement plan.

(3) NOT ON TRACK.—For each high school that is not meeting the annual benchmarks as defined in the school improvement plan, the local educational agency shall—

(A) after 1 year, review the school improvement plan, and develop and implement a new plan, as appropriate;

(B) after 2 years, redesignate the school into a different school improvement category, as described in section 109(b)(4), either—

(i) as a school in need of whole school reform; or

(ii) as a school in need of replacement; and

(C) develop and submit to the State educational agency for review a new school improvement plan, as appropriate.

(i) TARGETED INTERVENTIONS FOR FEEDER MIDDLE SCHOOLS.—A local educational agen-

cy that receives a subgrant under this title, consistent with subsection (f)(2)(D), may use funds to—

(1) implement research- and evidence-based interventions to improve middle schools served by such agency whose students go on to attend high schools served by the local educational agency that need whole school reforms or high schools served by the local educational agency that need replacement; and

(2) establish an early indicator warning system consisting of factors used to identify students who are struggling academically and have poor attendance records or have been suspended in or before the middle grades or are likely to struggle in high school or to not graduate and provide supports to get such students back on track.

(j) SUPPLEMENT, NOT SUPPLANT.—A local educational agency that receives a subgrant under this title shall use the subgrant funds to supplement, and not supplant, Federal and non-Federal funds available for high schools.

(k) MATCHING FUNDS.—

(1) IN GENERAL.—A local educational agency receiving a grant under this title shall provide matching funds, from non-Federal sources, in an amount equal to not less than 15 percent of the total subgrant award for the local educational agency, which may be provided in cash or in-kind, to provide technical assistance to high schools served by the local educational agency in developing their high school improvement plans, conducting the capacity and needs assessment, and in implementing and monitoring the implementation of the high school improvement plans.

(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for a local educational agency if the Secretary determines that applying the matching requirement to such local educational agency would result in serious hardship or an inability to carry out the authorized activities described in section 110.

#### SEC. 112. SCHOOL IMPROVEMENT ACTIVITIES.

(a) IN GENERAL.—Each school improvement team convened as described in section 111 shall ensure that the school improvement activities developed under the school improvement plan are implemented.

(b) TARGETED INTERVENTIONS.—A high school or local educational agency, as determined by the school improvement team, shall implement research-based targeted interventions, using data from the school performance and student indicators and capacity evaluations for schools identified for such interventions pursuant to section 111. The targeted interventions shall be designed, at a minimum, to address the specific problems identified by the indicators.

(c) WHOLE SCHOOL REFORMS.—The local educational agency or State educational agency, with technical assistance from technical assistance providers, as determined by the school improvement team, shall implement research-based whole school reforms, using data from the school performance indicators (as described in section 109(b)(2)) and capacity evaluations (as described in section 109(b)(3)), to schools designated as needing whole school reform pursuant to section 111. Such reforms—

(1) shall address the comprehensive aspects of high school reform, such as—

(A) attendance;

(B) student engagement, behavior, and effort;

(C) academic success; and

(D) teacher and administrator skill and collaboration;

(2) shall address resource allocation, including—

(A) student supports;

(B) teacher and staff support;

(C) materials and equipment;

(D) time for collaboration; and

(E) the use of data;

(3) shall be designed to address—

(A) the multiple layers of school improvement demonstrated by research and best practice;

(B) schoolwide needs;

(C) students who need targeted assistance; and

(D) students who need intensive interventions;

(4) shall include activities that serve to—

(A) personalize the school experience, increase student engagement, attendance, and effort, and enable schools to provide the level and intensity of student support needed, by creating constructs, such as—

(i) smaller schools or smaller units within schools with their own leadership, such as 9th grade transition programs or academies, and upper grade programs or academies, including career academies;

(ii) thematic small-learning communities;

(iii) teams of teachers who work exclusively with small groups of students; or

(iv) using extended periods, such as block scheduling, to reduce the number of students for whom teachers are responsible and the number of courses students are taking at any one time;

(B) improve curriculum and instruction, such as—

(i) implementing a college- and work-ready curriculum for all students;

(ii) adopting well-designed curriculum and instructional materials aligned to high academic standards for all students, including students with diverse learning needs;

(iii) offering extended learning opportunities, both in school and through after-school and summer programs;

(iv) emphasizing intensive core academic preparation and college and work-ready skills development;

(v) increasing rigor through advanced placement courses, international baccalaureate courses, dual enrollment, and early college high schools opportunities;

(vi) creating contextual learning opportunities aligned with college and work readiness, such as through a high-quality career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) option for upper grades;

(vii) collecting and using comprehensive data, including formative assessments;

(viii) offering mentoring and tutoring; and

(ix) implementing pedagogies that actively engage students in the learning process;

(C) increase teacher and principal effectiveness through activities such as—

(i) providing teacher and administrator supports and research-based, ongoing professional development tied to needs identified in the school improvement plan;

(ii) providing regular opportunities for teachers of core academic subjects to—

(I) meet together in both subject area and interdisciplinary groups;

(II) review student achievement data; and

(III) plan instruction;

(iii) implementing a schoolwide literacy or mathematics plan that may include hiring literacy or mathematics coaches; and

(iv) developing administrator learning networks and supports;

(D) increase student supports, such as—

(i) student advisories;

(ii) 9th grade transition programs;

(iii) credit completion recovery programs;

(iv) additional counselors, social workers, and mental and behavioral health service providers;

(v) student advocates;



(vi) strengthening involvement of parents in the academic life of students;

(vii) school-family-community partnerships;

(viii) wraparound social services;

(ix) before and after school programs; or

(x) additional supports for students with diverse learning needs, including students with disabilities and English language learners;

(E) improve middle schools within a local educational agency whose students go on to attend such high schools and establish an early indicator warning system consisting of factors used to identify students who are struggling academically and have poor attendance records or have been suspended in or before the middle grades or are likely to struggle in high school or not to graduate and provide supports to get them back on track; and

(F) provide the local educational agency or high school with flexible budget and hiring authority where needed to implement improvements; and

(5) may include other activities designed to address whole school needs, such as implementing a comprehensive reform model.

(d) **REPLACEMENT.**—The local educational agency or the State educational agency, with assistance from technical assistance providers, shall replace high schools, using data from the school performance indicators and high school capacity and needs assessment (described in paragraphs (2) and (3) of section 109(b), respectively) designated as needing replacement pursuant to section 111. Replacement shall be implemented—

(1) by replacing such schools with 1 or more new small schools using effective school models with evidence of success with students with similar academic challenges and outcomes to those attending the school being replaced;

(2) by reopening such schools after combining the assignment of a new administrative team that has the authority to select a new teaching staff with the use of research-based strategies through—

(A) the implementation of a whole school reform model with evidence of success with students with similar academic outcomes to those attending the school being replaced; and

(B) increasing learning time;

(3) by closing such schools and reassigning the students to high schools that have made adequate yearly progress for the past 2 years; or

(4) by otherwise replacing such schools.

#### **SEC. 113. EVALUATION AND REPORTING.**

(a) **LOCAL EDUCATIONAL AGENCY REPORTING.**—On an annual basis, each local educational agency receiving funds under this title shall report to the State educational agency and to the public on—

(1) the designated category of school improvement for each high school served by the local educational agency under this title;

(2) the school performance indicators (as described in section 109(b)(2)) for each school served under this title, in the aggregate and disaggregated by the subgroups described in section 111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II));

(3) progress in meeting the benchmarks for each high school served pursuant to this title; and

(4) the use of funds by the local educational agency and each such school.

(b) **STATE EDUCATIONAL AGENCY REPORTING.**—On an annual basis, each State educational agency receiving funds under this title shall report to the Secretary and to the public on—

(1) the school performance indicators (as described in section 109(b)(2)), in the aggregate

and disaggregated by the subgroups described in section 111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II));

(2) progress in meeting the benchmarks for each high school served pursuant to this title;

(3) the high schools that have changed school improvement categories in accordance with section 111(h); and

(4) the use of funds by each local educational agency and each school served with such funds.

(c) **REPORT TO CONGRESS.**—Every 2 years, the Secretary shall report to Congress and to the public—

(1) a summary of the State reports; and

(2) on the use of funds by each State under this title.

#### **SEC. 114. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to carry out the activities authorized under this title, \$2,400,000,000 for fiscal year 2008 and each of the 4 succeeding fiscal years.

### **TITLE II—DEVELOPMENT OF EFFECTIVE SCHOOL MODELS**

#### **SEC. 201. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—The Senate finds the following:

(1) With close to a third of our Nation's high school students failing to graduate in 4 years, and another third graduating without the skills and knowledge needed to succeed in college or the workplace, new models of high school are clearly needed, especially for struggling students who are not on track to a high school diploma.

(2) Researchers have identified leading indicators that, taken together, are as much as 85 percent predictive of which 9th graders will not graduate from high school 4 years later.

(3) In the 2000 high schools nationwide with estimated 4-year graduation rates of 60 percent or lower, 80 percent of the 9th graders are significantly behind in skills or credits. By a conservative estimate, this adds up to not fewer than 500,000 students who are not on track to graduation.

(4) Poor outcomes for struggling students are endemic in cities, towns, and rural areas across the country. Graduation rates for students who are not on-track to an on-time graduation in ninth grade are as low as 20 percent.

(5) Schools designed to accelerate students' learning and get them on track to a college-ready diploma make a difference. The Early College High School Initiative has started 130 schools serving approximately 16,000 students in 23 States. Early results indicate that in the first programs to graduate students, over 95 percent earned a high school diploma, over 57 percent earned an associate's degree, and over 80 percent were accepted at a 4-year college.

(6) Most States and districts have limited capacity to expand and spread proven practices and models for improving graduation rates within a high standards environment.

(7) The Nation's young people understand the value of education and will persist, often against considerable odds, to further their education. From 1980 to 2002, a period of time with no discernible increase in the country's graduation rates, the percentage of 10th graders aspiring to a bachelor's degree or higher increased from 40 percent to 80 percent, with the largest increase among low-income youth.

(8) Young people who fall behind and drop out of high school often report that they regret leaving and wish they had been encouraged and supported to work harder while they were in school. Many persevere despite a lack of school options or pathways designed to help them succeed. Close to 60 per-

cent of dropouts eventually earn a high school credential—in most cases a GED certificate. Almost half of these students—44 percent—later enroll in 2-year or 4-year colleges, but despite their efforts fewer than 10 percent earn a postsecondary degree.

(b) **PURPOSES.**—The purposes of this title are—

(1) to facilitate the development and implementation of effective secondary school models for struggling students and dropouts; and

(2) to build the capacity of State educational agencies, local educational agencies, nonprofit organizations, and institutions of higher education to implement effective secondary school models for struggling students and dropouts.

#### **SEC. 202. DEFINITIONS.**

In this title:

(1) **DROPOUT.**—The term “dropout” means an individual who—

(A) is not older than 21;

(B)(i) is not attending any school; or

(ii) prior to attending a school based on an effective school model, was not attending any school; and

(C) has not received a secondary school regular diploma or its recognized equivalent.

(2) **EFFECTIVE SCHOOL MODEL.**—The term “effective school model” means—

(A) an existing secondary school model with demonstrated effectiveness in improving student academic achievement and outcomes for struggling students or dropouts; or

(B) a proposed new secondary school model design that is based on research-based organizational and instructional practices for improving student academic achievement and outcomes for struggling students or dropouts.

(3) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) a local educational agency, nonprofit organization, or institution of higher education—

(i) that proposes to enhance or expand an existing effective school model for struggling students or dropouts; or

(ii) that has a track record of serving struggling students or dropouts and proposes to develop a new effective school model for struggling students or dropouts; or

(B) a partnership involving 2 or more entities described in subparagraph (A).

(4) **STRUGGLING STUDENT.**—The term “struggling student”—

(A) means a high school-aged student who is not making sufficient progress toward graduating from secondary school with a regular diploma in the standard number of years; and

(B) includes a student who—

(i) has been retained in grade level;

(ii) is under-credited, defined as a high school student who lacks either the necessary credits or courses, as determined by the relevant local educational agency and State educational agency, to graduate from secondary school with a regular diploma in the standard number of years; or

(iii) is a late entrant English language learner, defined as a high school student who—

(I) enters a school served by a local educational agency at grade 9 or higher; and

(II) is identified by the local educational agency as being limited English proficient and as having experienced interrupted formal education.

#### **SEC. 203. GRANTS AUTHORIZED.**

(a) **IN GENERAL.**—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop and implement, or replicate, effective school models for struggling students and dropouts.

(b) PERIOD OF GRANT.—A grant awarded under this section shall be for a period of 3 years.

#### SEC. 204. APPLICATION.

(a) IN GENERAL.—Each eligible entity desiring a grant under this title shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) CONTENTS.—Each application submitted under this section shall include a description of—

(1) how the eligible entity will carry out the mandatory activities under section 206(a);

(2) the research or evidence concerning the effective school model that the eligible entity proposes to develop and implement or replicate, including—

(A) for an existing effective school model described in section 203(2)(A), the evidence that the model has improved academic outcomes for struggling students or dropouts; or

(B) for a proposed effective school model described in section 203(2)(B), the research that supports the key organizational and instructional practices of the proposed effective school model;

(3) the eligible entity's school design elements and principles that will be used in the effective school model, including—

(A) the academic program;

(B) the instructional practices;

(C) the methods of assessment; and

(D) student supports and services, such as those provided by the school or offered by other organizations and agencies in the community, to support positive student academic achievement and outcomes;

(4) how the eligible entity will use student data from the local educational agency or State educational agency—

(A) to demonstrate the need for and projected benefits of the effective school model; and

(B) in the implementation of the model, in order to improve academic outcomes for struggling students or dropouts;

(5) for each school in which the eligible entity implements or replicates an effective school model under this title, how the eligibility entity will sustain the implementation or replication of the effective school model, including the financing mechanism to be used;

(6) how the eligible entity will collect data and information to assess the performance of the effective school model and will make necessary adjustments to ensure continuous and substantial improvement in student academic achievement and outcomes; and

(7) how the eligible entity will make the performance data available to State educational agencies, local educational agencies, and schools serving struggling students or dropouts.

#### SEC. 205. SECRETARIAL PEER REVIEW AND APPROVAL.

The Secretary shall—

(1) establish a peer-review process to assist in the review and approval of applications submitted by eligible entities under section 204; and

(2) appoint individuals to the peer-review process who are experts in high school reform, dropout prevention and recovery, new school development for struggling students and dropouts, and adolescent and academic development.

#### SEC. 206. USE OF FUNDS.

(a) MANDATORY USE OF FUNDS.—An eligible entity receiving a grant under this title shall use grant funds to—

(1) enhance and expand, or replicate, an existing effective school model described in section 202(2)(A), or develop a proposed effective school model described in section

202(2)(B), for struggling students and dropouts;

(2) assess the progress of the implementation or replication of the effective school model and make necessary adjustments to ensure continuous improvement;

(3) provide opportunities for professional development associated with the continuous improvement and implementation or replication of the effective school model;

(4) collect data and information on the school model's effectiveness in improving student academic achievement and outcomes for struggling students and dropouts and disseminate such data and information to State educational agencies, local educational agencies, and schools; and

(5) build the capacity of the eligible entity to—

(A) sustain the implementation or replication of the effective school model assisted under paragraph (1) after the grant period has ended; and

(B) replicate the effective school model.

(b) OPTIONAL USE OF FUNDS.—An eligible entity receiving a grant under this title may use grant funds to—

(1) identify and create partnerships needed to improve the academic achievement and outcomes of the students attending a school assisted under this title;

(2) support family and community engagement in the effective school model; and

(3) carry out any additional activities that the Secretary determines are within the purposes described in section 201.

#### SEC. 207. EVALUATION AND REPORTING.

(a) CONTENTS OF REPORT.—Each eligible entity receiving a grant under this title shall annually report to the Secretary on—

(1) the data and information being gathered to assess the effective school model's effectiveness in improving student academic achievement and outcomes for struggling students and dropouts;

(2) the implementation status of the models, any barriers to implementation, and actions taken to overcome the barriers;

(3) any professional development activities to build the capacity of—

(A) the eligible entity to sustain or replicate the effective school model; or

(B) the staff of a school assisted under this title to implement or improve the effective school model;

(4) the progress made in improving student academic achievement and outcomes in the effective school models for struggling students and dropouts; and

(5) the use of grant funds by the eligible entity.

(b) INDEPENDENT EVALUATIONS.—The Secretary shall reserve not more than \$5,000,000 to carry out an independent evaluation of the grant program under this title and the progress of the eligible entities receiving grants under this title.

#### SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title \$60,000,000 for fiscal year 2008 and each of the 4 succeeding fiscal years.

### TITLE III—STRENGTHENING STATE POLICIES

#### SEC. 301. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Senate finds the following:

(1) Frontrunner States have begun to move more aggressively on the dual challenge of raising high school graduation rates while also raising the standards to the level of a college and work-ready diploma.

(2) Seven States are publically reporting 4-year cohort graduation rates and 20 States plan to publically report by 2008.

(3) Thirteen States now require students to take a college-and work-ready course of study to earn a diploma, up from just 3 in

2006. Another 16 States report that they plan to raise requirements during 2007.

(4) States that act aggressively to raise graduation rates without conceding ground on academic proficiency are gaining traction in such cutting-edge policy areas as: dual enrollment to support early college high schools that lead to high school diplomas and 2 years of postsecondary credit; expanding high school accountability to include indicators to reward schools for keeping struggling students in school and on track to proficiency; the development of new secondary educational options, including both small school models and recovery or alternative models for struggling students and dropouts.

(5) Even frontrunner States have not yet adopted a comprehensive set of policies to support high standards and high graduation rates. They lack the supports and resources to track implementation of the policies they have put in place or to partner with districts to build further capacity to carry out evidence-based practices and programming.

(6) Past Federal educational initiatives have been effective in supporting and accelerating bolder, more strategic action with positive results, for example the National Science Foundation State Systemic Initiative.

(7) Supporting frontrunner States to become laboratories of innovation and models for other States will accelerate the number of young people graduating from high schools across the Nation who are college and career ready.

(b) PURPOSES.—The purposes of this title are to—

(1) provide incentives for States to strengthen and develop new State policies in order to substantially raise the graduation rate in the State while ensuring rigorous secondary education content standards and assessments; and

(2) evaluate the effectiveness of such changes to the State policies.

#### SEC. 302. SYSTEMIC INITIATIVE TO IMPROVE HIGH SCHOOL GRADUATION RATE.

(a) GRANT PROGRAM AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to States that meet the requirements of section 303 to enable such States to design and align State policies in order to act as laboratories of innovation by reducing barriers and creating incentives to improve outcomes for high school students.

(b) NUMBER OF GRANTS; DURATION.—

(1) NUMBER OF GRANTS.—For each of the first 3 consecutive years of the grant program under this title, the Secretary shall award 4 or more grants under this title, except that the Secretary shall award a total of not more than 20 grants under this title for all 3 such years.

(2) DURATION OF GRANT.—Each grant awarded under this title shall be for a period of 5 years.

#### SEC. 303. ELIGIBLE STATE.

To be eligible to receive a grant under this title, a State shall comply with each of the following:

(1) The State shall receive a grant under title I and carry out the activities required under such title.

(2) The State shall have implemented, or be in the process of developing, a statewide longitudinal data system with individual student identifiers.

(3) The Governor of the State and any individual, entity, or agency designated under section 304(a) by the Governor shall regularly consult with each other and with the State board of education, the State educational agency, the head of the State higher education entity, the head of career and technical education in the State, and other agencies as appropriate, regarding carrying out the activities required under this title.

(4) The State shall meet any additional criteria determined by the Secretary to be necessary to carry out the purposes of this title.

#### SEC. 304. APPLICATION.

(a) IN GENERAL.—If a State desires a grant under this title, the Governor of the State, or an individual, entity, or agency designated by the Governor, shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) CONTENTS.—Each application submitted under this section shall include the following:

(1) A description of the State's plan to conduct the policy gap and impact analysis described in section 305(1).

(2) A description of the State's plan for using the findings of the policy gap and impact analysis to strengthen the policies of the State in effect as of the date of enactment of this Act.

(3) A description of how the State will ensure that the State elementary and secondary education content standards and academic assessments described in section 111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)) are aligned to college and work readiness.

(4) A description of how the State will ensure that all students have access to a college preparatory curriculum.

(5) A plan to ensure the statewide longitudinal student data system, other statewide data systems, and data protocols are designed and implemented in such a way that allows for data interoperability and portability across local educational agencies and among pre-kindergarten through grade 12 systems, institutions of higher education, and systems that identify whether students enter the Armed Forces.

(6) A plan to grant additional flexibility and autonomy to schools and local educational agencies working to increase the graduation rates and college readiness of secondary school students.

(7) A plan to stimulate the development of multiple pathways and expanded educational options to help secondary students, including struggling students and dropouts, attain a secondary school diploma that prepares the student with the necessary skills to succeed in higher education and work.

(8) An assurance that the following stakeholders are committed to achieving the goals and objectives set forth in the grant application:

- (A) The Governor of the State.
- (B) The chief executive officer of the State higher education coordinating board.
- (C) The chief State school officer.
- (D) The head of the State Board of Education.
- (E) The head of career and technical education in the State.
- (F) Other agency heads, as determined appropriate by the Governor and the individuals, entities, and agencies involved in the consultation under section 303(3).

#### SEC. 305. USE OF FUNDS.

A State receiving a grant under this title shall carry out the following:

(1) Conduct, or enter into a contract with a third party to conduct, a policy gap and impact analysis to determine how to strengthen the policies of the State in order to substantially raise the graduation rate in the State while ensuring rigorous secondary education content standards and assessments. Such analysis shall—

- (A) examine the policies of the State, and of the local educational agencies within the State, affecting—
  - (i) school funding;
  - (ii) data capacity;
  - (iii) accountability systems;

(iv) interventions in high-priority secondary schools;

(v) new school development; and

(vi) the dissemination and implementation of effective local school improvement activities throughout the State; and

(B) provide recommendations regarding how the State can strengthen the policies of the State to substantially raise the graduation rate in the State while ensuring rigorous postsecondary and work-ready academic standards, including recommendations on—

(i) innovative finance models, such as weighted student funding;

(ii) data capacity that enables longitudinal and cross-sectoral analysis of State education and other systems, such as juvenile justice, social services, and early childhood;

(iii) improving a differentiated system of supports, sanctions, and interventions for high-priority high schools;

(iv) the development of additional secondary educational options, including both the development of small school models and recovery or alternative models for struggling students and dropouts;

(v) additional accountability measures in the State accountability system;

(vi) dual student enrollment in secondary schools and institutions of higher education; and

(vii) the development of school-family-community partnerships to improve student achievement.

(2) Implement or enact—

(A) the changes to the policies of the State recommended by the policy gap and impact analysis under paragraph (1)(B); and

(B) any additional changes to the policies of the State necessary to enable the State to carry out all of the plans described in the application under subsection (b).

(3) Develop a system to—

(A) measure how the changes to the policies of the State carried out under this title improve student outcomes at the State and local levels; and

(B) adjust the policies of the State accordingly in order to achieve the desired policy targets and student outcomes at the State and local levels.

(4) Devote resources to ensure the sustainability of the activities carried out under this title and the long-term success of the secondary schools within the State.

#### SEC. 306. EVALUATION AND REPORTING.

(a) EVALUATION AND REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for the period of the grant, each State receiving a grant under this title shall—

(1) conduct an evaluation of the State's progress regarding the impact of the changes made to the policies of the State in accordance with this title, on substantially raising the graduation rate in the State while ensuring rigorous postsecondary and work-ready academic standards, including—

(A) a description of the specific changes made, or in the process of being made, to policies as a result of the grant;

(B) a discussion of any barriers hindering the identified changes in policies, and strategies to overcome such barriers;

(C) evidence of the impact of changes to policies on desired behavior and actions at the local educational agency and school level;

(D) after the first year of the grant period, a description of how the results of the previous year's evaluation were used to adjust policies of the State as necessary to achieve the purposes of this title; and

(E) evidence of the impact of the changes to policies in accordance with this title on improving graduation rates or other measures,

such as percent of students who are making sufficient progress toward graduating secondary school in the standard number of years;

(2) use the results of the evaluation conducted under paragraph (1) to adjust the policies of the State as necessary to achieve the purposes of this title; and

(3) submit the results of the evaluation to the Secretary.

(b) AVAILABILITY.—The Secretary shall make the results of each State's evaluation under subsection (a) available to other States and local educational agencies.

#### SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title \$40,000,000 for fiscal year 2008 and the 4 succeeding fiscal years.

Mr. KENNEDY. Mr. President, while many measures are being taken at the Federal, State and local levels to improve student achievement in America, our high school students are still being left behind. High school students continue to lag in both math and reading. In 12th grade, less than a quarter of students scored proficient or better on the math assessment, and only 35 percent were proficient or better on the reading assessment.

Furthermore, Federal funding is not currently going to the high schools that are in the most need. The main source of Federal funds is through the title I program. Yet only 8 percent of students who benefit from these funds are in high school. Ninety percent of high schools with very low graduation rates have many low-income students.

The statistics on high school graduation rates are staggering. About 1,000 high schools across the country only graduate half their students, and only about 70 percent of high school students graduate on time. Among African Americans and Latinos, only 55 percent graduate on time. It is clear that high schools need more assistance in supporting and retaining students.

The continued partnership between local, State and the Federal Government is essential in improving secondary education in America. That is why the Graduation Promise Act provides the necessary funding to improve the capacity of low-performing high schools, decrease dropout rates and increase student achievement. The act speaks directly to the root of the problem, providing support to high schools and middle schools to both assist and retain students who may have fallen between the cracks.

The Graduation Promise Act would make great strides in helping high school students achieve to their fullest potential. The act would provide \$2.5 billion to build capacity for secondary school improvement, and at the same time provide States and local school districts with the resources to ensure high schools with the greatest challenges receive the support they need to implement research-based interventions.

Research shows that we can identify students who are most at-risk for not completing high school as early as sixth grade. With early intervention, quality teachers, small classes, and

data-driven instruction we can ensure that these students make progress, stay in school and succeed.

The act assists these efforts by supporting the development and dissemination of highly effective secondary school models for students most at risk of being left behind. It would also strengthen state improvement systems to identify, differentiate among, and target the level of reform and resources necessary to improve low-performing high schools, while ensuring transparency and accountability. Finally, the act would support states' continuing efforts to align State policies and systems to meet the goal of college and career-ready graduation for all students.

Bringing our schools into the 21st century is the ultimate goal of this important piece of legislation. Local schools, States and the Federal Government must continue to work together to modernize the practices and models that are being used to ensure success from all of our high school students. Updating the system for the current times is a difficult process, but with the assistance of the Graduation Promise Act, all high school students can be given the tools necessary to succeed both in school and beyond.

I thank my colleagues, Senator BINGAMAN and Senator BURR, for their good work on this initiative and their leadership on this issue. I look forward to working with them on this and many other important issues as we move forward with the reauthorization of the Elementary and Secondary Act. I urge my colleagues to support this legislation.

By Mr. FEINGOLD:

S. 1186. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; to the Committee on the Budget.

Mr. FEINGOLD. Mr. President, I am delighted to join my colleague in the other body, Congressman PAUL RYAN of Wisconsin, in introducing the Congressional Accountability and Line-Item Veto Act of 2007. Congressman RYAN and I belong to different political parties, and differ on many important issues. But we do share at least two things in common—our hometown of Janesville, WI, and an abiding respect for Wisconsin's tradition of fiscal responsibility.

The measure we are each introducing today would grant the President specific authority to rescind or cancel congressional earmarks, including earmarked spending, tax breaks, and tariff benefits. This new authority would sunset at the end of 2012, ensuring that Congress will have a chance to review its use under two different Administrations before considering whether or not to extend it. While not a true line-item veto bill, our measure provides for fast-track consideration of the President's proposed cancellation of earmarks.

Thus, unlike current law, it ensures that for the specific category of congressional earmarks, the President will get an up or down vote on his proposed cancellations.

There have been a number of so-called line-item veto proposals offered in the past several years. But the measure Congressman RYAN and I propose today is unique in that it specifically targets the very items that every line-item veto proponent cites when promoting a particular measure, namely earmarks. When President Bush asked for this kind of authority, the examples he gave when citing wasteful spending he wanted to target were congressional earmarks. When Members of the House or Senate tout a new line-item veto authority to go after government waste, the examples they give are congressional earmarks. When editorial pages argue for a new line-item veto, they, too, cite congressional earmarks as the reason for granting the President this new authority.

That is exactly what our bill does. It provides the President with new expedited rescission authority—what has been commonly referred to as a line-item veto—to cancel congressional earmarks. The definitions of earmarks that we use are the very definitions upon which each house has agreed in passing legislation earlier this year.

Unauthorized congressional earmarks are a growing problem. By one estimate, in 2004 alone more than \$50 billion in earmarks were passed. There is no excuse for a system that allows that kind of wasteful spending year after year, and while I have opposed granting the President line-item veto authority to effectively reshape programs like Medicare and Medicaid, for this specific category, I support giving the President this additional tool.

Under our proposal, wasteful spending doesn't have anywhere to hide. It's out in the open, so that both Congress and the President have a chance to get rid of wasteful projects before they would become law.

The taxpayers—who pay the price for these projects—deserve a process that shows some real fiscal discipline, and that's what we are trying to get at with this legislation.

I ask unanimous consent that the text of this legislation 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. 1186

*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 "Congressional Accountability and Line-Item Veto Act of 2007".

#### SEC. 2. LEGISLATIVE LINE ITEM VETO.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking all of part B (except for sections 1016 and 1013, which are redesignated as sections 1019 and 1020, respectively) and part C and inserting the following:

#### "PART B—LEGISLATIVE LINE-ITEM VETO

##### "LINE ITEM VETO AUTHORITY

"SEC. 1011. (a) PROPOSED CANCELLATIONS.—Within 30 calendar days after the enactment of any bill or joint resolution containing any congressional earmark or providing any limited tariff benefit or targeted tax benefit, the President may propose, in the manner provided in subsection (b), the repeal of the congressional earmark or the cancellation of any limited tariff benefit or targeted tax benefit. If the 30 calendar-day period expires during a period where either House of Congress stands adjourned sine die at the end of Congress or for a period greater than 30 calendar days, the President may propose a cancellation under this section and transmit a special message under subsection (b) on the first calendar day of session following such a period of adjournment.

##### "(b) TRANSMITTAL OF SPECIAL MESSAGE.—

##### "(1) SPECIAL MESSAGE.—

"(A) IN GENERAL.—The President may transmit to the Congress a special message proposing to repeal any congressional earmarks or to cancel any limited tariff benefits or targeted tax benefits.

"(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the congressional earmarks, limited tariff benefits, or targeted tax benefits to be repealed or canceled—

"(i) the congressional earmark that the President proposes to repeal or the limited tariff benefit or the targeted tax benefit that the President proposes to be canceled;

"(ii) the specific project or governmental functions involved;

"(iii) the reasons why such congressional earmark should be repealed or such limited tariff benefit or targeted tax benefit should be canceled;

"(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed repeal or cancellation;

"(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed repeal or cancellation and the decision to propose the repeal or cancellation, and the estimated effect of the proposed repeal or cancellation upon the objects, purposes, or programs for which the congressional earmark, limited tariff benefit, or the targeted tax benefit is provided;

"(vi) a numbered list of repeals and cancellations to be included in an approval bill that, if enacted, would repeal congressional earmarks and cancel limited tariff benefits or targeted tax benefits proposed in that special message; and

"(vii) if the special message is transmitted subsequent to or at the same time as another special message, a detailed explanation why the proposed repeals or cancellations are not substantially similar to any other proposed repeal or cancellation in such other message.

"(C) DUPLICATIVE PROPOSALS PROHIBITED.—The President may not propose to repeal or cancel the same or substantially similar congressional earmark, limited tariff benefit, or targeted tax benefit more than one time under this Act.

"(D) MAXIMUM NUMBER OF SPECIAL MESSAGES.—The President may not transmit to the Congress more than one special message under this subsection related to any bill or joint resolution described in subsection (a), but may transmit not more than 2 special messages for any omnibus budget reconciliation or appropriation measure.

##### "(2) ENACTMENT OF APPROVAL BILL.—

"(A) DEFICIT REDUCTION.—Congressional earmarks, limited tariff benefits, or targeted tax benefits which are repealed or canceled

pursuant to enactment of a bill as provided under this section shall be dedicated only to reducing the deficit or increasing the surplus.

“(B) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the repeal or cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

“(C) ADJUSTMENTS TO STATUTORY LIMITS.—After enactment of an approval bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act of 1985, as appropriate.

“(D) TRUST FUNDS AND SPECIAL FUNDS.—Notwithstanding subparagraph (A), nothing in this part shall be construed to require or allow the deposit of amounts derived from a trust fund or special fund which are canceled pursuant to enactment of a bill as provided under this section to any other fund.

#### “PROCEDURES FOR EXPEDITED CONSIDERATION

“SEC. 1012. (a) EXPEDITED CONSIDERATION.—

“(1) IN GENERAL.—The majority leader or minority leader of each House or his designee shall (by request) introduce an approval bill as defined in section 1017 not later than the third day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b). If the bill is not introduced as provided in the preceding sentence in either House, then, on the fourth day of session of that House after the date of receipt of the special message, any Member of that House may introduce the bill.

“(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

“(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an approval bill is referred shall report it to the House without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, such committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

“(B) PROCEEDING TO CONSIDERATION.—After an approval bill is reported by or discharged from committee or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

“(C) CONSIDERATION.—The approval bill shall be considered as read. All points of order against an approval bill and against its consideration are waived. The previous question shall be considered as ordered on an approval bill to its passage without intervening

motion except five hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the bill. A motion to reconsider the vote on passage of the bill shall not be in order.

“(D) SENATE BILL.—An approval bill received from the Senate shall not be referred to committee.

“(3) CONSIDERATION IN THE SENATE.—

“(A) REFERRAL AND REPORTING.—Any committee of the Senate to which an approval bill is referred shall report it to the Senate without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the Senate has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, such committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

“(B) MOTION TO PROCEED TO CONSIDERATION.—After an approval bill is reported by or discharged from committee or the Senate has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the Senate. A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

“(C) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

“(D) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

“(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

“(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

“(G) CONSIDERATION OF THE HOUSE BILL.—

“(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to a vote under subparagraph (C), then the Senate may consider, and the vote under subparagraph (C) may occur on, the House companion bill.

“(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes, pursuant to subparagraph (C), on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

“(b) AMENDMENTS PROHIBITED.—No amendment to, or motion to strike a provision from, a bill considered under this section shall be in order in either the Senate or the House of Representatives.

#### “PRESIDENTIAL DEFERRAL AUTHORITY

“SEC. 1013. (a) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD CONGRESSIONAL EARMARKS.—

“(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may direct that any congressional earmark to be repealed in that special message shall not be made available for obla-

tion for a period of 45 calendar days of continuous session of the Congress after the date on which the President transmits the special message to the Congress.

“(2) EARLY AVAILABILITY.—The President shall make any congressional earmark deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

“(b) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND A LIMITED TARIFF BENEFIT.—

“(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any limited tariff benefit proposed to be canceled in that special message for a period of 45 calendar days of continuous session of the Congress after the date on which the President transmits the special message to the Congress.

“(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any limited tariff benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

“(c) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND A TARGETED TAX BENEFIT.—

“(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any targeted tax benefit proposed to be repealed in that special message for a period of 45 calendar days of continuous session of the Congress after the date on which the President transmits the special message to the Congress.

“(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any targeted tax benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

#### “IDENTIFICATION OF TARGETED TAX BENEFITS

“SEC. 1014. (a) STATEMENT.—The chairman of the Committee on Ways and Means of the House of Representatives and the chairman of the Committee on Finance of the Senate acting jointly (hereafter in this subsection referred to as the ‘chairmen’) shall review any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 that is being prepared for filing by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any targeted tax benefits. The chairmen shall provide to the committee of conference a statement identifying any such targeted tax benefits or declaring that the bill or joint resolution does not contain any targeted tax benefits. Any such statement shall be made available to any Member of Congress by the chairmen immediately upon request.

“(b) STATEMENT INCLUDED IN LEGISLATION.—

“(1) IN GENERAL.—Notwithstanding any other rule of the House of Representatives or any rule or precedent of the Senate, any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 reported by a committee of conference of the two Houses may include, as a separate section of such bill or joint resolution, the information contained in the statement of the chairmen, but only in the manner set forth in paragraph (2).

“(2) APPLICABILITY.—The separate section permitted under subparagraph (A) shall read as follows: ‘Section 1021 of the Congressional

Budget and Impoundment Control Act of 1974 shall apply to \_\_\_\_\_, with the blank spaces being filled in with—

“(A) in any case in which the chairmen identify targeted tax benefits in the statement required under subsection (a), the word ‘only’ in the first blank space and a list of all of the specific provisions of the bill or joint resolution in the second blank space; or

“(B) in any case in which the chairmen declare that there are no targeted tax benefits in the statement required under subsection (a), the word ‘not’ in the first blank space and the phrase ‘any provision of this Act’ in the second blank space.

“(C) IDENTIFICATION IN REVENUE ESTIMATE.—With respect to any revenue or reconciliation bill or joint resolution with respect to which the chairmen provide a statement under subsection (a), the Joint Committee on Taxation shall—

“(1) in the case of a statement described in subsection (b)(2)(A), list the targeted tax benefits in any revenue estimate prepared by the Joint Committee on Taxation for any conference report which accompanies such bill or joint resolution, or

“(2) in the case of a statement described in subsection (b)(2)(B), indicate in such revenue estimate that no provision in such bill or joint resolution has been identified as a targeted tax benefit.

“(d) PRESIDENT’S AUTHORITY.—If any revenue or reconciliation bill or joint resolution is signed into law—

“(1) with a separate section described in subsection (b)(2), then the President may use the authority granted in this section only with respect to any targeted tax benefit in that law, if any, identified in such separate section; or

“(2) without a separate section described in subsection (b)(2), then the President may use the authority granted in this section with respect to any targeted tax benefit in that law.

#### “TREATMENT OF CANCELLATIONS

“SEC. 1015. The repeal of any congressional earmark or cancellation of any limited tariff benefit or targeted tax benefit shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law before the end of the applicable period under section 1013, then all proposed repeals and cancellations contained in that bill shall be null and void and any such congressional earmark, limited tariff benefit, or targeted tax benefit shall be effective as of the original date provided in the law to which the proposed repeals or cancellations applied.

#### “REPORTS BY COMPTROLLER GENERAL

“SEC. 1016. With respect to each special message under this part, the Comptroller General shall issue to the Congress a report determining whether any congressional earmark is not repealed or limited tariff benefit or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 of the President has expired.

#### “DEFINITIONS

“SEC. 1017. As used in this part:

“(1) APPROPRIATION LAW.—The term ‘appropriation law’ means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

“(2) APPROVAL BILL.—The term ‘approval bill’ means a bill or joint resolution which only approves proposed repeals of congressional earmarks or cancellations of limited tariff benefits or targeted tax benefits in a

special message transmitted by the President under this part and—

“(A) the title of which is as follows: ‘A bill approving the proposed repeals and cancellations transmitted by the President on \_\_\_\_\_’, the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

“(B) which does not have a preamble; and

“(C) which provides only the following after the enacting clause: ‘That the Congress approves of proposed repeals and cancellations \_\_\_\_\_’, the blank space being filled in with a list of the repeals and cancellations contained in the President’s special message, ‘as transmitted by the President in a special message on \_\_\_\_\_’, the blank space being filled in with the appropriate date, ‘regarding \_\_\_\_\_’, the blank space being filled in with the public law number to which the special message relates;

“(D) which only includes proposed repeals and cancellations that are estimated by CBO to meet the definition of congressional earmark or limited tariff benefits, or that are identified as targeted tax benefits pursuant to section 1014; and

“(E) if no CBO estimate is available, then the entire list of legislative provisions proposed by the President is inserted in the second blank space in subparagraph (C).

“(3) CALENDAR DAY.—The term ‘calendar day’ means a standard 24-hour period beginning at midnight.

“(4) CANCEL OR CANCELLATION.—The terms ‘cancel’ or ‘cancellation’ means to prevent—

“(A) a limited tariff benefit from having legal force or effect, and to make any necessary, conforming statutory change to ensure that such limited tariff benefit is not implemented; or

“(B) a targeted tax benefit from having legal force or effect, and to make any necessary, conforming statutory change to ensure that such targeted tax benefit is not implemented and that any budgetary resources are appropriately canceled.

“(5) CBO.—The term ‘CBO’ means the Director of the Congressional Budget Office.

“(6) CONGRESSIONAL EARMARK.—The term ‘congressional earmark’ means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

“(7) ENTITY.—As used in paragraph (6), the term ‘entity’ includes a private business, State, territory or locality, or Federal entity.

“(8) LIMITED TARIFF BENEFIT.—The term ‘limited tariff benefit’ means any provision of law that modifies the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities (as defined in paragraph (12)(B)).

“(9) OMB.—The term ‘OMB’ means the Director of the Office of Management and Budget.

“(10) OMNIBUS RECONCILIATION OR APPROPRIATION MEASURE.—The term ‘omnibus reconciliation or appropriation measure’ means—

“(A) in the case of a reconciliation bill, any such bill that is reported to its House by the Committee on the Budget; or

“(B) in the case of an appropriation measure, any such measure that provides appropriations for programs, projects, or activities

falling within 2 or more section 302(b) suballocations.

“(11) TARGETED TAX BENEFIT.—The term ‘targeted tax benefit’ means—

“(A) any revenue provision that—

“(i) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

“(ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

“(B) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986.

#### “EXPIRATION

“SEC. 1018. This title shall have no force or effect on or after December 31, 2012”.

### SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking “1017” and inserting “1012”; and

(2) in subsection (d), by striking “section 1017” and inserting “section 1012”.

(b) ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.—Section 402 of the Congressional Budget Act of 1974 is amended by inserting “(a)” after “402.” and by adding at the end the following new subsection:

“(b) Upon the receipt of a special message under section 1011 proposing to repeal any congressional earmark, the Director of the Congressional Budget Office shall prepare an estimate of the savings in budget authority or outlays resulting from such proposed repeal relative to the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and transmit such estimate to the chairmen of the Committees on the Budget of the House of Representatives and Senate.”.

(c) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the last sentence.

(2) Section 1022(c) of such Act (as redesignated) is amended is amended by striking “rescinded or that is to be reserved” and insert “canceled” and by striking “1012” and inserting “1011”.

(3) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for parts B and C of title X and inserting the following:

#### “PART B—LEGISLATIVE LINE-ITEM VETO

“Sec. 1011. Line item veto authority

“Sec. 1012. Procedures for expedited consideration

“Sec. 1013. Presidential deferral authority

“Sec. 1014. Identification of targeted tax benefits

“Sec. 1015. Treatment of cancellations

“Sec. 1016. Reports by comptroller general

“Sec. 1017. Definitions

“Sec. 1018. Expiration

“Sec. 1019. Suits by Comptroller General

“Sec. 1020. Proposed Deferrals of budget authority”.

(d) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of its enactment and apply only to any congressional earmark, limited tariff benefit, or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.



#### SEC. 4. SENSE OF CONGRESS ON ABUSE OF PROPOSED REPEALS AND CANCELLATIONS.

It is the sense of Congress no President or any executive branch official should condition the inclusion or exclusion or threaten to condition the inclusion or exclusion of any proposed repeal or cancellation in any special message under this section upon any vote cast or to be cast by any Member of either House of Congress.

By Mr. PRYOR (for himself and Mrs. LINCOLN):

S. 1189. A bill to designate the Federal building and United States Courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the "George Howard, Jr. Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

Mr. PRYOR. Mr. President, I rise today to commemorate the life and achievements of Arkansas native George Howard, Jr., who died Saturday, April 21, 2007 at Jefferson Regional Medical Center in Pine Bluff, AR. Howard, a remarkable lawyer and civil-rights leader, was Arkansas's first black Federal judge. I am pleased to honor his legacy today by introducing legislation to designate the Pine Bluff Federal building and courthouse the "George Howard, Jr. Federal Building and United States Courthouse."

Judge Howard will be remembered for a number of remarkable professional accomplishments. He was named by President Carter to a lifetime appointment as U.S. District Court Judge for Arkansas's Eastern and Western districts in 1980. Prior to taking office as a Federal judge, Mr. Howard worked as an attorney in private practice and served as President of the State Council of Branches of the NAACP.

He graduated from law school at the University of Arkansas at Fayetteville in 1954. Though not the first black student to graduate from the U of A law school, he was one of the earliest and was the first black student to live in campus housing. Judge Howard also served in the U.S. Navy during World War II.

His hard work, dedication to his country and profession, and historic contribution to the State of Arkansas should be celebrated and remembered. For this reason, I urge the Senate to adopt this legislation honoring Judge George Howard, Jr.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 165—RELATIVE TO THE DEATH OF REPRESENTATIVE JUANITA MILLENDER-MCDONALD, OF CALIFORNIA

Mr. REID (for himself, Mr. McCONNELL, Mrs. FEINSTEIN, Mrs. BOXER, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms.

CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 165

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Juanita Millender-McDonald, late a Representative from the State of California.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the late Representative.

#### SENATE RESOLUTION 166—COMMEMORATING THE LIFE TIME ACHIEVEMENT OF THE REVEREND LEON H. SULLIVAN

Mr. CASEY (for himself and Mr. SPECTER) submitted the following resolution; which was considered and agreed to:

S. RES. 166

Whereas, the late Reverend Leon H. Sullivan dedicated his life to alleviating the plight of the poor and the disadvantaged in America and worldwide;

Whereas, Reverend Sullivan received numerous honors and awards during his lifetime, including recognition by LIFE magazine in 1963 as one of the 100 outstanding young adults in America, the Presidential Medal of Freedom in 1992, and the Eleanor Roosevelt Award for Human Rights in 1999;

Whereas, having dedicated 37 years of his ministerial vocation to the historic Zion Baptist Church of Philadelphia, Reverend Sullivan's leadership and innovation led to the creation of one of the largest congregations in the Nation during his time;

Whereas, in 1966, as part of his 10-36 Plan to encourage individuals to invest in the economic future of their communities, Reverend Sullivan founded the Leon H. Sullivan Charitable Trusts and the Progress Investment Associates, through which numerous eco-

nomic development and social services programs have been developed and funded;

Whereas, in 1963, in response to a lack of job opportunities in Philadelphia, Pennsylvania, Reverend Sullivan led more than 400 ministers in a successful boycott that opened up more than 4,000 jobs for African-Americans;

Whereas, Reverend Sullivan met the need for job training by establishing the Opportunities Industrialization Center, which has grown to more than 75 training centers throughout the Nation;

Whereas, recognizing the need to take his struggle to alleviate the plight of the poor abroad, in 1969 Reverend Sullivan established Opportunities Industrialization Centers International, which has grown to more than 40 centers in 16 African nations, Poland, and the Philippines;

Whereas, when Reverend Sullivan saw the need to create a broader array of programs in Africa, he established the International Foundation for Education and Self-Help, which has conducted numerous initiatives, including Schools for Africa, fellowship programs, and innovative teacher and banker training programs since 1988;

Whereas, in 2001, the Leon H. Sullivan Foundation was established posthumously to support Reverend Sullivan's life's mission through the work of his many established organizations;

Whereas, the Leon H. Sullivan Foundation presents the biennial Leon H. Sullivan Summits in Africa, which have provided a forum for leaders of African nations together with more than 18,000 African-Americans and Friends of Africa to interact with their counterparts and produce programs to meet the needs of the poor and disadvantaged in African nations;

Whereas, in 1977, Reverend Sullivan helped to promulgate the Sullivan Principles, a code of conduct for human rights and equal opportunity for companies operating in South Africa, and the Sullivan Principles helped end apartheid in South Africa;

Whereas, Reverend Sullivan expanded on the Sullivan Principles in 1999, by creating the Global Sullivan Principles, which encourage corporate social responsibility and promote global human rights and political, economic, and social justice;

Whereas, more than 250 governments, corporations, and universities on 5 continents have endorsed the Global Sullivan Principles since their initiation;

Whereas, 10 African heads of state endorsed the Global Sullivan Principles at the Leon H. Sullivan Summit in Abuja, Nigeria, in July 2006;

Whereas, plans for the 8th Leon H. Sullivan Summit in Tanzania in 2008 include broader regional endorsement of the Global Sullivan Principles among African nations: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the life of the Reverend Leon H. Sullivan;

(2) salutes the positive impact of the Reverend Sullivan's achievements domestically and internationally; and

(3) encourages the continued pursuit of Reverend Sullivan's mission to help the poor and disenfranchised around the world.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 903. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table.

SA 904. Mr. BINGAMAN (for himself and Mr. ALEXANDER) proposed an amendment to the bill S. 761, *supra*.

SA 905. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 761, *supra*; which was ordered to lie on the table.

SA 906. Mr. INOUE (for himself and Mr. STEVENS) proposed an amendment to the bill S. 761, *supra*.

SA 907. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 761, *supra*; which was ordered to lie on the table.

SA 908. Mr. BINGAMAN proposed an amendment to the bill S. 761, *supra*.

SA 909. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 761, *supra*; which was ordered to lie on the table.

SA 910. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 761, *supra*; which was ordered to lie on the table.

SA 911. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 761, *supra*; which was ordered to lie on the table.

SA 912. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 761, *supra*; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 903.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

##### **SEC. \_\_\_\_ . H-1B VISA EMPLOYER FEE.**

Section 214(c)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(B)) is amended by striking “\$1,500” and inserting “\$2,000”.

**SA 904.** Mr. BINGAMAN (for himself and Mr. ALEXANDER) proposed an amendment to the bill S. 761, to invest in innovation and education to improve the competitiveness of United States in the global economy; as follows:

On page 44, beginning with line 16 strike through line 2 on page 45.

On page 45, line 3, strike “(d)” and insert “(c)”.

On page 47, line 8, strike “(e)” and insert “(d)”.

On page 47, line 21, strike “(f)” and insert “(e)”.

**SA 905.** Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

On page 78, strike line 21 and insert the following:

“(D) \$27,500,000 for fiscal year 2011.

#### **“CHAPTER 6—ADMINISTRATION**

##### **“SEC. 3195. MENTORING PROGRAM.**

“(a) IN GENERAL.—As part of the programs established under chapters 1, 3, and 4, the Director shall establish a program to recruit and provide mentors for women and underrepresented minorities who are interested in careers in mathematics, science, and engi-

neering by pairing those women and minorities who are in programs of study at specialty schools for mathematics and science, Centers of Excellence, and summer institutes established under chapters 1, 3, and 4, respectively.

“(b) PROGRAM EVALUATION.—The Secretary shall annually—

“(1) use metrics to evaluate the success of the programs established under subsection (a); and

“(2) submit to Congress a report that describes the results of each evaluation.”.

**SA 906.** Mr. INOUE (for himself and Mr. STEVENS) proposed an amendment to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 5, beginning on line 13, strike “science and technology” and insert “science, technology, engineering, and mathematics”.

On page 25, line 5, strike “education” and insert “education, consistent with the agency mission, including authorized activities”.

Strike from line 16 on page 44 through line 2 on page 45.

On page 45, line 3, strike “(d)” and insert “(c)”.

On page 47, line 8, strike “through the end of line 20.

On page 47, line 21, strike “(f)” and insert “(d)”.

On page 49, between lines 17 and 18, insert the following:

##### **SEC. 1503. NOAA'S CONTRIBUTION TO INNOVATION.**

(a) PARTICIPATION IN INTERAGENCY ACTIVITIES.—The National Oceanic and Atmospheric Administration shall be a full participant in any interagency effort to promote innovation and economic competitiveness through near-term and long-term basic scientific research and development and the promotion of science, technology, engineering, and mathematics education, consistent with the agency mission, including authorized activities.

(b) HISTORIC FOUNDATION.—In order to carry out the participation described in subsection (a), the Administrator of the National Oceanic and Atmospheric Administration shall build on the historic role of the National Oceanic and Atmospheric Administration in stimulating excellence in the advancement of ocean and atmospheric science and engineering disciplines and in providing opportunities and incentives for the pursuit of academic studies in science, technology, engineering, and mathematics.

On page 170, strike lines 20 through 23 and insert the following:

- (1) \$6,729,000,000 for fiscal year 2008;
- (2) \$7,738,000,000 for fiscal year 2009;
- (3) \$8,899,000,000 for fiscal year 2010; and
- (4) \$10,234,000,000 for fiscal year 2011.

On page 172, line 19, strike “Foundation, for each of the fiscal years 2008” and insert the following: “Foundation, for fiscal year 2008, \$1,050,000,000, and, for each of the fiscal years 2009”.

On page 172, line 25, strike “2007” and insert “2008”.

On page 173, line 5, strike “5-year” and insert “4-year”.

On page 173, line 21, strike “an additional 250” and insert “additional”.

On page 174, line 5, strike “5-year” and insert “4-year”.

On page 174, line 17, strike “an additional 250” and insert “additional”.

On page 183, line 4, strike “restrict or bias” and insert “inhibit”.

On page 183, line 5, strike “against” and insert “for”.

On page 184, beginning on line 2, strike “1862g), for each of fiscal years 2008” and insert the following: “1862g), for fiscal year 2008, \$125,000,000, and, for each of fiscal years 2009”.

On page 184, line 8, strike “2007” and insert “2008”.

**SA 907.** Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

After section 4005, insert the following:

##### **SEC. 4005A. CLIMATE CHANGE EDUCATION PROGRAM.**

(a) ESTABLISHMENT.—The Director of the National Science Foundation shall establish a Climate Change Education Program to—

(1) broaden the understanding of human induced climate change, possible long and short-term consequences, and potential solutions;

(2) apply the latest scientific and technological discoveries to provide formal and informal learning opportunities to people of all ages, including those of diverse cultural and linguistic backgrounds; and

(3) emphasize actionable information to help people understand and to promote implementation of new technologies, programs, and incentives related to energy conservation, renewable energy, and greenhouse gas reduction.

(b) PROGRAM ELEMENTS.—The Climate Change Education Program shall include—

(1) a national information campaign to disseminate information on and promote implementation of the new technologies, programs, and incentives described in subsection (a)(3); and

(2) a competitive grant program to provide grants to States, local municipalities, educational institutions, and other organizations to—

(A) create informal education materials, exhibits, and multimedia presentations relevant to climate change and climate science;

(B) develop climate science kindergarten through grade 12 curriculum and supplementary educational materials; or

(C) publish climate change and climate science information in print, electronic, and audio-visual forms.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director of the National Science Foundation shall transmit to Congress a report that evaluates the scientific merits, educational effectiveness, and broader impacts of activities under this section.

**SA 908.** Mr. BINGAMAN proposed an amendment to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; as follows:

On page 55, lines 21 and 22, strike “engineering”) and insert “engineering and technology”.

On page 56, line 8, after “engineering” insert “and technology”.

On page 56, line 24, strike “mathematics and science” and insert “mathematics, science, engineering, and technology”.

On page 59, line 6, strike “mathematics and science” and insert “mathematics, science, and, to the extent applicable, technology and engineering”.

On page 59, line 15, strike “mathematics and science” and insert “mathematics, science, technology, and engineering”.

On page 60, line 6, strike “mathematics and science” and insert “mathematics, science, technology, and engineering”.

On page 60, line 10, before “that” insert “in mathematics, science, and to the extent applicable, technology and engineering”.

On page 61, lines 8 and 9, strike “mathematics and science” and insert “mathematics, science, and, to the extent applicable, technology and engineering”.

On page 62, line 14, strike “mathematics or science” and insert “mathematics, science, technology, or engineering”.

On page 65, lines 16 and 17, strike “**MATHEMATICS AND SCIENCE**” and insert “**MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING**”.

On page 65, line 19, strike “**MATHEMATICS AND SCIENCE**” and insert “**MATHEMATICS, SCIENCE, TECHNOLOGY, AND ENGINEERING**”.

On page 66, lines 8 and 9, strike “Mathematics and Science” and insert “Mathematics, Science, Technology, and Engineering”.

On page 67, line 9, strike “Mathematics and Science” and insert “Mathematics, Science, Technology, and Engineering”.

On page 67, lines 16 and 17, strike “math and science” and insert “mathematics, science, and technology”.

On page 68, lines 21 and 22, strike “mathematics or science (including engineering)” and insert “mathematics, science, or engineering”.

On page 69, lines 4 and 5, strike “mathematics or science” and insert “mathematics, science, or technology”.

Beginning on page 69, line 25 through page 70, line 1, strike “mathematics and science” and insert “mathematics, science, technology, and engineering”.

On page 70, lines 10 and 11, strike “mathematics and science” and insert “mathematics, science, technology, and engineering”.

On page 71, line 7, strike “mathematics and science” and insert “mathematics, science, technology, and engineering”.

On page 71, line 10, strike “mathematics and science” and insert “mathematics, science, technology, and engineering”.

On page 71, line 18, strike “mathematics and science” and insert “mathematics, science, and, to the extent applicable, technology and engineering”.

On page 72, line 23, strike “mathematics and science” and insert “mathematics, science, technology, and engineering”.

On page 73, lines 18 and 19, strike “mathematics and science” and insert “mathematics, science, and to the extent applicable, technology and engineering”.

On page 73, lines 23 and 24, strike “mathematics and science” and insert “mathematics, science, technology, and engineering”.

**SA 909.** Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. \_\_\_\_ IMMIGRANT VISA REFORM.**

(a) **WORLDWIDE LEVEL OF IMMIGRANTS WITH ADVANCED DEGREES.**—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (a)(3), by inserting “and immigrants with advanced degrees” after “diversity immigrants”; and

(2) by amending subsection (e) to read as follows:

“(e) **WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS AND IMMIGRANTS WITH ADVANCED DEGREES.**—

“(1) **DIVERSITY IMMIGRANTS.**—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 18,333 for each fiscal year.

“(2) **IMMIGRANTS WITH ADVANCED DEGREES.**—The worldwide level of immigrants with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.”

(b) **IMMIGRANTS WITH ADVANCED DEGREES.**—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking “paragraph (2), aliens subject to the worldwide level specified in section 201(e)” and inserting “paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)(1)”; and

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

“(2) **ALIENS WHO HOLD AN ADVANCED DEGREE IN SCIENCE, MATHEMATICS, TECHNOLOGY, OR ENGINEERING.**—

“(A) **IN GENERAL.**—Qualified immigrants who hold a master’s or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e)(2).

“(B) **ECONOMIC CONSIDERATIONS.**—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most needed to meet anticipated workforce needs and protect the economic security of the United States.”;

(D) in paragraph (3), as redesignated, by striking “this subsection” each place it appears and inserting “paragraph (1)”; and

(E) by amending paragraph (4), as redesignated, to read as follows:

“(4) **MAINTENANCE OF INFORMATION.**—

“(A) **DIVERSITY IMMIGRANTS.**—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

“(B) **IMMIGRANTS WITH ADVANCED DEGREES.**—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2).”; and

(2) in subsection (e)—

(A) in paragraph (2), by striking “(c)” and inserting “(c)(1)”; and

(B) by redesignating paragraph (3) as paragraph (4); and

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

“(3) Immigrant visas made available under subsection (c)(2) shall be issued as follows:

“(A) If the Secretary of State has not made a determination under subsection (c)(2)(B), immigrant visas shall be issued in a strictly random order established by the Secretary for the fiscal year involved.

“(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have a degree selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is greater than the worldwide level specified in section 201(e)(2), the Secretary shall issue immigrant

visas only to such immigrants and in a strictly random order established by the Secretary for the fiscal year involved.

“(C) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is not greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

“(i) issue immigrant visas to eligible qualified immigrants with degrees selected in subsection (c)(2)(B); and

“(ii) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees described in subsection (c)(2)(A) in a strictly random order established by the Secretary for the fiscal year involved.”

(c) **ADVANCED DEGREE AND DIVERSITY VISA CARRYOVER.**—Section 204(a)(1)(I)(ii)(II) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(I)(ii)(II)) is amended to read as follows:

“(II) An immigrant visa made available under subsection 203(c) for fiscal year 2007 or any subsequent fiscal year may be issued, or adjustment of status under section 245(a) may be granted, to an eligible qualified alien who has properly applied for such visa or adjustment of status in the fiscal year for which the alien was selected notwithstanding the end of such fiscal year. Such visa or adjustment of status shall be counted against the worldwide levels set forth in section 201(e) for the fiscal year for which the alien was selected.”

(d) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect on October 1, 2007.

**SA 910.** Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. \_\_\_\_ MARKET-BASED VISA LIMITS.**

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “(beginning with fiscal year 1992)”; and

(B) in subparagraph (A)—

(i) in clause (vi) by striking “and”; and

(ii) in clause (vii), by striking “each succeeding fiscal year; or” and inserting “each of fiscal years 2004, 2005, 2006, and 2007”; and

(iii) by adding after clause (vii) the following:

“(viii) 150,000 for fiscal year 2008; and

“(ix) the number calculated under paragraph (9) for each fiscal year after fiscal year 2008; or”;

(2) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(3) by inserting after paragraph (8) the following:

“(9) If the numerical limitation in paragraph (1)(A)—

“(A) is reached during the previous fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the previous fiscal year; or

“(B) is not reached during the previous fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the previous fiscal year.”

**SA 911.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . TRADE COMPLAINT AND LITIGATION ACCOUNTABILITY IMPROVEMENT.**

(a) **SHORT TITLE.**—This section may be cited as the “Trade Complaint and Litigation Accountability Improvement Measures Act” or the “Trade CLAIM Act”.

(b) **REVIEW OF DETERMINATIONS OF THE UNITED STATES TRADE REPRESENTATIVE BY THE COURT OF INTERNATIONAL TRADE.**—Section 1581 of title 28, United States Code, is amended—

(1) in subsection (i)—

(A) in the matter preceding paragraph (1), by striking “subsections (a)–(h) of this section” and inserting “subsections (a) through (h) and subsection (k).”; and

(B) in paragraph (4), by striking “subsections (a)–(h) of this section” and inserting “subsections (a) through (h) and subsection (k).”; and

(2) by adding at the end the following:

“(k) The Court of International Trade shall have exclusive jurisdiction of any civil action commenced by a petitioner requesting that the United States Trade Representative take action under section 301 of the Trade Act of 1974 (19 U.S.C. 2411) to review de novo any determination, finding, or action of the United States Trade Representative under section 301(a), 302(a)(2), 304(a)(1), 305(a)(2)(A)(ii), 306(b), or 307(a)(1) of the Trade Act of 1974 (19 U.S.C. 2411(a), 2412(a)(2), 2414(a)(1), 2415(a)(2)(A)(ii), 2416(b), and 2417(a)(1)).”.

(c) **CONSIDERATION BY THE UNITED STATES TRADE REPRESENTATIVE OF PETITIONS TO ENFORCE UNITED STATES TRADE RIGHTS.**—

(1) **ACTIONS BY UNITED STATES TRADE REPRESENTATIVE.**—Section 301 of the Trade Act of 1974 (19 U.S.C. 2411) is amended—

(A) in subsection (a)—

(i) in the flush text at the end of paragraph (1), by striking “of this section, subject to the specific direction, if any, of the President regarding any such action.”; and

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking “in any case in which” and inserting “if”;

(II) in subparagraph (A)(ii)(II), by striking “or” at the end; and

(III) by striking subparagraph (B) and inserting the following:

“(B) the foreign country has—

“(i) agreed to imminently eliminate the act, policy, or practice; or

“(ii) agreed to a solution to imminently relieve the burden or restriction on United States commerce resulting from the act, policy, or practice;

“(C) the Trade Representative determines that it is impossible for the foreign country to achieve the results described in subparagraph (B), and the foreign country agrees to provide to the United States compensatory trade benefits that are equivalent in value to the burden or restriction on United States commerce resulting from the acts, policy, or practice;

“(D) in extraordinary cases, the Trade Representative determines that taking action under this subsection would have an adverse impact on the United States economy that is substantially out of proportion to the benefits of such action, taking into account the impact of not taking such action on the credibility of the provisions of this chapter; or

“(E) the Trade Representative determines that taking action under this subsection would cause serious harm to the national security of the United States.”; and

(B) in subsection (c)(1)(D)—

(i) by striking clauses (i) and (ii) and inserting the following:

“(i) imminently eliminate the act, policy, or practice that is the subject of the action to be taken under subsection (a) or (b);

“(ii) imminently relieve the burden or restriction on United States commerce resulting from the act, policy, or practice; or”; and

(ii) in clause (iii), by amending subclause (I) to read as follows:

“(I) are equivalent in value to the burden or restriction on United States commerce resulting from the act, policy, or practice; and”.

(2) **INITIATION OF INVESTIGATIONS.**—Section 302 of the Trade Act of 1974 (19 U.S.C. 2412) is amended—

(A) in subsection (a)(2), by inserting “based on whether the petitioner has alleged facts that, if assumed to be true, would meet the criteria described in section 301(a)(1)” before the period at the end; and

(B) in subsection (c), by striking “(a) or”.

(3) **CONSULTATIONS.**—Section 303 of the Trade Act of 1974 (19 U.S.C. 2413) is amended—

(A) in subsection (a)(2), by striking “mutually acceptable resolution” and inserting “resolution acceptable to the Trade Representative, the foreign country, and the petitioner (if any).”; and

(B) in subsection (b)(1)(A), by striking “after consulting with” and inserting “with the consent of”.

(4) **IMPLEMENTATION OF ACTIONS.**—Section 305(a)(1) of the Trade Act of 1974 (19 U.S.C. 2415(a)(1)) is amended by striking “, subject to the specific direction, if any, of the President regarding any such action, by no” and inserting “by not”.

(5) **MONITORING OF FOREIGN COMPLIANCE.**—Section 306(b) of the Trade Act of 1974 (19 U.S.C. 2416(b)) is amended—

(A) in paragraph (1), by striking “the Trade Representative considers” and inserting “the Trade Representative or the petitioner (if any) considers”; and

(B) in paragraph (2)(A), by striking “the Trade Representative considers” and inserting “the Trade Representative or the petitioner (if any) considers”.

(6) **MODIFICATION AND TERMINATION OF ACTION.**—Section 307(a)(1) of the Trade Act of 1974 (19 U.S.C. 2417(a)(1)) is amended by striking “, subject to the specific direction, if any, of the President with respect to such action.”.

**SA 912.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 761, to invest in innovation and education to improve the competitiveness of the United States in the global economy; which was ordered to lie on the table; as follows:

At the end of division C, insert the following:

**TITLE V—STUDY ABROAD**

**SEC. 3501. SHORT TITLE.**

This title may be cited as the “Senator Paul Simon Study Abroad Foundation Act of 2007”.

**SEC. 3502. FINDINGS.**

Congress makes the following findings:

(1) According to President George W. Bush, “America’s leadership and national security rest on our commitment to educate and prepare our youth for active engagement in the international community.”.

(2) According to former President William J. Clinton, “Today, the defense of United

States interests, the effective management of global issues, and even an understanding of our Nation’s diversity require ever-greater contact with, and understanding of, people and cultures beyond our borders.”.

(3) Congress authorized the establishment of the Commission on the Abraham Lincoln Study Abroad Fellowship Program pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199). Pursuant to its mandate, the Commission has submitted to Congress and the President a report of its recommendations for greatly expanding the opportunity for students at institutions of higher education in the United States to study abroad, with special emphasis on studying in developing nations.

(4) Studies consistently show that United States students score below their counterparts in other advanced countries on indicators of international knowledge. This lack of global literacy is a national liability in an age of global trade and business, global interdependence, and global terror.

(5) By numbers ranging from 77 to more than 90 percent, Americans believe that it is important for their children to learn other languages, study abroad, attend a college where they can interact with international students, learn about other countries and cultures, and generally be prepared for the global age, according to a December 2005 national survey commissioned by NAFSA: Association of International Educators.

(6) In today’s world, it is more important than ever for the United States to be a responsible, constructive leader that other countries are willing to follow. Such leadership cannot be sustained without an informed citizenry with much more knowledge and awareness of the world than most Americans currently possess.

(7) Study abroad has proven to be a very effective means of imparting international and foreign-language competency to students.

(8) In any given year, only approximately one percent of all students enrolled in United States institutions of higher education study abroad.

(9) Less than 10 percent of the students who graduate from United States institutions of higher education with bachelors degrees have studied abroad.

(10) Far more study abroad must take place in the developing countries. Ninety-five percent of the world’s population growth over the next 50 years will occur outside of Europe. Yet in the academic year 2004–2005, 60 percent of United States students studying abroad studied in Europe, and 45 percent studied in four countries—the United Kingdom, Italy, Spain, and France—according to the Institute of International Education.

(11) The Final Report of the National Commission on Terrorist Attacks Upon the United States (The 9/11 Commission Report) recommended that the United States increase support for “scholarship, exchange, and library programs”. The 9/11 Public Discourse Project, successor to the 9/11 Commission, noted in its November 14, 2005, status report that this recommendation was “unfulfilled,” and stated that “The U.S. should increase support for scholarship and exchange programs, our most powerful tool to shape attitudes over the course of a generation.”. In its December 5, 2005, Final Report on the 9/11 Commission Recommendations, the 9/11 Public Discourse Project gave the government a grade of “D” for its implementation of this recommendation.

(12) Investing in a national study abroad program would help turn a grade of “D” into an “A” by equipping United States students to communicate United States values and way of life through the unique dialogue that

takes place among citizens from around the world when individuals study abroad.

#### SEC. 3503. PURPOSES.

The purposes of this title are—

(1) to significantly enhance the global competitiveness and international knowledge base of the United States by ensuring that more students in United States institutions of higher education have the opportunity to acquire foreign language skills and international knowledge through significantly expanded study abroad;

(2) to enhance the foreign policy capacity of the United States by significantly expanding and diversifying the talent pool of individuals with non-traditional foreign language skills and cultural knowledge in the United States who are available for recruitment by United States foreign affairs agencies, legislative branch agencies, and non-governmental organizations involved in foreign affairs activities;

(3) to ensure that an increasing portion of study abroad by United States students will take place in nontraditional study abroad destinations such as the People's Republic of China, countries of the Middle East region, and developing countries; and

(4) to create greater cultural understanding of the United States by exposing foreign students and their families to American students in countries that have not traditionally hosted large numbers of American students.

#### SEC. 3504. DEFINITIONS.

In this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) **BOARD.**—The term “Board” means the Board of Directors of the Foundation established pursuant to section 3505(d).

(3) **CHIEF EXECUTIVE OFFICER.**—The term “Chief Executive Officer” means the chief executive officer of the Foundation appointed pursuant to section 3505(c).

(4) **FOUNDATION.**—The term “Foundation” means the Senator Paul Simon Study Abroad Foundation established by section 3505(a).

(5) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) **NONTRADITIONAL STUDY ABROAD DESTINATION.**—The term “nontraditional study abroad destination” means a location that is determined by the Foundation to be a less common destination for United States students who study abroad.

(7) **STUDY ABROAD.**—The term “study abroad” means an educational program of study, work, research, internship, or combination thereof that is conducted outside the United States and that carries academic credit toward fulfilling the participating student's degree requirements.

#### SEC. 3505. ESTABLISHMENT AND MANAGEMENT OF THE SENATOR PAUL SIMON STUDY ABROAD FOUNDATION.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established in the executive branch a corporation to be known as the “Senator Paul Simon Study Abroad Foundation” that shall be responsible for carrying out this title under the authorities of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.). The Foundation shall be a government corporation, as defined in section 103 of title 5, United States Code.

(2) **BOARD OF DIRECTORS.**—The Foundation shall be governed by a Board of Directors chaired by the Secretary of State in accordance with subsection (d).

(3) **INTENT OF CONGRESS.**—It is the intent of Congress in establishing the structure of the Foundation set forth in this subsection to create an entity that will administer a study abroad program that—

(A) serves the long-term foreign policy and national security needs of the United States; but

(B) operates independently of short-term political and foreign policy considerations.

(b) **MANDATE OF FOUNDATION.**—In administering the program referred to in subsection (a)(3), the Foundation shall—

(1) promote the objectives and purposes of this title;

(2) through responsive, flexible grant-making, promote access by students at diverse institutions of higher education, including two-year institutions, minority-serving institutions, and institutions that serve non-traditional students;

(3) through creative grant-making, promote access by diverse students, including minority students, students of limited financial means, and nontraditional students;

(4) raise funds from the private sector to supplement funds made available under this title; and

(5) be committed to minimizing administrative costs and to maximizing the availability of funds for grants under this title.

(c) **CHIEF EXECUTIVE OFFICER.**—

(1) **IN GENERAL.**—There shall be in the Foundation a Chief Executive Officer who shall be responsible for the management of the Foundation.

(2) **APPOINTMENT.**—The Chief Executive Officer shall be appointed by the Board and shall be a recognized leader in higher education, business, or foreign policy, chosen on the basis of a rigorous search.

(3) **RELATIONSHIP TO BOARD.**—The Chief Executive Officer shall report to and be under the direct authority of the Board.

(4) **COMPENSATION AND RANK.**—

(A) **IN GENERAL.**—The Chief Executive Officer shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code, and shall have the equivalent rank of Deputy Secretary.

(B) **AMENDMENT.**—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

“Chief Executive Officer, Senator Paul Simon Study Abroad Foundation.”

(5) **AUTHORITIES AND DUTIES.**—The Chief Executive Officer shall be responsible for the management of the Foundation and shall exercise the powers and discharge the duties of the Foundation.

(6) **AUTHORITY TO APPOINT OFFICERS.**—In consultation and with approval of the Board, the Chief Executive Officer shall appoint all officers of the Foundation.

(d) **BOARD OF DIRECTORS.**—

(1) **ESTABLISHMENT.**—There shall be in the Foundation a Board of Directors.

(2) **DUTIES.**—The Board shall perform the functions specified to be carried out by the Board in this title and may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised.

(3) **MEMBERSHIP.**—The Board shall consist of—

(A) the Secretary of State (or the Secretary's designee), the Secretary of Education (or the Secretary's designee), the Secretary of Defense (or the Secretary's designee), and the Administrator of the United

States Agency for International Development (or the Administrator's designee); and

(B) five other individuals with relevant experience in matters relating to study abroad (such as individuals who represent institutions of higher education, business organizations, foreign policy organizations, or other relevant organizations) who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(4) **CHIEF EXECUTIVE OFFICER.**—The Chief Executive Officer of the Foundation shall serve as a nonvoting, ex officio member of the Board.

(5) **TERMS.**—

(A) **OFFICERS OF THE FEDERAL GOVERNMENT.**—Each member of the Board described in paragraph (3)(A) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(B) **OTHER MEMBERS.**—Each member of the Board described in paragraph (3)(B) shall be appointed for a term of 3 years and may be reappointed for a term of an additional 3 years.

(C) **VACANCIES.**—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(6) **CHAIRPERSON.**—There shall be a Chairperson of the Board. The Secretary of State shall serve as the Chairperson.

(7) **QUORUM.**—A majority of the members of the Board described in paragraph (3) shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on the date of the enactment of this Act, shall include at least one member of the Board described in paragraph (3)(B).

(8) **MEETINGS.**—The Board shall meet at the call of the Chairperson.

(9) **COMPENSATION.**—

(A) **OFFICERS OF THE FEDERAL GOVERNMENT.**—

(i) **IN GENERAL.**—A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

(ii) **TRAVEL EXPENSES.**—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) **OTHER MEMBERS.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), a member of the Board described in paragraph (3)(B)—

(I) shall be paid compensation out of funds made available for the purposes of this title at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board; and

(II) while away from the member's home or regular place of business on necessary travel in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the

same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(ii) **LIMITATION.**—A member of the Board may not be paid compensation under clause (i)(II) for more than 90 days in any calendar year.

**SEC. 3506. ESTABLISHMENT AND OPERATION OF PROGRAM.**

(a) **ESTABLISHMENT OF THE PROGRAM.**—There is hereby established a program, which shall—

(1) be administered by the Foundation; and

(2) award grants to—

(A) individuals for study abroad;

(B) nongovernmental institutions that provide and promote study abroad opportunities, in consortium with institutions described in subparagraph (C); and

(C) institutions of higher education, individually or in consortium, in order to accomplish the objectives set forth in subsection (b).

(b) **OBJECTIVES.**—The objectives of the program established under subsection (a) are that, within 10 years of the date of the enactment of this Act—

(1) not less than one million undergraduate students in United States institutions of higher education will study abroad annually for credit;

(2) the demographics of study-abroad participation will reflect the demographics of the United States undergraduate population; and

(3) an increasing portion of study abroad will take place in nontraditional study abroad destinations, with a substantial portion of such increases taking place in developing countries.

(c) **MANDATE OF THE PROGRAM.**—In order to accomplish the objectives set forth in subsection (b), the Foundation shall, in administering the program established under subsection (a), take fully into account the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program (established pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108-199)).

(d) **STRUCTURE OF GRANTS.**—In accordance with the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program, grants awarded under the program established under subsection (a) shall be structured to the maximum extent practicable to promote appropriate reforms in institutions of higher education in order to remove barriers to participation by students in study abroad.

(e) **BALANCE OF LONG-TERM AND SHORT-TERM STUDY ABROAD PROGRAMS.**—In administering the program established under subsection (a), the Foundation shall seek an appropriate balance between—

(1) longer-term study abroad programs, which maximize foreign-language learning and intercultural understanding; and

(2) shorter-term study abroad programs, which maximize the accessibility of study abroad to nontraditional students.

**SEC. 3507. ANNUAL REPORT.**

Not later than March 31, 2008, and each March 31 thereafter, the Foundation shall submit to Congress a report on the implementation of this Act during the prior fiscal year.

**SEC. 3508. POWERS OF THE FOUNDATION; RELATED PROVISIONS.**

(a) **POWERS.**—The Foundation—

(1) shall have perpetual succession unless dissolved by a law enacted after the date of the enactment of this Act;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may make and perform such contracts, grants, and other agreements with any per-

son or government however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(5) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this title;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this title.

(b) **PRINCIPAL OFFICE.**—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) **APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.**—

(1) **IN GENERAL.**—The Foundation shall be subject to chapter 91 of subtitle VI of title 31, United States Code, except that the Foundation shall not be authorized to issue obligations or offer obligations to the public.

(2) **CONFORMING AMENDMENT.**—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following: “(R) the Senator Paul Simon Study Abroad Foundation.”

(d) **INSPECTOR GENERAL.**—

(1) **IN GENERAL.**—The Inspector General of the Department of State shall serve as Inspector General of the Foundation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Foundation.

(2) **AUTHORITY OF THE BOARD.**—In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

(3) **REIMBURSEMENT AND AUTHORIZATION OF SERVICES.**—

(A) **REIMBURSEMENT.**—The Foundation shall reimburse the Department of State for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) **AUTHORIZATION FOR SERVICES.**—Of the amount authorized to be appropriated under section 10(a) for a fiscal year, up to \$2,000,000 is authorized to be made available to the Inspector General of the Department of State to conduct reviews, investigations, and inspections of operations and activities of the Foundation.

**SEC. 3509. GENERAL PERSONNEL AUTHORITIES.**

(a) **DETAIL OF PERSONNEL.**—Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) **REEMPLOYMENT RIGHTS.**—

(1) **IN GENERAL.**—An employee of an agency who is serving under a career or career con-

ditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

(2) **SPECIFIC RIGHTS.**—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(c) **HIRING AUTHORITY.**—Of persons employed by the Foundation, not to exceed 30 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.

(d) **BASIC PAY.**—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) **DEFINITIONS.**—In this section—

(1) the term “agency” means an executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term “detail” means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Foundation.

**SEC. 3510. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this title \$80,000,000 for fiscal year 2008 and each subsequent fiscal year.

(b) **ALLOCATION OF FUNDS.**—

(1) **IN GENERAL.**—The Foundation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this title. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this title or under authority governing the activities of the United States Government agency to which such funds are allocated or transferred.

(2) **NOTIFICATION.**—The Foundation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

**NOTICES OF HEARINGS/MEETINGS**

**SUBCOMMITTEE ON ENERGY**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy of the Committee on Energy and Natural Resources. The hearing will be held on May 1, 2007, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 129, a bill to study and promote the use of energy-



efficient computer servers in the United States; S. 838, a bill to authorize funding joint ventures between United States and Israeli businesses and academic persons; H.R. 85, a bill to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies; and H.R. 1126, a bill to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [Amanda\\_Kelly@energy.senate.gov](mailto:Amanda_Kelly@energy.senate.gov).

For further information, please contact Jonathan Epstein at (202) 224-3357 or Amanda Kelly at (202) 224-6836.

#### SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on May 2, 2007, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 27, a bill to authorize the implementation of the San Joaquin River Restoration Settlement.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [Gina\\_Weinstock@energy.senate.gov](mailto:Gina_Weinstock@energy.senate.gov).

For further information, please contact Michael Connor at (202) 224-5479 or Gina Weinstock at (202) 224-5684.

#### SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

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

The hearing will be held on May 3, 2007, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 205 and H.R. 865, to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska; S. 390, to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah; S. 647, to designate certain land in the State of Oregon as wilderness; S. 1139, to establish the National Landscape Conservation System; H.R. 276, to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be ad-

ministered as a part of the National Landscape Conservation System; and H.R. 356, to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [rachel\\_pasternack@energy.senate.gov](mailto:rachel_pasternack@energy.senate.gov).

For further information, please contact David Brooks at (202) 224-9863 or Rachel Pasternack at (202) 224-0883.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Monday, April 23, 2007, at 3 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1115, a bill to promote the efficient use of oil, natural gas, and electricity, reduce oil consumption, and heighten energy efficiency standards for consumer products and industrial equipment, and for other purposes.

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

#### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Monday, April 23, 2007, at 2:30 p.m. for a hearing titled "Protecting College Campuses: Best Practices."

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

### PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Kusai Merchant, a fellow in my office, be granted floor privileges during the consideration of S. 761 and any votes thereon.

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

### UNANIMOUS-CONSENT AGREE- MENT—EXECUTIVE CALENDAR

Mr. BINGAMAN. Madam President, I ask unanimous consent that at 12 noon tomorrow, the Senate proceed to executive session to consider Calendar No. 76, the nomination of Halil Suleyman Ozerden to be a U.S. district judge; that there be 10 minutes for debate

equally divided between the chairman and ranking member or their designees; that at the conclusion or yielding back of the time, the Senate proceed to vote on that nomination; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

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

### RELATIVE TO THE DEATH OF REPRESENTATIVE JUANITA MILLENDER-MCDONALD

Mr. BINGAMAN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 165, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 165) relative to the death of Representative JUANITA MILLENDER-MCDONALD, OF CALIFORNIA.

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the resolution be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 165) was agreed to, as follows:

#### S. RES. 165

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Juanita Millender-McDonald, late a Representative from the State of California.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the late Representative.

### COMMEMORATING THE LIFETIME ACHIEVEMENT OF THE REVEREND LEON H. SULLIVAN

Mr. BINGAMAN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 166, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 166) commemorating the lifetime achievement of the Reverend Leon H. Sullivan.

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

Mr. CASEY. Madam President, I rise today in support of a resolution honoring the lifetime achievement of the Reverend Leon H. Sullivan. My colleague from Pennsylvania, Senator

SPECTER, has joined me as an original cosponsor of this resolution.

Tomorrow marks the 6-year anniversary of the passing of one of America's great leaders. He was a man who changed the face of the world, a man of faith who achieved his mission in life through concrete action as well as his preaching. His family, friends, and colleagues appropriately refer to him as a "giant among men"—a colossal force who helped overcome some of the greatest challenges of the 20th century. So I am honored to stand here today to acknowledge the extraordinary lifetime achievements of the late Reverend Leon H. Sullivan.

Originally from West Virginia, Leon Sullivan grew up during the Great Depression while racial segregation still ruled the United States. He recalled it as a time when all of the White children walked down the left side of the street and all of the Black children walked on the right side of the street. It was a time when skin color often dictated one's place in society. When Reverend Sullivan was an 8-year-old, he was reprimanded for sitting at a drugstore counter and drinking a soda. A burly White man yelled at the young Leon: "Stand on your own two feet, you can't sit here."

When we think of Leon Sullivan today as a man, as a reverend, and as a leader, we think of his entire life, and his was a life of courage and compassion, a life of struggle and triumph, a life of faith and family—his own family and the human family—and, finally, his was a life for others and for God.

When he was young and dealing with the kind of discrimination I just described, that kind of experience kindled a fire within his heart, and Leon Sullivan made the decision to commit his life to fighting segregation and injustice.

Throughout his teenage years, he found inspiration in the founding documents of the United States. He understood that the principle of equality expressed in the Declaration of Independence and the Constitution transcends skin color. He repeatedly defied tradition and deliberately frequented restaurants, libraries, and shops where Blacks were not welcome, often reciting passages from the Declaration of Independence, fearlessly challenging racism and confronting prejudice where he found it.

After graduating from high school, Leon Sullivan was awarded an athletic scholarship to West Virginia State College, where he played football and basketball and also enjoyed the Kappa Alpha Psi fraternity.

After graduation, he was called to the ministry, a vocation that allowed him to address the religious needs of his people while continuing his fight against segregation and injustice. He moved first to Harlem, where he worked with the Reverend Adam Clayton Powell at the Abyssinian Baptist Church and attended Union Theological Seminary. He was offered a po-

sition in Philadelphia and soon emerged as a powerful source of inspiration as the pastor of the Zion Baptist Church, where he focused on the temporal as well as the spiritual well-being of his people.

He once said:

I felt that God did not just want people to have milk and honey in heaven . . . He wanted them to have some ham and eggs on earth. I believe that God just doesn't want you to go to the pearly gates. He wants you to have a better life on earth, and if you have a better life on earth and treat people right, you'll get to the pearly gates.

As part of his ministerial role, Reverend Sullivan spoke eloquently about social justice, calling on people to "help the little man and aid those who cannot survive on their own." For over a decade, he helped and counseled hundreds of parishioners and others, but his realization that racial segregation would prevent his vision from becoming a reality led him to join the civil rights moment. He was one of the first civil rights leaders to recognize how the economic power of his people could be harnessed to promote the cause of racial equality. He created the Selective Patronage Movement, through which 400 Black ministers in Philadelphia mobilized their parishioners to boycott businesses which practiced discrimination. Exercising economic power through the Selective Patronage Movement led to the opening of thousands of jobs in previously segregated companies in Philadelphia alone.

These victories inspired Sullivan to create the Opportunities Industrial Utilization Center of America, the so-called OIC, which provided and still provides today comprehensive training so that motivated workers can be prepared to take advantage of opportunities opening up to them. As he said, "Integration without preparation brings frustration." Originally based in Philadelphia, the OIC captured the attention of President Lyndon Johnson, who worked directly with Reverend Sullivan to improve the infrastructure and efficiency of the organization and ultimately bring it to the national stage. Today, OIC America has chapters in 30 States and has helped thousands of African Americans achieve success through its emphasis on self-reliance and self-improvement.

The nationally recognized success of OIC led the chairman of General Motors to approach Reverend Sullivan about serving on the GM board of directors. The Reverend accepted the offer and served for over 20 years as the first African American on the GM board.

His service to GM brought him face to face again with racism, this time in the international arena. Reverend Sullivan traveled to South Africa, where he was targeted as a troublesome visitor because of his meetings with anti-apartheid organizers. As he was leaving the country, he was stopped at the airport and strip-searched. Reverend Sullivan, the pastor of one of the largest

churches in the United States, a director of General Motors, stood there in his underwear and asked the White officials in charge why this was happening.

The official said, "I am doing to you what I have to do."

Reverend Sullivan replied: "When I get back, I am going to do to you what I have to do."

What Leon Sullivan did was bring the economic power of corporate America on the heads of those who supported apartheid in South Africa. Under what came to be known as the Sullivan Principles, hundreds of multinational corporations publicly opposed racism and discrimination in South Africa. When the statement of principle failed to change the status quo fast enough, Reverend Sullivan raised the stakes. In his words: "I threatened South Africa and said in 2 years Mandela must be freed, apartheid must end and blacks must vote or else I will bring every American company I can out of South Africa . . ."

His efforts eventually evolved into a full campaign of disinvestment by hundreds of companies and by institutional investors holding hundreds of billions of dollars in corporate stock. And it worked. Apartheid collapsed, and Nelson Mandela went from prisoner to head of state.

Reverend Sullivan's work continued long after the end of apartheid. In 1999, U.N. Secretary General Kofi Annan invited him to deliver a speech at the United Nations, expanding his moral code of corporate social responsibility into the internally accepted Global Sullivan Principles.

Beyond this, he led a campaign to rescue African children from the overall lack of schools, infrastructure, hospitals and security.

Reverend Sullivan said of children:

Children do not get here on their own . . . They didn't ask to be here . . . They didn't ask who their mothers or fathers would be or the situations in which they were born. So what society has to do is reach and get the most out of that child you can . . .

What I and so many others admired most about the Reverend Leon Sullivan was his compassion for those truly in need. He called those of us who are able to stand on our own feet and improve ourselves, while always protecting the helpless.

Now I stand in this Chamber, on the floor of the Senate, to honor the energy and compassion of this great man dedicated to his noble causes. I have only touched on a few of the many contributions to our Nation and our world. These examples illustrate his unique ability to fight discrimination and injustice across the globe. From childhood until his death, Leon Sullivan believed in the future and demonstrated a relentless optimism regardless of the obstacles that tried to prohibit success. He characterized his life's work by saying:

I would not be doing what I am doing if I weren't optimistic about it. I'm reaching

into a barrel and taking out a little hand at a time, not a whole lot . . . but if enough hands go down in the next fifty, seventy-five, hundred years, we'll clean out that barrel.

As we know, when so many of us pass on, most good people do, in fact, leave a legacy of family and close friends. Reverend Sullivan certainly did that. With us today is his family, represented by his daughter Hope and his friends and colleagues, many who worked with him for decades. But Leon Sullivan left a legacy far beyond family and friends. The Zion Baptist Church remains a bastion of faith and good works in north Philadelphia. OIC of America and OIC International continue to prepare thousands for productive, well-paying jobs. The International Foundation for Education and Self-Help trains students for careers ranging from teaching to banking. The Sullivan Charitable Trust and Progress Investment Associates carries on his economic and real estate development initiatives. The Leon Sullivan Foundation presents its biannual summit meeting in Africa, encouraging cooperation between African Americans and countries and leaders throughout the continent of Africa. The Global Sullivan Principles serve as a beacon for corporate social responsibility and human rights throughout the world. South Africa, the nation that Reverend Sullivan helped free from apartheid, still struggles, yet stands as a shining example of what people speaking truth and wielding moral force can do in our world.

For all this and so much more that remains unsaid today, we honor the Rev. Leon Sullivan—today and always.

Mr. BINGAMAN. 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, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 166) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 166

Whereas, the late Reverend Leon H. Sullivan dedicated his life to alleviating the plight of the poor and the disadvantaged in America and worldwide;

Whereas, Reverend Sullivan received numerous honors and awards during his lifetime, including recognition by LIFE magazine in 1963 as one of the 100 outstanding young adults in America, the Presidential Medal of Freedom in 1992, and the Eleanor Roosevelt Award for Human Rights in 1999;

Whereas, having dedicated 37 years of his ministerial vocation to the historic Zion Baptist Church of Philadelphia, Reverend Sullivan's leadership and innovation led to the creation of one of the largest congregations in the Nation during his time;

Whereas, in 1966, as part of his 10-36 Plan to encourage individuals to invest in the economic future of their communities, Reverend Sullivan founded the Leon H. Sullivan Charitable Trusts and the Progress Investment

Associates, through which numerous economic development and social services programs have been developed and funded;

Whereas, in 1963, in response to a lack of job opportunities in Philadelphia, Pennsylvania, Reverend Sullivan led more than 400 ministers in a successful boycott that opened up more than 4,000 jobs for African-Americans;

Whereas, Reverend Sullivan met the need for job training by establishing the Opportunities Industrialization Center, which has grown to more than 75 training centers throughout the Nation;

Whereas, recognizing the need to take his struggle to alleviate the plight of the poor abroad, in 1969 Reverend Sullivan established Opportunities Industrialization Centers International, which has grown to more than 40 centers in 16 African nations, Poland, and the Philippines;

Whereas, when Reverend Sullivan saw the need to create a broader array of programs in Africa, he established the International Foundation for Education and Self-Help, which has conducted numerous initiatives, including Schools for Africa, fellowship programs, and innovative teacher and banker training programs since 1988;

Whereas, in 2001, the Leon H. Sullivan Foundation was established posthumously to support Reverend Sullivan's life's mission through the work of his many established organizations;

Whereas, the Leon H. Sullivan Foundation presents the biennial Leon H. Sullivan Summits in Africa, which have provided a forum for leaders of African nations together with more than 18,000 African-Americans and Friends of Africa to interact with their counterparts and produce programs to meet the needs of the poor and disadvantaged in African nations;

Whereas, in 1977, Reverend Sullivan helped to promulgate the Sullivan Principles, a code of conduct for human rights and equal opportunity for companies operating in South Africa, and the Sullivan Principles helped end apartheid in South Africa;

Whereas, Reverend Sullivan expanded on the Sullivan Principles in 1999, by creating the Global Sullivan Principles, which encourage corporate social responsibility and promote global human rights and political, economic, and social justice;

Whereas, more than 250 governments, corporations, and universities on 5 continents have endorsed the Global Sullivan Principles since their initiation;

Whereas, 10 African heads of state endorsed the Global Sullivan Principles at the Leon H. Sullivan Summit in Abuja, Nigeria, in July 2006;

Whereas, plans for the 8th Leon H. Sullivan Summit in Tanzania in 2008 include broader regional endorsement of the Global Sullivan Principles among African nations: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the life of the Reverend Leon H. Sullivan;

(2) salutes the positive impact of the Reverend Sullivan's achievements domestically and internationally; and

(3) encourages the continued pursuit of Reverend Sullivan's mission to help the poor and disenfranchised around the world.

#### THE AMERICAN NATIONAL RED CROSS GOVERNANCE MODERNIZATION ACT OF 2007

Mr. BINGAMAN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1681, which was received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 1681) to amend the Congressional Charter of The American National Red Cross.

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

Mr. LEAHY. Madam President, I am pleased the Senate is considering H.R. 1681, the American National Red Cross Governance Modernization Act of 2007. The Judiciary Committee approved and the Senate passed our version of this bill last month, and I look forward to approving the Red Cross Governance bill again with the House-passed language. I want to thank my colleagues, Senator GRASSLEY and Senator KENNEDY, for their hard work on this issue and for introducing this important bill. I also want to congratulate the American Red Cross on appointing a new President and CEO last week. Mark W. Everson, currently the Commissioner of Internal Revenue was approved unanimously by the Board of Governors to head the American Red Cross, effective next month. I congratulate him on his appointment and thank current Chairwoman, Bonnie McElveen-Hunter for her dedicated leadership.

Just last week we had the opportunity to see the importance of the Red Cross and the good work they are doing on behalf of our citizens. In response to the horrific shootings on Virginia Tech's campus, the American Red Cross mobilized their local chapter and provided 200-300 hot meals to rescue workers and police officers and ensured that Red Cross mental health workers were available to students, faculty and family members. I am glad the Senate and House have worked together to pass this bill to enhance the American Red Cross' governance structure so they can better provide these crucial services in all emergencies.

Since its founding by Clara Barton in 1881, the American Red Cross has provided essential relief services to those affected by famine, floods and natural and manmade disasters. Last year alone, the American Red Cross responded to approximately 75,000 disasters with the help of more than one million volunteers and thirty-five thousand employees. As a key participant in the United States' disaster relief plan, the American Red Cross is charged with helping the United States prevent, prepare and respond to national emergencies. Over the past several years, however, the American Red Cross has been strained by disasters of an unparalleled scope; the terrorist attacks of September 11, 2001, the December 2004 Asian tsunami and the 2005 hurricane season that included the enormously destructive hurricanes Katrina, Rita and Wilma. These events all challenged the Red Cross's ability to respond to disasters quickly and effectively.

In order to improve its disaster relief services, the American Red Cross's Board of Governors unanimously voted

to accept recommendations given by an independent advisory board, which examined the American Red Cross's governance structure and practices. H.R. 1681 reflects these recommendations and would improve the American Red Cross's governance structure by centralizing and reorganizing its infrastructure. Some notable enhancements include reducing its board size from 50 members to 20 in order to facilitate emergency action, giving the board all the powers in governing and managing the American Red Cross, and establishing a Presidential Advisory Council composed of eight to ten principal officers of the executive departments and senior officers of the Armed Forces to provide governmental input and support. Additionally, the modernized charter would enhance congressional oversight and transparency by creating an Ombudsman who would provide an annual report to Congress articulating any concerns of volunteers, employees, donors, clients and the public. The House adopted two amendments to the Senate-passed language that would clarify and ensure that the chapters of the American Red Cross are geographically and regionally diverse and that the American Red Cross will reach out to local charitable and faith-based organizations when providing relief services in local communities. These improvements to the bill make no statutory changes and I hope my colleagues will support them.

According to the American Red Cross's end of the year report, Hurricane Katrina created a record of 1.4 million families, or around 4 million people, who needed emergency assistance such as food, clothing and other necessities. My wife, Marcelle, was one of hundreds of thousands of volunteers dedicated to providing these essential relief services to victims of Katrina. No one knows when the next disaster will strike. Congress must do everything in our power to ensure that the American Red Cross can continue and improve upon the essential humanitarian work on which the United States and the world relies. I commend the Red Cross for taking important action to reform itself and I urge my colleagues to support this important legislation.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 1681) was ordered to a third reading, was read the third time, and passed.

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#### ORDERS FOR TUESDAY, APRIL 24, 2007

Mr. BINGAMAN. Madam President, I ask unanimous consent that when the

Senate completes its business today, it stand adjourned until 10 a.m. on Tuesday, April 24; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein, with the first 30 minutes under the control of the Republicans and the final 30 minutes under the control of the majority; that following morning business, the Senate resume consideration of S. 761; that on Tuesday, at the conclusion of the vote on the judicial nomination, the Senate stand in recess until 2:15 p.m.

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

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#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BINGAMAN. Madam President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the provisions of S. Res. 165 as a further mark of respect to the memory of the late Representative JUANITA MILLENDER-MCDONALD.

There being no objection, the Senate, at 5:26 p.m., adjourned until Tuesday, April 24, 2007, at 10 a.m.