



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153

WASHINGTON, WEDNESDAY, FEBRUARY 14, 2007

No. 28

Senate

The Senate met at 12 noon and was called to order by the Honorable AMY KLOBUCHAR, a Senator from the State of Minnesota.

PRAYER

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

Let us pray.

Eternal Lord God, creator of summer and winter, teach us to appreciate life's seasons. May the snow and ice that surround us today remind us of our dependence on You in life's sunshine and shadows.

Sustain our Senators during this national season of challenge and uncertainty. Teach them that the One who designed the seasons can order their steps and direct their destinies. Meet their deepest needs with Your great power and love. Strengthen their resolve to press on in their efforts to do Your will.

As they grapple with complex issues, give them the peace of knowing that You are already working on solutions. Help them never to forget that You alone are the source of security, peace, and hope throughout the seasons of our years. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable AMY KLOBUCHAR 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, February 14, 2007.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Ms. KLOBUCHAR 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. Madam President, today following whatever time the leaders might utilize, the Senate will be in morning business for 1 hour, with the time equally divided and Senators permitted to speak for up to 10 minutes each.

Yesterday, cloture was invoked on the continuing funding resolution by a vote of 71 to 26. We need to run the 30 hours postcloture. Then all time will expire at 8:52 this evening.

Following morning business, we will resume consideration of the funding resolution.

I have had discussions with the Republican leader about other matters which we might consider prior to adjourning for the February recess. Among those would be several judicial nominations on which I have acknowledged on previous occasions we would be able to secure a time agreement. Members will be apprised of the likelihood or the possibility of votes today.

CONTINUING APPROPRIATIONS

Mr. REID. Madam President, I would like to say that this 110th Congress,

when we came here, Democrats and Republicans alike had a real problem because the last Congress only funded the Government until February 15. With cooperation between Democrats and Republicans, difficult negotiations took place, but it was a situation where Senators COCHRAN and BYRD, who lead us in the Appropriations Committee, working with Chairman OBEY on the other side of the Capitol, together with all ranking members and all chairs of the subcommittees on both sides, worked through these difficult issues. And they were difficult. We had not enough money to do all that is necessary to be done, but we got it done without a single earmark. I know this was difficult.

There are issues that are so troubling. There is a Senator on the other side of the aisle, JOHNNY ISAKSON from Georgia. I don't know how you could find a nicer person in the world than JOHNNY ISAKSON. He is pleasant. He always has a smile on his face. He has an issue that is really important to him concerning children and health—something that should be in this bill. It is not.

KAY BAILEY HUTCHISON, the senior Senator from Texas, has an issue dealing with BRAC that has bipartisan support. There are bases that we legislated closure for, and communities are having difficult times as a result of these base closures doing all that needs to be done, and we promised them money to allow these closures to go forward without as much concern and real hardship. But there wasn't anything we could do. If we had a single amendment on this bill, it had to go back for conference.

As a result of that, it would mean that very likely we couldn't complete this by tomorrow night at midnight. I have made commitments to a number of people that we are going to take care of these things in the supplemental which should be here the last week in March, and I am going to do

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



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everything I can to make sure the process on the supplemental is as open and free as people think it should be. We will be as patient as we can be to work our way through this. I have told the distinguished Republican leader that vehicle will be open to amendments.

So I think we have done very good work. Legislation is the art of compromise and consensus building, and I appreciate very much the Republicans supporting this. There were some who didn't and I understand that and I understand why. What we did yesterday in invoking cloture on this bill is a step forward to allowing us to get the country's financial affairs in order. I have talked to Senator BYRD. I have spoken to Senator COCHRAN. I have spoken to the distinguished Republican leader. We are all going to do our very utmost this year to get appropriations bills done. We are going to be able to do that now that this CR is going to be out of the way either today early on or, if we can't work anything out, when the time expires tonight.

So, again, I want to express my appreciation publicly to everyone who worked on this matter. There were people who voted against the bill who were a part of the process of working things out. I have spent time on this issue with the senior Senator from New Mexico. I have spent a lot of time with him. He and I did that Energy and Water Subcommittee for many years as chairman and ranking member. We went back and forth. He didn't get everything he wanted, but he got quite a bit. I am not going to go through the whole rollcall of others with whom we worked on this to try to make it as easy a slide as possible. But anyway I am glad it is done. It is good for the country.

MEASURE PLACED ON THE CALENDAR—S. 574

Mr. REID. Madam President, I know there are Senators wishing to speak, but I just want to say a few more words on a different subject. First of all, S. 574 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for a second time.

The assistant legislative clerk read as follows:

A bill (S. 574) to express the sense of Congress on Iraq.

Mr. REID. Madam President, I object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

(The remarks of Mr. REID pertaining to the introduction of S. 579 and S. 588 are located in today's RECORD under "Statements on Introduced bills and Joint Resolutions.")

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 be a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak for up to 10 minutes each, and the time equally divided between the two sides.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that Senator COBURN be recognized for up to 1 hour at 3:15 p.m. today, not to exceed the 1-hour time.

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

The Senator from Texas is recognized.

Mr. CORNYN. Madam President, I ask unanimous consent that the Senator from Colorado, Mr. SALAZAR, be recognized following my remarks.

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

STATE OF THE ECONOMY

Mr. CORNYN. Madam President, on Monday the distinguished majority leader took to the floor and bemoaned the state of our economy, calling our economic future bleak. As surprised as I was by those comments, I thought it was even more important to come down to the floor and to respond and to provide, I think, a much different picture than that depicted by the distinguished majority leader.

It is ironic the same date those comments were made, the Associated Press reported a story that leads with this paragraph:

The deficit for the first four months of the current budget year is down sharply from the same period a year ago as the government continues to benefit from record levels of tax collections.

The Treasury Department reported Monday that the deficit for the budget year that began October 1 was down 57.2 percent from the same period a year ago.

That same article goes on to say:

The continued strong growth in revenues reflects the record profits corporations have been recording in recent years and the low levels of unemployment, which means more Americans are working and paying taxes.

If this is "bleak" economic news, I would love to see what good economic news might look like.

I have a few charts that provide a more accurate picture of exactly where we stand in terms of the American economy today. This first chart demonstrates for 21 consecutive quarters we have seen the U.S. economy grow, including the latest quarter where the economy grew by 3.5 percent.

We have seen since August 2003, employment has expanded over 41 consecutive months—creating 7.4 million new jobs in America. This timeframe is not accidental. In 2003, we passed some of the tax relief which is largely responsible for giving the American worker greater incentive to work hard and to save their money and invest it in their small business, thus creating jobs and opportunity for all Americans. This has created the sort of freedom that is always demonstrated in the strength of our burgeoning economy. It is as a result of not Government action per se but, rather, the freedom we have given the economy and the hard-working American taxpayer to keep more of what they earn and creating an incentive for them to work hard and be able to earn more to support their family and their way of life.

The third chart demonstrates the economic picture is not as the distinguished majority leader said, "bleak" but demonstrates that revenue to the Federal Treasury has exceeded all historical precedent. Indeed, this last projection is that in 2007 we will see it increase by 18.5 percent, and you can see above the line on this chart that represents historical averages. Each of the following years leading up to 2012 will exceed that historical average. Again, the economy is stronger than ever and continues to grow because of our current low tax and progrowth policies.

Unfortunately, this is a lesson that Washington sometimes forgets because when given the opportunity, the instinct of Washington is to increase Federal revenue by increasing taxes. I don't think you need to know much about human nature to know that high taxes decrease the incentive we all have to work hard. What that does is actually have a wet-blanket effect on the economy and on the ability of small businesses and employers to create jobs which create the kind of economic growth and the kind of revenue our tax system generates as a result of strong economic activity.

I am worried that even with the current continuing resolution that is in the Senate now that cuts \$3.1 billion from defense spending at a time when we are trying to bring our troops home from Europe and Asia and to provide them a place to come home to, that the solution offered by the distinguished chairman of the Committee on Appropriations is "Don't worry, we will add that money back in when we get to the supplemental appropriations bill."

The problem with that is the \$3.1 billion that has been spent out of the current continuing resolution or Omnibus appropriations bill on things other than our military, that money has now been spent on other programs that are favored by the new majority. What they are saying is, instead of spending \$3.1 billion, we will spend \$6.2 billion—the \$3.1 on things other than defense, but we will come back later and make the defense budget whole but in a way that aggravates the budget deficit.

Of course, the consequence of that kind of spending policy which has a tendency to aggravate the deficit lays the groundwork for our colleagues on the other side to say, the American people are not taxed enough. We need to actually raise taxes in order to generate more revenue to pay for this additional spending.

This is exactly the kind of response we do not need. As demonstrated by the charts, as demonstrated by the booming economy, we have, as a result of the low tax policy and the progrowth policies of the last 6 years, the American economy could not be stronger or better.

I hope we will all be edified by this factual data demonstrated on the charts and that the misimpression that the distinguished majority leader was under when he called the economy bleak will be now disabused. I hope he will see from the charts and from my comments—not because I said it but because this is what the facts demonstrate—the low tax and progrowth policies we have had over the last 6 years have served the American people very well and that 7.4 million new jobs have been created in America since August 2003. That, indeed, should be what we are all about.

I yield the floor.

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

Mr. CRAIG. The Senator from Colorado is going to speak a little longer, but he has agreed I can interject myself but for a moment.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

A VALENTINE TO MY FAMILY

Mr. CRAIG. Madam President, today is an essential day in my life. It is not just Valentines Day. It happens to be the anniversary of the first date I had with my wife Suzanne. Am I a romantic? Well, maybe just a little bit.

Little did I know then that one day we would be celebrating the first date as a married couple with three children and nine grandchildren.

Over the years, I have taken to the Senate to announce the news of our growing family and I ask my colleagues' indulgence again today to send a special valentine to the two most recent additions to our family.

Born November 20 of 2004, a beautiful granddaughter named Lily Terese Craig. On April 18 of 2006, another beautiful grandchild, Damon Oliver Craig, was born into our family. It is a thrill to be a granddad to these wonderful children. It has been a great joy to hold them, to love them, to see them around, and to watch them grow.

My wife Suzanne and I look forward to many happy experiences with Lily and Damon and the rest of our crew. Often we come to the Senate to talk about momentous and meaningful events, but there is no more important event than when grandchildren enter our lives.

Let me thank my colleagues. Let me thank my colleague from Colorado for letting me share with all how much we enjoy these new lives in our family on this Valentines Day.

I yield the floor.

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

Mr. SALAZAR. Madam President, let me congratulate my good friend from Idaho, Senator CRAIG and Suzanne and their grandchildren, Lily and Damon. I wish your family the very best. The family in Idaho, obviously, is where the roots are. Our families are so important to all of us, and we appreciate the Senator coming to the floor and sharing that special valentine message not only with the family but with the Nation and our colleagues in the Senate.

FORGOTTEN AMERICA

Mr. SALAZAR. Mr. President, I come to the Senate to speak about the forgotten America. That is the rural America which is a wide expanse of the geographic area of these United States. When I came to the Senate 2 years ago, I gave my maiden speech about forgotten America, the rural parts of our country which have been in decline decade after decade after decade.

I did so because if you look at my own history, I come from a place that is 300 miles to the south of Denver, a place that has the name of Conejos, in English meaning rabbit county. It is one of the four poorest counties in the United States of America. In that county, as in so many counties across America, you see the kinds of problems that describe the two Americas we have. We have the America of prosperity, much of that part of America lying within the metropolitan areas of our great Nation, and we have the other America, the forgotten America, the America that struggles on the vine every day to stay alive, the part of America that has great disparity in terms of the kind of health care and the kind of education and the kind of economic opportunity that exists for them.

In my own State of Colorado, there were 64 counties, and out of the 64 counties, even in the great boom of the 1990s when unemployment was nonexistent and our economy was growing at a very rapid pace, most of those counties were withering on the vine. They were declining in population. Their population was aging. They were struggling with health care. They were struggling with a whole host of issues that affect those communities.

Out of the 64 counties in Colorado during the period of 2000 to 2005, 21 of them actually declined in population. That is a third of my State that was actually declining in population. The fact is that same statistic can apply for many other States, including Nebraska, the Dakotas, Idaho, and most of our States around the country.

I am very hopeful, as we move forward in the 110th Congress, that under

the great leadership of Senator TOM HARKIN from Iowa, we will be able to put together a farm bill that will help revitalize rural America and will help us put the spotlight on what has been the forgotten America.

Even as we start the process of moving forward and addressing the issues set forth in the 10 titles of the farm bill, we already see some statistics that to all of us should be alarming. At a hearing we had earlier this week, there was testimony provided to us that the per capita investment in rural America is about \$550 less than it is in urban communities. That is because the formulas we have for community development block grants and other investments the Federal Government makes to help communities ends up, in a very disappointing way, affecting rural communities in these negative ways. I am hopeful, as we move forward with the farm bill, we will be able to correct some of these disparities and create new opportunities for rural America.

We will see one of those opportunities created with our efforts to grow our way to energy independence. The fact of the matter is, both Democrats and Republicans, progressives and conservatives, are coming together to recognize the fact that growing our way to energy independence is a matter of national security, a matter of economic security, and a matter of environmental security. I am tremendously optimistic about what we can do with the new farm bill.

Mr. President, today I speak briefly about two pieces of legislation I have introduced or will soon be introducing that are part of that agenda to try to help rural America. The first, a bipartisan legislation that creates a rural leasing institute. It is legislation which I am proudly sponsoring with Senator PRYOR, my good friend and former attorney general from Arkansas and Senator CHAMBLISS and Senator ISAKSON.

This legislation creates a rural policing institute to make sure our law enforcement in rural communities has a similar kind of opportunity that law enforcement has in the major metropolitan areas. In my State of Colorado, we have about 14,000 peace officers. I had the great honor as the attorney general of that State to serve as the chairman of the board that certified all the law enforcement officers in my State for a period of 6 years. There is a big difference between the kind of training rural law enforcement officers get and the kind of training provided to law enforcement areas in the metropolitan communities. Of the 14,000 peace officers in Colorado, 7,000 of the people work in departments that have fewer than 15 officers. They cannot afford the kind of training to protect themselves and to protect the public safety that other larger metropolitan police organizations can afford.

Therefore, our effort to move forward with this rural policing institute is to

allow our national Government to provide training opportunities to the thousands upon thousands of police officers who live in rural communities and who work every day to protect the public safety of their communities.

I hope our colleagues will join in the passage of this legislation. Last year, this legislation enjoyed the unanimous support of the Senate. I am hopeful we will again have that same kind of support.

In conclusion, let me say that the forgotten America is, indeed, much of rural America. It is that part of rural America which we know is so important to us because of the values we find there, the bedrock values of what America is all about. It is a pioneering spirit of the West. It is the place where the food security of our Nation so depends.

If you walk into my office, for many years I have had on my desk a sign that says: No farms, no food. No farms, no food. I would hope, as we make that statement—as I make that statement—we recognize we should never compromise the food security of the United States of America. We, obviously, have done that in a very negative and disastrous way with respect to our energy dependence on foreign countries today. We ought not to do the same thing with food security.

Our ability to revitalize rural America and to enact a farm bill that will help us revitalize rural America is very much at the heart of how we take care of this forgotten America.

(The remarks of Mr. SALAZAR pertaining to the introduction of S. 583 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SALAZAR. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER (Mr. MENENDEZ). Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. I ask unanimous consent that the order for the quorum call be rescinded.

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

CONTINUING APPROPRIATIONS

Mrs. HUTCHISON. Mr. President, I rise to speak on the continuing resolution before the Senate, H. J. Res. 20, to point out some of the flaws in the bill. Because we have the potential for a Government shutdown, I believe it is my responsibility to vote for the legislation.

I am reluctant to be in the position of voting for a \$463 billion spending bill with no capability for amendment. We passed appropriations bills out of the Senate last year. They reflected the Senate's priorities. Yet this measure changes many of the priorities that

were set in last year's bills, and we haven't had the opportunity for hearings, committee markups, or to offer any amendments from the floor. That is not the way the Senate has done business, certainly not the Appropriations Committee. The Appropriations Committee has been quite bipartisan throughout the time I have been a member.

I don't like to see this type of precedent being set. The last time Republicans took over from Democrats, there were 11 appropriations bills not yet finished. We didn't do a continuing resolution and fill up the tree so there couldn't be amendments. We did an Omnibus appropriations bill. We debated it for 6 days. We timed it so that people had full access to amendments and the process. We had 100 amendments. That was 2003. I am very concerned about this type of process. But we are now 1 day before the end of the previous continuing resolution, which means we could see a Government shutdown if we can't come to agreement.

I said last week that we had time for amendments and to confer with the House. The amendment I put forward with 27 cosponsors, the Hutchison-Inhofe amendment, would have fully restored the \$3.1 billion that was taken out of military construction that was preparation for the movement of troops home from overseas, as well as many other base changes that were going to be made. I asked for the restoration of that with 27 cosponsors, and my amendment was ruled out of order.

I know there was bipartisan support for those many military construction projects. And since I am the ranking member and previously the chairman of that subcommittee, I know how important they are. I know they were so important that the chairman of all the services, plus the Chairman of the Joint Chiefs, wrote a letter saying: Please do not fund with a continuing resolution the military construction projects because there will not be enough to fully cover our needs. The Secretary of Defense said the same thing.

We are not going to be able to do what is right for our military because \$3 billion was taken out of the Senate-passed appropriations bill and converted to other projects. It was spread around throughout the other agencies, and the military construction was the pay-for. I tried to correct that, and I have to say that the distinguished majority leader did make an effort to work with the House to make my amendment in order. He was not able to do that. I accept that, and I accept that he tried. I do believe he tried. I think Senator REID did make an effort. But we have a process here which is not one anyone can be proud of; that is, a \$463 billion spending bill, taking \$3 billion away from military construction, putting it into other priorities, and not allowing amendments. It is not right, and I protested.

I am going to vote for the bill. I think we have to do it.

I am very concerned about the NASA funding. There is money taken out of the ongoing, very important priority of getting the crew return vehicle that is the successor to the shuttle online on time. I cannot imagine we would take money out of that program, which was done in this bill, which would potentially delay us years down the road from having the crew return vehicle that is set to replace the shuttle. The shuttle is set to go out of existence in 2010, possibly 2011. We need the shuttle to finish the space station. But the Administrator, Michael Griffin, has said we need to retire the shuttle as soon as possible. We have to finish the space station. The new crew return vehicle will not be able to carry big parts up to the space station. It will not be heavy enough. But we need to close the gap so we don't have a time when the United States is not able to send people into space, and that is what is going to happen if the crew return vehicle is not able to be produced when the shuttle goes out of existence.

I think we are putting NASA in jeopardy. I met with Senator BILL NELSON, the chairman of the NASA Subcommittee, of which I am ranking member. We met with Michael Griffin and members of the staff of the Appropriations Committee who assured Michael Griffin he would have the ability to transfer money out of other accounts to go there. But I am concerned about it. Why was the money moved out of that account in the first place? That doesn't seem like the proper way to do business. But we are going to watch that very carefully.

Senator NELSON and I are very bipartisan in our approach to NASA. We both believe it is most important for us to have human spaceflight capabilities for the United States of America. It is a national security issue as well as a scientific issue that we stay in the forefront of science, and the lead we have had by going into space early is unmatched by any other country. Our lead is so important for our national security and the dominance we have had in space. The ability we have had to guide missiles from space is a phenomenal advantage America has been able to achieve by conquering space. If we don't have the ability to put humans in space for some period of time—3 to 5 years—what are we going to do? Are we going to go and beg the Russians? Who knows, by 2010 or 2011, whether the Russians would even give us space on their shuttles, much less give us the accommodations we would need and perhaps the secrecy we would need.

I am concerned about this bill. If we were not facing a potential shutoff of the Government and many important programs, including benefits to veterans and military pay, I would vote no, just as I did vote against cloture because I thought we still had time to do this right. We should have had time

to do it right, but we didn't, so we are faced with the Hobson's choice of shutting down the Government or trying to do this bill in the right way with no amendments. I don't consider it a good choice.

Mr. President, I will vote for the bill. I do not think this is the Senate's finest hour. I do believe the Senate majority leader made an effort. I think he heard the merits of our bipartisan amendment with 27 sponsors. I hope he will, as he has promised, work with us to get the full funding of these military construction projects in the supplemental appropriations bill. However, we have the chance right now. I hate to give up the bird in the hand for one that might see some delays, that might see many changes. I will be right on top of it. As the ranking member of this subcommittee, I will certainly expect that we have the ability to amend the appropriations bill that comes forward as a supplemental, just as we have always had in this body. I hope we will not have to worry that we are going to have a filled up amendment tree and cloture filed on the supplemental appropriations bill.

We can do business the right way in the Senate. We have for most of the years of this great institution. I will be disappointed if we start seeing us bring bills to the floor and not allow amendments—there is no reason to have 100 Members if that is the way we are going to do business. We could just have 51 or we could just have 1 if all the decisions are going to be made in that fashion.

That is not what the Constitution intended, and I hope it is certainly not what the new majority intends as a way to do business.

I am going to hold out hope that the word is kept, that we can have the amendment process, that we can fund the military construction projects that are so important for quality of life and training capabilities for the great men and women who are serving our country and putting themselves forward to give up their lives, if necessary, for freedom for future generations of Americans.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2007

The PRESIDING OFFICER. Under the previous order, the Senate resumes

consideration of H.J. Res. 20, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res 20) making further continuing appropriations for the fiscal year 2007, and for other purposes.

Pending:

Reid amendment No. 237, to change an effective date.

Reid amendment No. 238 (to amendment No. 237), of a technical nature.

Motion to recommit the bill to the Committee on Appropriations, with instructions to report back forthwith, with Reid amendment No. 239, to change an effective date.

Reid amendment No. 240 (to the instructions of the motion to recommit), of a technical nature.

The PRESIDING OFFICER. The Senator from Iowa.

ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Mr. President, I think it was 48 hours ago I opened a discussion with my fellow Senators on the alternative minimum tax. As I pointed out at that time, it is generally recognized that the alternative minimum tax is a policy failure.

Created in 1969, in response to the discovery that 155 wealthy taxpayers—and let me emphasize that I am talking about 155 wealthy taxpayers—were able to eliminate their entire tax liabilities through legal means, the AMT has now evolved into a place where, because it wasn't indexed, it has captured more than 3 million middle-class Americans as of 2004. The AMT was never supposed to affect anyone except the very wealthy people.

I am using 2004 numbers because 2004 is the most recent year we have completed data. Three million people in that year were hit by AMT, even though since 2001 we have had in place a tax policy that no additional people should be hit by the alternative minimum tax.

At the time I was visiting with my colleagues 2 days ago, I cited the widespread observation that the most significant structural flaw afflicting the AMT is the failure to index its rates and exemptions for inflation. This failure, then—and I alluded to this a minute ago—has resulted in the gradual encroachment of the alternative minimum tax to hit middle-class taxpayers who were never intended to pay this tax.

Despite the widespread agreement that something needs to be done with the alternative minimum tax, agreement on what exactly to do is not so widespread. A major factor in the disagreement relates to the massive amount of money the alternative minimum tax brings to the Federal Government. In 2004, from these 3 million taxpayers hit by this tax, more than \$12.8 billion was paid into the Federal Treasury. If we don't extend the most recent alternative minimum tax hold-harmless that actually expired at the end of 2006, the amount paid by those 3 million taxpayers is expected to balloon to a much greater amount. And, of course, when you go beyond that, into

the long-term budget forecast, it is going to continue to grow and grow, with middle-class taxpayers paying a tax that was meant to be for 155 wealthy people.

When forecasters put their projections together, they are working under the assumption that the hold-harmless that was extended in last year's tax bill will not be extended because they base their assumptions on current law. This means the hold-harmless provisions ended December 31, 2006, and money being earned right now is going to hit millions more people.

People who guesstimate how much money comes into the Federal Treasury—and we have people both in the executive branch and the legislative branch who have that as their responsibility, so we can make good tax policy—take into consideration what is current law, and they are planning on these millions of middle-class taxpayers paying this alternative minimum tax, even though they were never intended to pay it. Because of this, budget planners make the assumption that revenues will be much higher than everyone who is frustrated with the AMT thinks that amount of money ought to be, as well as the number of people who are going to be paying it.

The reason for that is the alternative minimum tax tremendously balloons the revenue base, as it is projected to increase revenues as a percentage of gross domestic product. There is a great deal of evidence to support this.

On a side note, a senior, well-respected tax lawyer on the other side of the aisle in the other body took exception to my use of the term "ballooning." The staffer wrote an article and criticized me for that term. Well, I am not used to staff writing articles criticizing Members of Congress, so I happened to respond to that staffer's criticism through my own staff. The essence of the senior staffer's criticism was that the term "ballooning" ignored the accounting for the interaction of bipartisan tax relief with AMT costs. As we pointed out, ballooning revenue from the AMT occurs in the outyears, whether the bipartisan tax relief is extended or made permanent. I will talk more about that in a few minutes.

The nonpartisan Congressional Budget Office has consistently forecast this ballooning year after year. This chart which I have before me now for you to look at, reproduced from the Congressional Budget Office's long-term budget outlook, was published in December 2005 and shows how Federal revenues are expected to push through the 30-year historical average and then keep going up.

You can take that historical average back 30 or 40 years for sure, and maybe longer than that, but the historical average is here and current law is actually going to bring in this much revenue, and that includes the ballooning of the alternative minimum tax.

I want to note that although the Tax Increase Prevention and Reconciliation Act of 2005 was signed into law after this analysis was published, the 2006 tax bill extended the AMT hold-harmless through December 31 last year, and this chart shows Federal revenues all the way through to the year 2050. It is important to note the long-term effects then of the alternative minimum tax on the revenue base.

There may be some doubters who hesitate to attribute this ballooning of revenues to the alternative minimum tax, but this chart illustrates the drastic expansion of the AMT under current law over the next 43 years. Over the next 43 years. This is also from the nonpartisan Congressional Budget Office. You can clearly see that the share of households subjected to the alternative minimum tax is alarmingly around 65 percent.

Let's go through that again. You can see from the new chart which I have put up here that the share of households subjected to the alternative minimum tax increases by the year 2050 to about 65 percent of taxpayers. The reason why this 65 percent—or even going back to here, or even back to here—is significant is because, as I told you 48 hours ago, and as I tell my colleagues now, this alternative minimum tax was put in the tax law to hit wealthy taxpayers, 155 at that year, who didn't pay any tax whatsoever.

It was felt that everybody, particularly wealthy people living in this country and who benefit from this country, ought to pay some sort of a tax. It was never intended to hit this percentage of taxpayers, or this percentage of taxpayers, and surely not this percentage of taxpayers. And if we do nothing, it is going to be 65 percent. I don't know what the population of this country is going to be in 43 years, but I know that 65 percent of the population in 2050 will be more, quite obviously more than the 155 taxpayers the AMT was intended to target.

This chart also shows how the AMT will consume a greater and greater share of the total individual income tax liability. The Congressional Budget Office report states:

By 2050, roughly 15 percent of the individual income tax liability would be generated by the alternative minimum tax compared with about 2 percent today.

This is what will happen if we don't do anything. This is going to happen. The analysis done by the Congressional Budget Office clearly shows an upcoming ballooning of Federal revenues, accompanied by a corresponding bloating of the share of households and the share of total liability attributed to a tax that was only intended to hit 155 people 39 years ago.

A particularly wrongheaded argument that has been advocated is that the Bush tax cuts are responsible for increases in the number of people hit by the alternative minimum tax. Some think the Bush tax cuts are increasing some people's income so much that

they are subject to the alternative minimum tax and that making the tax cuts permanent will only make those problems worse. This sort of reasoning is deceptive and could not be more wrong. First, the analysis that I presented—done by the Congressional Budget Office—looks forward all the way to 2050, and the Bush tax cuts under current law sunset in 2010. As I previously said, the AMT's greatest flaw is that it is not indexed for inflation, and inflation is going to continue whether the Bush tax cuts are extended or not. Inflation is going to be there.

This next chart from the Congressional Budget Office illustrates how the alternative minimum tax will continue to be a money machine, regardless of any other factors. The bottom line illustrates individual income tax liabilities if the Bush tax cuts are made permanent and the AMT is modified, the middle line illustrates current law with the permanence of the Bush tax cuts, and the very top line—current law. If the Bush tax cuts are allowed to sunset and the AMT is allowed to grow and consume our middle class, the AMT will still balloon revenues anyway. Any argument that making the Bush tax cuts permanent will worsen our AMT problem is completely false, and this chart proves that. The AMT is a problem all by itself.

As I said earlier, the problem with all of the projections showing the AMT ballooning revenues is that these projections are used to put together budgets. This means the central problem in dealing with the AMT is money. There are some people who say we can only solve the AMT problem if offsetting revenue can be found to replace the money that the AMT is currently forecast to collect. Anyone who says this sees the forecasts showing revenue being pushed up as a percentage of GDP—and they are high-tax people and yet higher tax people to satisfy them—and they want to keep it there. These arguments are especially ridiculous when one considers that the alternative minimum tax was never meant to collect so much revenue and collect it from the people who are going to end up paying it, the middle class people, if we don't do something about it.

As a policy instrument, the alternative minimum tax has been and continues to be a complete failure, as I discussed 48 hours ago. The alternative minimum tax was originally conceived as a means to ensure that extremely wealthy taxpayers were not able to game the system and to avoid their entire tax liability. In 1969, the alternative minimum tax was calculated to hit only one out of a half a million people. There is absolutely no way anyone can call the AMT anything close to a success. The alternative minimum tax has even failed in its objective: to ensure that no citizen, regardless of how wealthy, was able to completely avoid paying at least a little bit of Federal income tax because we have this anomaly.

In 2004, the Commissioner of the Internal Revenue Service, Mark Everson, informed the Finance Committee that the same number of taxpayers, as a percentage of the tax-filing population at large, continues to pay no Federal income tax.

So even to hit the people who were supposed to be hit, there are people in a tax situation, legally, able to avoid not only the regular income tax but to avoid the alternative minimum tax. So it is a failure by its own reason for existence.

According to an IRS analysis of the tax year 2003 data, we had 2,366 taxpayers with incomes above \$200,000 or more who did not use the medical or dental expense deduction and had no income tax.

The AMT has failed in every way except for the ability to raise very large sums of money, and it was never intended to be a tax-producing machine. It was only intended to hit people who were not going to pay any income tax and ought to pay a little bit for the privilege of living in America. While it may be hard for some to turn down taxpayers' money, whether we are supposed to collect it or not, no one seems to have trouble spending it. This means that some want the taxpayer to pay the price for a tax that was designed poorly and through the comedy of errors was allowed to flourish.

It is simply unfair to expect taxpayers to pay a tax they were never intended to pay—and that means middle class America. And it is even more unfair to expect them to continue paying for that tax once we get rid of it. The reform or repeal of the AMT should not be offset because it is money we were never supposed to collect in the first place.

The way to solve this problem is to look on the other side of the ledger, the spending side. Budget planners need to take off their rose-colored glasses when looking at long-term revenue projections that include a tax by middle class people who were never intended to pay that tax, the alternative minimum tax, and to read the fine print. In general, it is a good idea to spend money within your means. That is true in this case as well. If we start trying to spend revenues we expect to collect in the future because of the AMT, from people who were never expected to pay it, it was never supposed to come in the first place, we will be living beyond our means. We need to stop assuming that record levels of revenue are available to be spent and to recognize that the AMT is a phony revenue source.

As we consider how to deal with the AMT, we must first remember that we do not have the option of not dealing with it unless we want to kill the middle class. The problems will only get worse every year and make any solutions more difficult. We must also be clear that the revenue the AMT would not collect as a result of repeal or reform should not be offset as a condition for repeal or reform. We should not call

it lost revenue because it is revenue that the middle class was never expected to pay. Making the offsetting of the AMT's ill-gotten gains a condition of the AMT fix is to punish the American taxpayers for an ill-conceived and poorly executed policy that has been a total failure.

Aside from not increasing the proportion of wealthy taxpayers who pay income taxes, the AMT is projected to balloon Federal revenues over historical averages and to become a greater source of revenue than even the regular income tax. Budget forecasters need to recognize that the AMT is not a legitimate source of revenue, and Congress needs to be disciplined enough to show restraint on spending so that an AMT solution doesn't boil down to the replacement of one misguided policy by another misguided policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I ask unanimous consent that following my remarks, Senator BROWN of Ohio and Senator CHAMBLISS of Georgia be recognized.

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

IRANIAN THREAT

Mrs. CLINTON. Mr. President, at this moment of challenge for our Nation, the vantage point of this august Chamber, we look onto a world filled with danger, deeply complex threats against our troops and our national interests abroad, and genuine risks to our security at home. Keeping our Nation strong and our people safe requires that we employ the best and smartest strategies available.

In confronting enemies and threats we are fortunate to possess a great many assets, all of which we must wisely deploy, including our military, diplomatic, economic, and cultural assets. Our strongest asset remains the democracy that we are privileged to take part in as Members of the Senate and as representatives of our constituents. Our democratic institutions, under our Constitution, balance one another and check against excesses and concentrations of power that help us wrestle with difficult challenges in an open and forthright way. This constitutional framework is not an obstacle to pursuing our national security but the example that we should project to the world. Our democracy, with its tradition of accountable power and open debate, is America at its best. That is what we need, America at our best, as we deliberately and resolutely confront the threat posed by the Iranian regime.

Make no mistake, Iran poses a threat to our allies and our interests in the region and beyond, including the United States. The Iranian President has held a conference denying the Holocaust and has issued bellicose statement after bellicose statement calling for Israel and the United States to be wiped off the map. His statements are even more disturbing and urgent when

viewed in the context of the regime's quest to acquire nuclear weapons. The regime also uses its influence and resources in the region to support terrorist elements that attack Israel. Hezbollah's attack on Israel this summer, using Iranian weapons, clearly demonstrates Iran's malevolent influence, even beyond its borders.

We also have evidence, although it is by no means conclusive, of attacks using Iranian-supplied or manufactured weaponry against our own American soldiers. As I have long said, and will continue to say, U.S. policy must be clear and unequivocal. We cannot, we should not, we must not permit Iran to build or acquire nuclear weapons. In dealing with this threat, as I have also said for a long time, no option can be taken off the table. But America must proceed deliberately and wisely, and we must proceed as a unified nation. The smartest and strongest policy will be one forged through the institutions of our democracy. That is the genius of our American system and our constitutional duty.

We have witnessed these past 6 years, until the most recent election of a new Congress by the American people, the cost of congressional dereliction of its oversight duty—a vital role entrusted to Congress by our constituents and enshrined in and even required by our Constitution. So we are here today because the price that has been paid in blood and treasure through the rush to war in Iraq and the incompetence of its execution and managing the aftermath, in the excesses of military contracting abuses and the inadequate supply of body armor and armored vehicles on the ground, have led to a loss of confidence in this administration among our allies and the American people.

Therefore, we cannot and we must not allow recent history to repeat itself. We continue to experience the consequences of unchecked Presidential action. Sunlight is the best disinfectant but this President was allowed, for too long, to commit blunder after blunder under cover of darkness provided by an allied Republican Congress.

In dealing with the threats posed by the Iranian regime, which has gained its expanding influence in Iraq and the region as a result of the administration's policies, President Bush must not be allowed to act without the authority and oversight of Congress. It would be a mistake of historical proportion if the administration thought that the 2002 resolution authorizing force against Iraq was a blank check for the use of force against Iran without further congressional authorization. Nor should the President think that the 2001 resolution authorizing force after the terrorist attacks of 9/11 in any way authorizes force against Iran.

If the administration believes that any—any—use of force against Iran is necessary, the President must come to Congress to seek that authority.

I am deeply concerned by the recent statements coming out of the Bush administration. The administration has asserted evidence of the Iranian regime's complicity at the highest levels for attacks within Iraq. Yet, at the same time, GEN Peter Pace, Chairman of the Joint Chiefs of Staff, questions these assertions—in particular, the culpability and intentions of the Iranian Government. In this delicate situation, while making disturbing comments, the administration has also announced it is sending a third aircraft carrier to the gulf. The President owes an ongoing consultation to this Congress and owes straight talk to the country. We have to get this right. The Congress should debate our current course, including the current silent-treatment policy toward our adversaries.

I believe we can better understand how to deal with an adversary such as Iran if we have some direct contact with them. I think that can give us valuable information and better leverage to hold over the Iranian regime. And if we ever must, with congressional agreement, take drastic action, we should make clear to the world that we have exhausted every other possibility.

I welcome the agreement announced yesterday between the United States and North Korea. It demonstrates the central value of using every tool in our arsenal to achieve our objectives. I only wish the administration had pursued this course 6 years ago when an agreement with North Korea was within reach. The wasted time has allowed North Korea to develop nuclear weapons in the interim.

Failure to use diplomacy has damaged our national security interests. The important step forward our country has made with North Korea raises the obvious question: Why will the President refuse to have any kind of process involving Iran, as I and others have urged? The United States engaged in talks with North Korea within a multilateral process but also had ongoing bilateral discussions. We should have such a process of direct engagement with Iran as recommended by many, including the Iraq Study Group. We need friends and allies to stand with us in this long war against terrorism and extremism and to contain and alter the regimes that harbor and support those who would harm us. During the Cold War, we spoke to the Soviet Union while thousands of missiles were pointed at our cities, while its leaders threatened to bury us, while the regime sowed discord and military uprisings and actions against us and our allies. That was a smart strategy used by Republican and Democratic Presidents alike, even though it was often a difficult one.

As we discuss potential evidence of Iranian complicity in supplying arms to insurgents along with the refusal to suspend their nuclear ambitions, we need to deliver a strong message to Iran that we will not stand by and tolerate this behavior. However, we need

to deliver that message forcefully through direct talks. The lives of American soldiers are at risk, and we should not outsource our discussions with the Iranians on this and other issues. When I say no option should be taken off the table, I include diplomacy.

Currently, our intelligence on Iran is of uncertain quality. We need to examine the facts closely and carefully. No action can or should be taken without explicit congressional authorization. And knowing what we know now, this body needs a steady stream of real, verifiable intelligence. We in the Congress cannot do our part in deciding what needs to be done if we do not know what is happening, and it does not appear that the administration has any real grasp on the facts on the ground, even after all these years. The public unclassified sections of the NIE recently issued made it very clear in their conclusions that sectarian violence would still exist in Iraq absent Iran.

So we have a lot to sort out. We have all learned lessons from the conflict in Iraq, and we have to apply those lessons to any allegations that are being raised about Iran because what we are hearing has too familiar a ring, and we must be on guard that we never again make decisions on the basis of intelligence that turns out to be faulty. If we find evidence of potential Iranian complicity, we will take appropriate action, but that requires a partnership to defend and protect America's national security interests between the Congress and the President.

Oversight will also lead to a consensus approach that brings together the best judgment and strategies of our Nation and will examine the consequences of action, the reality of any perceived or alleged threat, and the consequences of taking action. I sometimes fear that the word "consequence" has been taken out of the vocabulary of this administration. We have to look over the horizon. We have to make hard choices among difficult options.

So there are no easy answers to the complex situations we confront in the world today. But if we do face threats, the congressional consultation and authorization will bring the American people into the debate. Whatever steps, if any, may be required should be taken by our Nation, not just by our President. We must act as Americans, not as members of one party or another. Our Nation has been divided by a failed policy and the relentless pursuit of it. We are facing that again with the escalation policy the President is pursuing today.

Mr. President, if we face up to our constitutional responsibilities as the Congress, if we conduct the oversight that is required, if we exercise our checks and balances, then we are likely to reach a better conclusion than we have thus far. We must be tough and smart, deliberative and wise, and we

must look at all of our assets, not just the brave men and women who wear the uniform of our country. To implement the best policy, we should start by employing our best values: the democratic values that give strength to our Nation and our cause and that serve as an example and beacon to people who wish to live in peace and freedom and prosperity around the world.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

BUILDING ECONOMIC SECURITY

Mr. BROWN. Mr. President, today before the Senate Banking Committee, the Federal Reserve Chairman testified that the economy is doing well. I was joined by my friend, the Senator from New Jersey, Mr. MENENDEZ, who is in the chair. He told us that consumer spending is up, productivity is up, and that the labor market will stay healthy. At the very moment that the Chairman delivered a rosy prediction for our Nation's economy, an AP story broke that Chrysler is cutting 13,000 jobs. One hundred of those jobs are in Cleveland. Those aren't just numbers; those are 100 families.

Two weeks ago, before the same Senate Banking Committee, the Treasury Secretary testified that the economy was doing well. He repeated many times that the GDP had grown in excess of 3 percent. Earlier that same morning, at the Senate Agriculture Committee, Rhonda Stewart, a single mother from Hamilton, OH, testified that despite working full time, caring for her 9-year-old son Wyatt, and even serving as president of the PTA and a leader in the Boy Scouts, she and her son must rely on food stamps to survive. At the end of each month, she told us, she must forgo dinner so her son can eat because the food stamps just don't go far enough.

Worker productivity is up, profits are up, the stock market is doing well, and millionaires are enjoying exorbitant tax breaks. Thirteen thousand more workers are about to lose their jobs, and a single mother working full time, involved in her community, doing her best, can't afford to eat dinner. There is a clear disconnect between the corporate-driven myopia of this administration on our Nation's economy and the real-world economic conditions working families in Ohio struggle through every day.

Our middle class is shrinking in large part because our policies in Washington have betrayed the values of working families across our country, which is why we must revamp our economic and trade policies so that we invest in our middle class. We must shrink income inequality, grow our business community, and create good-paying jobs. We must establish trade policy that builds our economic security. That is not what we have now.

Job loss does not just affect the worker or even just the worker's family; job loss, especially job loss in the thousands, devastates communities. It

hurts the local business owners—the drugstore, the grocery store, the neighborhood restaurant. When people are out of work, they can't support their local economy, which forces owners to close, in too many cases, their small businesses. That means lost revenues to the community, which hurts schools, which hurts fire departments, which hurts police departments. The trade policies we set in Washington and negotiated across the globe have a direct impact on places such as Toledo and Steubenville, Cleveland and Lima, Zanesville and Portsmouth.

We hear the word "protectionist" thrown around by those who insist on more of the same failed trade policies. It is considered "protectionist" by some of them to fight for labor and environmental standards, but they call it free trade when we pass trade agreements to protect drug company patents and Hollywood DVDs. If we can protect intellectual property, as we should, if we can protect intellectual property rights with enforceable provisions in trade agreements, we can certainly do the same for labor and environmental and food safety standards. It is not a question of if we trade, it is how we trade and who benefits from that trade.

While it is unclear whether the administration will ever acknowledge that our trade policy has failed, it is very clear that this Congress is already at work. Republicans and Democrats are working cooperatively to revamp our trade policy. We are working cooperatively to raise the minimum wage. We will work cooperatively to make education more affordable for middle-class families and to lower the cost of prescription drugs for our Nation's seniors, and we will work cooperatively to invest in new technology and new industry.

In my State of Ohio, we have a talented and hard-working labor force and an entrepreneurial spirit second to none that needs only the investment dollars, predictable tax policy, and commitment from our Government to realize our economic potential.

Oberlin College, in the county in which I live, Lorain County, has the largest building on any university campus in the country fully powered by solar energy. However, the builder had to buy the solar panels from Germany and Japan because we do not make enough of them in our country.

Through investment and alternative energy, we can not only create jobs, we can grow industry, and we can grow industry through biomedical research and development. Now is the time for Government to do its part and direct our priorities from favoring the wealthiest 1 percent to growing our Nation's middle class.

Mr. President, on a personal note, I would like to take this opportunity to wish my wife Connie, who is home in Ohio under several feet of snow, a happy Valentines Day.

Connie, I am blessed to have you as my wife.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Georgia is recognized.

SCHIP FUNDING

Mr. CHAMBLISS. Mr. President, I would like to wish my colleague a happy Valentines Day, also. I am sorry his wife is under all that snow. It is 70 degrees in south Georgia, so you should come south this year.

I rise today to bring to the attention of this body once again an amendment Senator ISAKSON and I filed to the continuing resolution. The amendment is very simple. It is very straightforward. We have a program called SCHIP that everybody in this body is familiar with, and it has been a very valuable program to every State in the country because what it does is provide children all across America who are above the Medicaid limit but not able to afford health insurance the opportunity to be covered by medical insurance. It is called the SCHIP program, and it is exactly what it says it is: health insurance assistance for children.

Unfortunately, the money that is block-granted under this program has created some shortfalls in several States. The shortfalls vary with the timing of the shortfalls, and the reasoning for the shortfalls differs in each of the States where we are about to run out of money for these children and then these children will no longer have health insurance coverage.

The amendment that Senator ISAKSON and I have proposed will come up with an alternative that allows those States which have an excess amount of money to put that money into a pool of money from which the 13 States that have a shortfall in the SCHIP program.

Mr. President, in this amendment, for the 13 States that will have a shortfall, we take money from States that have an excess amount of money, money they cannot possibly use in their SCHIP program because this program expired at the end of this fiscal year. We allow them plenty of room for any emergency-type situation that might arise between now and the end of the fiscal year, and we give them the funding they need to cover the children in their States. We utilize that money to fund the shortfalls in States such as Georgia, where 273,000 children participate in SCHIP.

Frankly, the main reason we have a shortfall in Georgia is because following Hurricane Katrina last year we had an influx of some 40,000 children who came from the hurricane-devastated areas of Louisiana and Mississippi into Georgia. They are now participating in the SCHIP program, and they should be allowed to have that coverage.

We now have the opportunity, in this Senate—whether it is today when we vote on the continuing resolution, whether it is tomorrow or whether it is Friday—to look after these children who are very soon going to have this insurance safety net jerked out from

under them. I implore my colleagues on both sides of the aisle to encourage the Democratic leadership to allow the amendment to come forward, let us have a vote on this amendment to make sure all of these children who participate in the SCHIP program in Georgia as well as the other 13 States that are going to experience a shortfall between now and the time we reauthorize this program before the end of the year, can continue to have that health care coverage they deserve and that they so badly need. It is a very simple request we are making of the Democratic leadership that we allow this amendment to come forward.

Mr. BROWN. Mr. President, I ask unanimous consent Senator CARDIN be recognized at 3 p.m., and when Senator SANDERS is recognized today, he be permitted to speak up to 20 minutes.

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

Mr. BROWN. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 20 minutes.

THE BUDGET

Mr. SANDERS. Mr. President, the Federal budget is more than a long list of numbers which, in this case, adds up to about \$2.9 trillion. The Federal budget, similar to any family budget or any company budget, is a statement of values and priorities. In fact, the Federal budget, in many ways, is a statement of what our country is all about.

We would all find it irresponsible and strange if a family we knew spent all of its money on an expensive vacation but forgot to put aside money for the mortgage or the rent and suddenly the family and their kids found themselves out on the street. We would say: My goodness, that is irresponsible. The family was spending money where they shouldn't have been and not spending it where they should.

Preparing the Federal budget and analyzing the Federal budget is exactly the same process. It is about spending the money of the people of the United States of America. It is about deciding where we should spend it and where we should not spend it. It is looking at the American people as a family. It is about taking a hard look at the needs of our people and prioritizing the budget in an intelligent and a rational way.

Let me take a quick glance at the economic reality facing the middle class, the working families of our country, tens and tens of millions of Americans and their kids.

Since President Bush has been in office, more than 5 million Americans have slipped into poverty, including over 1 million children. Not only does the United States of America have the highest rate of poverty of any major country on Earth, we also shamefully have the highest rate of childhood poverty in the industrialized world, with almost 18 percent of our children living in poverty. Today, 37 million Americans live in poverty and 13 million are children.

Last year, in the richest Nation in the history of the world, 35 million of our fellow Americans struggled to put food on the table. The Agriculture Department recently reported that the number of the poorest, hungriest Americans keep rising. In America today, hunger is a growing problem.

We have a crisis in our Nation in terms of affordable housing. Millions of working families in my State of Vermont and all over this country are paying 50 to 60 percent of their limited incomes for housing. And there are, as we well know, other families who are either living in their cars or living out on the streets—in some cases, with their children—in America.

Last year, there were 1.2 million home foreclosures in this country, an increase of 42 percent since 2005.

The cost of energy has rapidly risen since President Bush has been in office. Oil prices have more than doubled and gasoline prices have gone up by 70 percent since January of 2001. This increase in energy prices, in gas prices, is putting a huge strain on people from all over this country, including workers from rural States such as Vermont, who have to travel long distances to get to their jobs.

As is well known, many middle-class families in our country today are finding it increasingly difficult to afford the escalating costs of a college education with average tuition and other costs increasing rapidly with the result that many families are now saying: We can't send our kids to college, while other young people are graduating college deeply in debt.

In America today, millions of our workers are working longer hours for lower wages, and median income for working-age families has declined for 5 years in a row. Today, incredible as it may sound, the personal savings rate is below zero, which has not happened since the Great Depression. In other words, all over this country working people and people in the middle class are purchasing groceries, they are purchasing gas at the pump, they are purchasing other basic necessities through their credit cards and, in the process, are going deeper and deeper into debt.

Over the last 6 years, we have lost in this country 3 million manufacturing jobs, often good-paying manufacturing jobs, including 10,000 in my small State of Vermont. Many of the new jobs that are available to those displaced workers, if they are lucky enough to find new jobs, will pay wages and benefits substantially lower than the jobs they have lost.

It is no secret that in America today our health care system is disintegrating. There is little dispute about that. Health care costs are soaring. Today, we have 46.6 million Americans with zero health insurance, an increase of 6.8 million since President Bush has been in office.

Today, 3 million fewer American workers have pension coverage than when President Bush took office and

half of private-sector American workers have no pension coverage whatsoever.

Throughout our country, American workers who now work the longest hours of any people in the industrialized world—husbands working long hours, wives working long hours, people being stressed out by having to work so hard to earn the living they need to pay for their basic needs—are finding it harder and harder to come up with jobs, to get jobs which provide them a decent amount of vacation time. The 2-week vacation is something many workers no longer can have in this country.

While the middle class is shrinking and while poverty is increasing in our country, there is another reality taking place. That is that the wealthiest 1 percent, the people at the very top of the economic ladder, have not had it so good since the 1920s. The middle class is shrinking, poverty is increasing, and the people on the top are doing phenomenally well.

According to *Forbes* magazine, the selective net worth of the wealthiest 400 Americans increased by \$120 billion last year to \$1.25 trillion; 400 families, \$1.25 trillion in worth. The 400 wealthiest Americans are worth an unbelievable amount of money and their wealth is soaring.

Sadly, however, the United States today has the most unfair distribution of wealth and income of any major country and the gap between the very wealthy and everyone else is growing wider. This was a country formed around egalitarian principles—we are all in it together. When one goes up, others go up. Yet what we are seeing today in an almost unprecedented way is the people on the top making out like bandits, earning huge increases in their incomes, in their wealth, while the middle class shrinks and poverty is increasing.

Today the wealthiest 13,000 families in our country own nearly as much income as do the bottom 20 million families. That is 13,000 compared to 20 million. And the wealthiest 1 percent own more wealth than the bottom 90 percent.

I have given a brief sketch of the economy in terms of how it impacts the middle class and working families of our country. Let me, within that context of what is happening to tens of millions of Americans, take a look at the President's budget.

At a time of a major health care crisis, with more and more Americans uninsured or underinsured, the President's budget would cut Medicare and Medicaid by \$280 billion over the next decade, lowering the quality of health care for approximately 43 million senior citizens and people with disabilities who depend on Medicare and more than 50 million Americans who rely on Medicaid.

At a time when our childcare and early childhood education system are totally inadequate to meet the needs of

working parents, the Bush budget reduces the number of children receiving childcare assistance by 300,000. Childcare in crisis. The President's response: Deny childcare to 300,000 children.

In addition, the President's budget provides a \$100 million cut for the Head Start program at a time when only about one-half of the children eligible for this important and excellent program actually participate in it due to a lack of funding. Huge numbers of kids cannot get into Head Start. The President's response: Cut Head Start funding.

While hunger in this country, as I mentioned earlier, is shamefully increasing, the President's budget denies food stamps to 280,000 families and eliminates nutrition assistance to over 400,000 senior citizens, mothers, and newborn children.

We are in a war in Iraq. We are in a war in Afghanistan. The number of our veterans is increasing. Twenty-two thousand have been wounded, many seriously. Many will come back to this country with post-traumatic stress disorder. Yet the President has significantly cut funding for the VA over a period of years, and some years ago made hundreds of thousands of veterans ineligible to get VA health care.

In this great country, with so many people struggling desperately to keep their heads above water, we should not be cutting back on health care. We should not be cutting back on nutritional benefits. We should not be cutting back on Head Start, affordable housing, the needs of our veterans, and educational opportunities for middle-class families. That is what we should not be doing.

This is especially true when the President's budget provides \$739 billion in tax breaks over the next decade to households with incomes exceeding \$1 million per year. The average tax break for this group of millionaires will total \$162,000 by the year 2012.

Let me be very blunt. In my view it is wrong, in my view it is immoral to give huge tax breaks to millionaires and billionaires—the people who need them the least—while cutting back on the needs of the middle-class and working families of our country. That is wrong.

Is this budget, the President's budget, a reflection of the values of the people of our country? I do not believe that. I do not believe ordinary Americans think it is right and appropriate to give tax breaks to billionaires and then provide inadequately for our veterans, for our children, and for our seniors. That is not, in my view, what America is about.

We are told over and over again we do not have the money to reduce childhood poverty in this country. We are told we do not have the funds to wipe out the disgrace of hunger in America. We are told we do not have enough money to make sure the young people who graduate from high school in this

country, who are excited about going to college, will be able to do so without coming out deeply in debt.

We do not have the money to help those families. Yet—yet—while we turn our backs on the middle-class and working families of our country, it appears we have plenty of money for the millionaires and billionaires of this country. We have tens of billions, in fact, to shower on those who need it the least, yet we have nothing, and we are cutting back on the programs, for those who need it most.

Included in the President's budget, amazingly, is the complete repeal of the estate tax which would take effect at the end of 2010. As you know, the complete repeal of this tax would benefit only the top two-tenths of 1 percent of the American people. Let me repeat that. The complete repeal of the estate tax would benefit solely the upper two-tenths of 1 percent of the American population.

These are families, of course, who already are millionaires and billionaires, and these are families who in the current economy have been doing exceedingly well. In other words, 99.8 percent of Americans would not benefit by one nickel from the complete repeal of the estate tax, as proposed by the President.

According to the President's budget, this repeal of the estate tax would reduce receipts for the Treasury by more than \$91 billion over the next 5 years and more than \$442 billion over the next decade. But the long-term damage to our fiscal solvency is even worse.

According to the Center on Budget and Policy Priorities, repealing the estate tax would cost over \$1 trillion from 2012 to 2021—over \$1 trillion. In other words, if the President's plan to permanently repeal the estate tax succeeds, the children and family members of the very few most privileged families in America will reap a massive tax break. Instead of closing the gap between the rich and the poor, instead of addressing the huge national debt and deficit problems we have, we make both situations worse by fully repealing the estate tax.

I have brought with me a few charts to demonstrate who are the winners and losers in the President's budget. Obviously, fortunes go up and down, and we do not know what anyone is going to be worth tomorrow, let alone in the coming years. And the estimates I am giving to you and the charts I am using are based on two reports.

The first is an April 2006 report by United for a Fair Economy and Public Citizen, entitled "Spending Millions to Save Billions," reflecting the financial position of the wealthiest 400 Americans in this country as compiled by *Forbes* magazine from the year 2005.

The second is a May 30, 2006 report from the House Government Reform Committee, entitled "Estimated Tax Savings of Oil Company CEOs."

Of course, no one can predict what the numbers will be in the years to

come. But these are the best figures available to us at this time.

Let me go to the first chart. The granddaddy of all of the winners under the Bush budget is none other than the heirs to the Wal-Mart fortune. If the estate tax was completely repealed, the entire Walton family would receive an estimated tax break of \$32.7 billion—that is with a “B”—\$32.7 billion in tax relief for one family which today happens to be one of the wealthiest families in this country already.

Meanwhile, in contrast, the President's budget proposes to cut Medicaid by \$28 billion over the next decade, driving up the cost of health care for tens of millions of Americans. In other words, while one of the wealthiest families in this country gets a tax break of over \$30 billion, tens of millions of Americans—children, seniors—will suffer. Now, that may make sense to someone, that may appear to be fair to someone, but it sure does not make sense to me. In other words, if the President's proposed budget passes, millions of Americans will lose, including some of the most vulnerable people in our country, while one very wealthy family wins.

A second major beneficiary of the President's tax cuts is the heirs of the Mars candy bar fortune. Now, I like Snickers as much as anybody. And I do not want to be seen here as attacking Snickers, one of the basic food groups of American society. But the family that owns Mars is slated to receive an estimated \$11.7 billion tax break if the estate tax is fully repealed.

Mr. President, \$11.7 billion for the Mars family. They are winners. Yet, who are the losers? As I mentioned earlier, all over this country there are waiting lines for veterans to get into VA hospitals. We are not keeping our promises to the veterans. Veterans lose while one family wins big time. I think that is wrong.

Another major winner in the President's budget is the Cox family. They are the heirs to the Cox cable fortune. They will gain \$9.7 billion if the estate tax is repealed. Meanwhile, while the Cox family would receive almost \$10 billion in tax breaks, the President wants to cut funding for education by \$1.5 billion.

The President keeps talking about No Child Left Behind while his budget continues to leave, in fact, millions of children behind. In Vermont and all over this country, school districts are struggling with grossly inadequate funding for special education, which the President also wants to cut. We do not have the money to fund special education to improve public education in America. We do not have that money. But we do have \$9.7 billion for one family, the Mars family.

Another major beneficiary of the President's budget is the Nordstrom family, owners of the upscale department store chain. By repealing the estate tax, the Nordstrom family stands to receive an estimated \$826 million tax

break, according to the April 2006 report from United for a Fair Economy. Tax breaks of over \$800 million for an enormously wealthy family, and yet we see a \$630 million cut in the President's budget for the Community Services Block Grant Program.

As you know, the Community Services Block Grant Program provides the infrastructure necessary to deliver services to 15 million of the lowest income people in our country. These are people who are hungry. When they are hungry, they go to the community action program. When they are homeless, they go to the community action program. When they do not have any money to buy food, they go to the community action program. We are going to cut back on that program, but we do have \$826 million in tax breaks for the Nordstrom family.

Another major beneficiary of the Bush budget is the family of Ernest Gallo, who would receive a \$468 million tax break—\$468 million. Meanwhile, the President proposes to cut \$420 million from the Low-Income Home Energy Assistance Program, the LIHEAP program.

According to the latest available data, 5.4 million senior citizens on fixed incomes and low-income families with kids receive help paying their heating bills through this program each and every year. In the State of Vermont, trust me, it gets very cold, and we have a lot of people in Vermont and throughout this country who are dependent upon the LIHEAP program. But, as a nation, the President suggests: No, no, we have to cut \$420 million from LIHEAP, which impacts the lives of low-income senior citizens. But—guess what—we do have \$468 million available as a tax break for the Gallo family.

The former CEO of ExxonMobil does very well from the President's tax breaks. As some will remember, while the cost of gas at the pumps was soaring, while the profits of ExxonMobil were soaring, the company decided, in its wisdom and generosity, to provide a \$400 million retirement package for their departing CEO, Mr. Lee Raymond. Now the President wants to reward Mr. Raymond by providing his estate with an estimated \$164 million tax break. On the other hand, there is a program called the Commodities Supplemental Food Program which provides a package of high-quality, nutritious food to some 480,000 seniors, mothers, and children. The President wants to eliminate this program. He is saying to the 4,000 seniors in Vermont who benefit from this program, the almost half a million seniors, mothers, and kids who benefit from this package of food once a month: We in America don't have enough money to provide for you who are hungry, for you who are old. We can't do it. But if you are the former CEO of ExxonMobil, if you have a \$400 million bonus at the end of your career, guess what. Your family will get a \$164 million tax break.

As a member of the Senate Budget Committee, it appears to me that the choice we as a Congress are facing and that the American people are facing is pretty clear. Do we continue to shower huge tax breaks on millionaires and billionaires, people who are already doing phenomenally well, while we cut back on the needs of the middle-class working families and the most vulnerable people in this country? It all comes down to the phrase “which side are we on.” Are we on the side of those people who make huge campaign contributions to Congress and the White House, or are we on the side of tens of millions of working families, struggling hard to keep their heads above water?

That is the choice we face. As a member of the Budget Committee, I think the answer is pretty obvious. I will not be voting to provide a tax break to the heirs of the Wal-Mart fortune. Rather, I will be fighting to substantially increase financial aid for low- and middle-class families so that every American, regardless of income, can receive a college education. I will not support another tax cut for the former CEO of ExxonMobil and his family. Instead, I will be voting to give support to working families all over this country who are desperately seeking quality and affordable childcare.

If, as a nation, we are serious about addressing the long neglected needs of the middle-class and working people and creating a fairer and more egalitarian society, we have to invest in education, health care, housing, and our infrastructure. We have to deal with the crisis of global warming and sustainable energy, as well as many other areas. We also have to reduce our national debt. Given that reality, Congress must develop the courage to stand up to the big money interests, to the wealthiest families. We must roll back the tax breaks given to the wealthiest 1 percent, and we must demand that fortunate people rejoin American society and understand that like everybody else in this country, they are part of America and not a special breed. If we are to keep faith with our children, our seniors, our veterans, and with those people who have no health insurance, we can do no less. I look forward to working with my colleagues to make sure we do just that.

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.

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

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

ACCESS TO HEALTH CARE

Ms. MURKOWSKI. Mr. President, I rise this afternoon to speak of an issue of great concern in my State of Alaska but also a concern we are seeing across the Nation, and this is access to health

care and, more specifically, access to the professionals who provide for our very important health care needs.

In just 20 years, 20 percent of the U.S. population will be 65 years or older, a percentage larger than any other time in our Nation's history. And just as this aging population places the highest demand on our health care system, the Council on Graduate Medical Education states that there will be a national shortage of over 100,000 physicians in this country. Other experts look at it from a bit more dire perspective and predict a shortage closer to 200,000 physicians. If that becomes a reality, 84 million patients will be left without a doctor's care.

A dozen States already report physician shortages. Across the country, patients are experiencing, or soon will face, shortages in many physician specialties, including cardiology, radiology, and several pediatric and surgical subspecialties. Demand for doctors is accelerating more rapidly than the supply, and yet the number of our medical school graduates has remained virtually flat for over a quarter of a century.

During that same time period, the median tuition and fees at medical schools have increased by 750 percent in private schools and by nearly 900 percent in public schools.

To add to that, much of the Nation's physician workforce also is graying. They are simply getting older. They are heading for retirement. A third of the Nation's 750,000 active post residency physicians are older than 55 and likely to retire just as this boomer population generation moves into its time of greatest medical need. By the year 2020, physicians are expected to hang up their stethoscopes at a rate nearly 2½ times the retirement rate of today.

A looming doctor shortage threatens to create a national health care crisis by further limiting access to physicians, jeopardizing quality and accelerating cost increases. People are waiting for weeks to get appointments, and emergency departments have lines that fall out the door, literally. Many will go without care entirely, and we know the consequence then in terms of the pressures on the health care system when they go without care. In rural America, patients have long gone without care. In fact, the shortage of physicians, especially primary care physicians, in rural areas of the United States represents one of the most intractable health policy problems of the past century. As a result, rural patients are often denied both access to care and quality of care. One-fifth of the U.S. population lives in rural America.

Yet only 9 percent of the Nation's physicians are practicing in these areas. Over 50 million of these rural Americans live in areas that have a shortage of physicians to meet their basic needs.

Additionally, physician recruitment to rural America has also been a prob-

lem. The high cost of medical school is in large part to blame. Most students, very severely in debt after medical school, are forced away from primary care and forced into more lucrative specialty medicine. Rural areas and their community health centers across the Nation report a declining ability to recruit primary care physicians.

Alaska, as my colleagues have heard me say on the floor of the Senate many times, geographically is huge. It is a State larger than Texas, California, and Montana combined. In Alaska, "rural" really takes on a new meaning. The physician shortage crisis in Alaska has long been magnified. Health care delivery in the State is extremely difficult because, in part, there are fewer roads than in any other State. Even Rhode Island has more roads than Alaska. This means that for the vast majority of communities in Alaska, our medical supplies, our patients, and our providers all must travel by air, which adds to the cost.

Alaska's population is growing, especially its elderly population, which is the second fastest growing in the Nation.

People don't typically think of Alaska as having a fair number of seniors, but our senior population is growing at a very rapid rate. However, Alaska's physician workforce, as others across the Nation, is aging. The number of new residents is not keeping up with attrition. Mr. President, 118 physicians in Anchorage alone are expected to retire in the next 10 years.

Currently, Alaska has the sixth lowest ratio of physicians to population in the United States. Outside of Anchorage, the ratio is the worst in the Nation. To put it into perspective, if Alaska were to reach its national average of physicians to population, if we were to reach it by the year 2025, we would need a net increase of 980 physicians statewide or 49 more physicians per year.

For some in States where their population base is significant, they might say 980 physicians between now and 2025 isn't that bad. We only have about 650,000 people in the State of Alaska. For us to find 980 physicians, or 49 more physicians per year, is a tall order.

In Anchorage, many specialties are in serious or in critical shortage, including general internal medicine, neurology, neurosurgery, rheumatology, and infectious diseases. Patients wait for months to be accepted as new patients for general internal medicine. Others have to be flown to Seattle for some critical specialties.

I need to repeat this because we are not just talking about "I don't like this particular doctor, and I want to find somebody else." We don't have the physicians to see the patients, so a patient will wait for months for an appointment or the other alternative is to fly outside to Seattle.

There is a bright spot, though, on the horizon. Even though Alaska has only

one residency training program—and I should also mention we don't have any medical schools in the State of Alaska—our one residency training program trains 12 family medicine residents each year—clearly a number that is far fewer than our population needs. Seventy-seven percent of the residents choose to stay in Alaska—the highest rate of return in the Nation. We know why it is. We figure we have an awful lot to offer those who come to the State, but the problem is drawing them to the State in the first place.

In the last Congress, with great fanfare, we provided a Medicare prescription drug benefit. But the question I was asking at that time is, What good is a prescription drug benefit if there is no physician to write prescriptions? In the 21st century, we cannot, as a Government, permit such dire access to care to continue. I do believe the situation is intolerable. We cannot sit by while potentially millions of patients go without care. That is why I am proposing a three-pronged plan to alleviate the Nation's rural health care access crisis.

Earlier in the year, I introduced the Rural Physician Relief Act. This is legislation which would provide tax incentives for physicians to practice in our most rural and frontier locations in the country. Today, I am announcing a second step on improving access to health care. Soon, I will introduce the Physician Shortage Elimination Act. This is a strong step in improving access to our health system. Later, as the third prong of my plan, I will introduce comprehensive legislation for improving the plight of the uninsured.

To get to the Physician Shortage Elimination Act, it essentially does four things:

First and foremost, it doubles the funding for the National Health Service Corps. This program has operated with 37 years of excellence, providing primary care services to our most vulnerable populations. It is a solution to the many students who find the exorbitant cost of medical school prohibitively expensive. However, the program is just too small to meet the great need in underserved America. Right now, over 4,000 National Health Service Corps clinicians provide primary care to nearly 6 million people nationwide who otherwise would likely have gone without care. Tragically, this still leaves some 50 million people with extremely diminished access to health care. In fact, the American Association of Medical Colleges said the current program only meets 12 percent of the needs of the underserved. Yet this program is so popular with medical students that 80 percent of its applicants in a typical year must be turned away.

This National Health Service Corps has a proven track record. Let us build on its success. Doubling our investment in the National Health Service Corps is the most prudent, most cost-effective and expeditious way to meet the current needs and future needs of

America's underserved. In fact, the former president of the AAMC stated that the National Health Service Corps:

... is ideally positioned to alleviate the shortage of physicians in many medically underserved areas but has only had sufficient funding to accommodate only a fraction of those young physicians who are prepared to practice in those areas.

The second part of the bill will improve and expand current medical residency programs. Half of all physicians practice medicine within 100 miles of their residency. This means the residents who train in rural or underserved areas are likely to remain in those areas. The small Alaska Family Residency Program, which is a program designed to help meet the needs in rural Alaska, is a great example of this. Of the 55 graduates, 75 percent have stayed in Alaska upon completing their residency—the highest return rate of any graduate medical program in the country. Unfortunately, it is too small to meet the large needs of rural Alaska.

Rural and underserved residency programs must be allowed to flourish. We have arcane barriers, and we have artificial caps on residency programs that need to be removed. Students must be allowed to learn their craft in the most rural and underserved areas of the Nation. My legislation will prevent residency programs from being penalized for training in locations where the need is greatest, such as the Indian Health Service locations. Additionally, it will remove barriers that prevent programs from developing rural training rotations and rural experiences in their curriculum. All the experts agree that this is likely one of the most effective ways to prepare students for a rural practice.

Further, the legislation will reauthorize the Centers of Excellence Program and the Health Careers Opportunity Program. This did not receive funding for 2006, but these are important programs, and they target disadvantaged and minority students from as young as kindergarten on through high school. They target these young people to develop an interest in the health professions. The programs nurture the youth in rural and underserved areas, and they create a pipeline to careers in the health professions. This concept of "growing your own," if you will, is the most effective way of achieving long-term retention in most rural locations.

Finally, my legislation will bolster the cornerstone of health care in rural America, which is the community health center. Community health centers provide quality community-based health care for millions of America's medically underserved and uninsured. This bill will help them do their job. It will expand residency programs and primary care services offered by community health service centers and offer grants to health centers to assist them in recruitment, technical assistance, and physician mentoring programs.

Mr. President, as a person coming from a rural area, you know a strong commitment to our community health centers is a smart, cost-effective way of maximizing our health care dollars for our neediest populations.

The prognosis for quality of health care in America right now does not look good. The prognosis is poor. Fifty million Americans in underserved areas across the Nation today already must do without care. Soon, we will have greater problems. We will have even greater physician shortages, which will mean another 84 million patients will be left without a physician's care.

We must act here in Congress. I ask my colleagues to take a look at the legislation we are introducing, the Physician Shortage Elimination Act, and see if this isn't something we can join together to work on so we can continue to provide the level of care Americans across the country, in both rural and urban areas, deserve and expect.

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

ORDER OF PROCEDURE

The PRESIDING OFFICER (Mr. SANDERS). The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that at 4:30 p.m., the Senate go into executive session to consider Executive Calendar No. 25, the nomination of Nora Barry Fischer to be a U.S. district judge; that there be 10 minutes for debate on that nomination equally divided between the chairman and ranking member of the Judiciary Committee and 5 minutes under the control of Senator CASEY; that at 4:45 p.m., the Senate vote on the nomination; that the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session and resume consideration of H. J. Res. 20; that all amendments and motions be withdrawn, the joint resolution be read a third time, and the Senate vote on final passage, with the preceding all occurring without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes.

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

DARFUR

Mr. CARDIN. Mr. President, the people of the Darfur region of Sudan are crying out for help during their time of despair. It is time for the U.S. Government to exercise greater international leadership and take greater strides to stave off a humanitarian disaster.

Darfur has been identified as genocide and the international community is permitting it to continue. This is not acceptable.

It is not enough to posture and threaten the government in Khartoum.

It is time to exercise moral leadership and exercise more muscular diplomacy in an area where so little has been accomplished for so many.

The conflict in Darfur has been raging for 4 years. Since 2003, the Sudanese Government and its allied Janjaweed militia have been fighting the rebel Sudanese Liberation Army—SLA, and the Justice and Equality Movement—JEM. The SLA and the JEM claimed their aim was to force the Sudanese Government to address the underdevelopment and political marginalization in the region.

In response, the government and the Janjaweed targeted the region's civilian population and the ethnic groups from which the rebels draw their support.

Since the fighting began, over 200,000 people have been killed. Approximately 3 million people have fled to internal displacement camps within Darfur, or to neighboring Chad and the Central African Republic—C.A.R. None of these options have shielded them from violence as the Janjaweed has patrolled outside the camps and Sudanese warplanes have attacked inside Chad and C.A.R.

In the face of these horrendous conditions, an estimated 14,000 aid workers risk their lives to provide basic human services and comfort to one-third of the population in Darfur. The majority of these aid workers are Sudanese nationals who have banded together to create an unprecedented relief operation.

For its part, the United States provides approximately \$1 billion in food aid to the Darfur region. This contribution is one of the few positive developments for the people in Darfur as we have been able to increase the daily nutritional intake. Nonetheless, the violence rages and many aid agencies working in Darfur are unable to gain access to vast areas because of the fighting.

Thus far only the African Union—AU—has responded to the call to protect civilians. Unfortunately, the AU troops have been deployed in a slow and limited manner.

The Darfur region is roughly 160,000 square miles, and the AU force is far too small to cover this vast territory. The AU should be commended for shouldering the burden this long.

In August 2006, the United Nations Security Council adopted Resolution 1706, to expand the mandate of the U.N. mission in Sudan—UNMIS—to include Darfur. The resolution "invites the consent of the Sudanese Government" to allow U.N. forces into Darfur and "authorizes use of 'all necessary means' to protect U.N. personnel and civilians under threat of physical violence."

Resolution 1706 calls for a total of 27,000 armed personnel for Sudan. The breakdown includes the 7,000 AU soldiers, 17,000 U.N. blue helmets and 3,000 police officers. This is a significant mission by the United Nations and one

that underscores significant international concern about Darfur.

Without question, U.N. Resolution 1706 caused concern and then foot dragging by the Khartoum Government. Khartoum is wary of a robust U.N. troop presence on its soil for two reasons. First, it fears the investigators from the International Criminal Court—ICC—who will have greater latitude under a U.N. presence. Second, it fears the presence of the U.N. will force them to follow through on the oil revenue sharing agreement with the southern Sudanese.

Khartoum views a U.N. presence as a surrender of sovereignty. However, what it really fears is the ICC investigators being able to gather evidence within its borders. Since the ICC accepted the responsibility of looking into genocide in Sudan, Khartoum has maneuvered mightily to keep its investigators away, out of the country.

Sudan's President Omar al-Bashir has resisted the U.N. force since its inception. As he has done repeatedly throughout the Darfur crisis, he commits and later reneges on commitments and pledges of cooperation in Darfur. For this reason, former U.N. General Secretary, Kofi Annan, gave us a viable Plan A to implement the U.N. force in Sudan.

Plan A implements a hybrid U.N.-AU force which the government of Sudan initially agreed to.

Plan A is a workable option and a win-win for everybody. Unfortunately, President al-Bashir has back pedaled from his initial embrace of Mr. Annan's plan. On November 18, 2006, it was reported Sudan's U.N. ambassador declared "there will be no U.N. peacekeepers in Darfur."

The ambassador's comments came as Sudanese war planes and Sudanese-backed militias staged fresh attacks in neighboring Chad and the Central African Republic.

It is imperative the United States and the international community reinvigorate diplomacy with Sudan in order to move Khartoum to reason. This is what I would describe as the administration's potential Plan B.

The immediate next steps for Darfur are complex, yet achievable. These include securing a cease fire and protecting humanitarian relief corridors, establishing the hybrid U.N.-AU peacekeeping operation and advancing the political dialogue in Darfur.

Additionally, President Bush and Secretary of State Condoleezza Rice must place Sudan higher on the U.S.-Chinese agenda. Sudan produces some 500,000 and 600,000 barrels of oil per day. China purchases 80 percent of this oil and invests heavily into Sudan's oil producing infrastructure.

As China continues its diplomatic and economic courtship of African nations, she should be clear about how she intends to deal with despotic and authoritarian governments. The international community has worked hard over the past 20 years for greater

progress on democracy and human issues in Africa. Having China thumb its nose at these accomplishments would set a bad precedent for Africa and should have consequences in the West.

China should be afforded an opportunity to become part of the solution in addressing Sudan's humanitarian concerns.

Diplomacy and economic leverage should be applied to Sudan with the cooperation of China.

The United States has clearly shown what can be accomplished through sustained and concerted diplomatic efforts. After 21 years of fighting we were able to persuade Khartoum to negotiate with the Sudanese People's Liberation Front—SPLF.

This administration was able to marshal international humanitarian support and the attention of the world to what is happening in Darfur. The United States must provide the vision and the leadership to protect innocent civilians in Darfur.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I believe under the unanimous consent agreement I am recognized until 4:15; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. COBURN. I will try not to take that much time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

(A portion of the remarks of Mr. COBURN are printed in today's RECORD under "Morning Business.")

Mr. COBURN. Mr. President, I want to turn to the bill in front of us and make a few remarks about how things change, but they never change. We had an election this last fall. The election was based on changing the control so we can control the spending, so we can secure the future, so we can eliminate wasteful Washington spending. I would put forth that the bill in front of us is more of the same—actually I want to guard the words I use—more of the same lack of clarity, lack of transparency and game playing that Congress has been known for the last 25 to 30 years.

The bill before us manipulates the numbers. The bill before us is untruthful about the costs. The bill before us is put on the floor of the Senate without any debate to bring forth transparency. No amendments are going to be offered to bring forth transparency. No amendments are going to be offered to offset the cost. This \$3.1 billion expense is going to go directly to our grandchildren because what is not spent for military construction and BRAC costs will be added to the supplemental which we are going to be taking up in March. We are going to be taking up more of the same games, so what you got for what you thought was change is not a change at all. It is just a change in name only. It is important for the

American people to understand it is not Republican or Democrat, it is short-term vision versus long-term vision for our country.

We have a bill before us on the floor of the Senate that does a lot of things—a lot we should have gotten done. There is no question. The majority is within its rights to do what it has done. The predicate that Senator REID used, that it was used on the Democrats before—there was no complaint with that. It has been done. It is not a good process. But what we are seeing is not what was promised. We thought we bought a new car, and what we bought, what the American people bought, was a car that had been wrecked and repainted and sold as new.

I want to talk about several of the problems, things that are wrong with this bill. I want to raise the question why should we not fix it now. I will start first with the BRAC money—\$3.1 billion to move tens of thousands of troops out of Germany, back here. It is not going to happen. The money may come with the omnibus but not in time to achieve the savings that we were hoping to achieve through the BRAC process. So there is a double cost. One is, if we took that money and we spent it to grow the Government—debatable. It is not debatable that some of the things that are funded with that are not good—but are they the priority? We are going to grow the Government, No. 1, and then we are going to take that money and put it on the supplemental bill.

A supplemental bill is a bill that comes forward outside the budget parameters, so therefore any of the money spent doesn't have to be within the budget limits. That money goes directly to the credit card of your grandkids. There is \$3.1 billion. Then we are going to lose the benefits through delay of the BRAC closure process which is going to be another \$3 to \$5 billion. So by playing the same games Washington has been known for for years, we are going to add \$7 or \$8 billion more to the debt of our grandchildren.

If you thought things changed, they didn't. They changed in name only. This game with this maneuver in it is a sham for our grandkids and anybody else who thinks we are going to be fiscally responsible with your money.

The second thing it does is it destroys some of the help that was out there to help the most vulnerable. There was a provision in the new Ryan White AIDS bill that saves the life of newborn babies. We know it works. The two States that have done it have reduced HIV infection in newborn children by about 98 percent—for \$85: \$10 to test and \$75 to treat newborn children.

In New York they used to have 500 babies a year born who were infected with HIV. Last year they had seven. Why? Because women who did not know their status were given an opportunity to opt out of being tested. If they didn't want to be tested, they

didn't have to be. But if they did, they were given an opportunity to get tested. And if they didn't want to be tested, their baby was tested, so if, in fact, they were carrying HIV, we could prevent, 99 percent of the time, those children from becoming infected with HIV.

The money was taken out in this bill. This is a chart for the infections, perinatal infections. Just in these States alone, for which we have a record, these are going to be the preventable cases of newborn baby AIDS that are going to not happen because of what this bill does. Thousands of babies are going to get infected with HIV because we are taking away the incentives. In terms of this bill, it is small numbers, \$30 million—incentives to get States doing what New York and Connecticut have done.

Shame on us, shame on us, to claim we care and then to take this and eliminate it. They went so far as to talk to the administration about this, hoping that they would have a letter coming that would say we don't want the money. In fact, they want the money. It is in the President's budget. He wants the money. Why? Because it actually does something. Your dollars actually go to make a difference. How do they make a difference? Not only do they save the life, the cost to treat a baby over their life—their life expectancy is only 25 years if they get HIV. But that is a quarter of a million dollars versus \$85, and the vast majority of that money is going to be paid by the American taxpayers. So shame on us. Shame on us for doing that. These are, just in these States alone, the number of children who are going to get infected with HIV without this program going forward.

Another amendment I wanted to offer so we could offer ways to try to change these things is to delay the CR for 2 weeks and let's have the debate about these issues, but we are not going to be allowed to even offer an amendment to continue it for 2 more weeks so we can actually debate it. That is the majority's right. I respect their right. It was probably done to them before I got here. It doesn't mean it is the correct process for our country to solve the big fiscal problems that are in front of us.

One of the items which BARACK OBAMA and I got through the last Congress in coordination with several key Members in the House was the Accountability and Transparency Act of 2006. What that act says is by January 1 of next year, you as the American taxpayer are going to start finding out how we are spending the money. The whole idea behind it is if you know, we are going to be held to a higher standard. We are going to be held more accountable. Also the idea behind it is if you know the American people are going to know, maybe you won't do some of the things for your buddies you are up here doing.

But in this bill there are 40 reports that are demanded of the administra-

tion that aren't available to you, that have nothing to do with national security. I can't even get them. The President pro tempore of the Senate right now can't get them unless he sits on the appropriations subcommittees of those reports coming back. That is not transparency. What that is is working in the dark so the American people don't know what is going on. I have an amendment that says those reports ought to be made public to the American people. It is their money. It is our money. But we have—here we go—an appropriations bill that has 40 reports from the Federal Government agencies to report back to Congress. Yet the Senator from Vermont and the Senator from Oklahoma cannot see those reports, and neither can you. What is that all about? Why shouldn't you be able to see those reports? You should be able to. But that amendment is denied under this process. More of the same. More work done in darkness without the light of day for the American people to see what is going on in their Government with their money. They should reject that. We all should reject that. But change comes slowly.

The reason I am out here talking about it is I think the American people ought to know what is going on in this bill. Yes, the threat is if we don't pass this, the Government will shut down. The Government doesn't have to shut down. We could continue this for 2 weeks, but we are playing the game. Who will look worse if you vote against it. What the American people care about is whether we have an open and transparent government. That is what I am about: making sure we know the cost of what we are doing, making sure we know who is responsible, and holding those accountable when they are not doing what is in the best long-term interest of our country rather than what is in the best short-term political interest of either political party or any individual Member of Congress.

Another amendment I was going to offer but have been precluded from doing so is we have thousands of people waiting for assistance with their drugs for HIV. As a matter of fact, there are several hundred, 350-some in South Carolina alone who don't have any money, are not getting treated, their HIV is progressing, they are going to AIDS, and they are going to die. That number is in the thousands across the country right now, and although we have increased the AIDS drug assistance program, we haven't increased it enough to where we are taking care of those who do not have any other resource with which to get the medicines to save their lives. That amendment is foregone. We can't do that, not available.

Another amendment I had, which is certainly necessary—and we have had the Senators from North Dakota and South Dakota talking about it—is the fact that we have had a disaster in the Central Plains of this country, in western Oklahoma and many other agricul-

tural areas, where we have a tremendous need—an agricultural disaster by any means that we have addressed before. We tried to address it before we went home, but we didn't want to pay for it. So that didn't go anywhere. That is going to go somewhere when the supplemental comes. It will be a part of the supplemental package that comes out of the Appropriations Committee and we will pay \$4 billion or \$5 billion or \$6 billion. It won't be paid for, we will charge it to our kids, and we will help these farmers. There is \$1 billion in my amendment that is paid for—paid for; we don't have to charge it to our grandchildren—that will help immediately those farmers who have suffered through this tremendous drought in the Central Plains. We can not offer that amendment. We can not help the people who need us to help right now because we are playing games. We are playing the same old political games that were played when the Republicans were in charge. This isn't a new day; this is just a new manager under the same scams. It is a scam, and the American people need to know it is a scam in terms of their money.

Finally, the money we are stealing from the BRAC, a portion of that we are giving to the Global AIDS Fund. We are the largest contributor to the Global AIDS Fund—\$300 million. We are going to bump that to \$750 million, except there is no accountability in the Global AIDS Fund. The Boston Globe recently released a report on some inside auditor work inside the Global AIDS Fund showing the slush funds, showing the money that has been wasted. Yet we can't have access to those reports. We are the largest contributor, but we are denied access. I have an amendment that says if they want the money, then they have to show us the internal transparent workings of that organization, since we are the largest contributor. That is denied. That is common sense. If you were giving money to a charity and they were wasting it, you would want to know how they were spending your money.

As a matter of fact, we make charities in this country show how they are spending their money. We actually audit them. We are precluded from knowing how \$750 million of your money is going to be spent. And the waste we have found out about in that program is denying the very people we are hoping to help, those innocent young African children who are infected with HIV, with their medicines every day.

So the way to have great government is to have transparency. The way to get rid of wasteful Washington spending is to have transparency. The way to lower the taxes on everybody in this country is to get rid of the waste, fraud, abuse, and duplication that is present within our Government. This bill does none of that. What this bill does is spend more of your money and with sleight of hand and under the cover of darkness transfer billions to

our grandkids that they have shut out now but will ask for again when we have a supplemental and, consequently, our children will be directly impacted.

If you are born in this country today—if you go talk to David Walker, the Comptroller General, who is a non-political person; he is a straight shooter; he knows what we are facing is an impending crisis in this country and that we are on a crash course toward fiscal bankruptcy. But here is what we know. If you are born today in this country, you have a birth tax of \$453,000. That is what your share is of the unfunded liabilities we refuse to fix that we are adding to with this bill—we are going to add \$10 billion to \$12 billion actually with this bill when the new supplemental comes out—that is my prediction—at a minimum, \$3 billion, probably \$10 billion to \$12 billion. What we are doing is going to add to that birth tax.

What is the great thing about our country? The great thing about our country is it was built on the sacrifice of one generation creating opportunity for the next. This bill does the opposite of that. This bill steals from the next generation to take care of us now. There is no long-term thinking in this bill; there is only short-term thinking. Is it partially my fault we are here? Sure. I will take that. But the process and the false claims that we are under a new day, that we are under a new fiscal paradigm, is hogwash. There is no fiscal responsibility in this bill. This bill actually claims that it eliminates all the earmarks. Nothing could be further from the truth. As a matter of fact, hopefully today, I understand, the President is going to say they are not going to honor the unwritten earmarks. There is \$17 billion worth of unwritten earmarks that will continue in this bill the way this bill is written.

Now, they get to claim in the press that they have a little section in the bill that says none of the earmarks in this bill carry the force of law. Well, that doesn't do anything. None of those earmarks carried the force of law last year. None of those earmarks next year will carry the force of law. It does nothing to eliminate those earmarks from continuing to be spent. We know what earmarks are. We know how they create conflicts of interest within this body and within the lobbying community and individuals throughout this country. They ought to be gone. None of them should be honored, unless they are in the bill and people are willing to stand up and defend those and they have been vetted by the committees of this Congress.

So bear in mind as I vote against this bill, it is not because I want to shut the Government down; it is because it is a vote saying it is more of the same, American people. You didn't get what you bargained for, again. Hold us accountable, come ask the questions, and don't take the spin. The fact is there is a \$453,000 birth tax for every child who

is born this year in this country, and it is going to grow by over \$1,000 with this bill. So it is going to go to \$454,000. Now, imagine what you have to earn a year to pay the interest on that.

The fastest growing portion of our Government budget—what is it? It is not health care. It is interest. It is interest on the debt, and we have perpetuated that with this bill.

I know none of my amendments will be made in order, but I am inclined to show the ridiculousness of this process. So with notice to the Presiding Officer, who I expect to object, as is his right as a Senator from Vermont, I ask unanimous consent that the pending amendments be set aside and my amendment No. 234 be called up.

THE PRESIDING OFFICER. Is there objection?

In my capacity as a Senator from Vermont, I do object.

MR. COBURN. Mr. President, I have another unanimous consent request, which is that the pending amendments be set aside and that amendment No. 235, the AIDS Drug Assistance Program, be called up.

THE PRESIDING OFFICER. In my capacity as a Senator from Vermont, I object.

MR. COBURN. Mr. President, I ask unanimous consent that my amendment No. 236 be called up and the pending amendments be set aside. This is an amendment that will allow us to continue to discuss this for 2 weeks.

THE PRESIDING OFFICER. In my capacity as a Senator from Vermont, I object.

MR. COBURN. Mr. President, I ask unanimous consent that my amendment No. 250, which allows all report requests by the Appropriations Committee—40 of them—be made public, that the pending amendments be set aside and that it be called up.

THE PRESIDING OFFICER. In my capacity as a Senator from Vermont, I object.

MR. COBURN. Mr. President, I ask unanimous consent that the pending amendments be set aside and my amendment No. 251 that will apply \$1 billion for the farmers who are in dire need in this country today be called up.

THE PRESIDING OFFICER. In my capacity as a Senator from Vermont, I object.

MR. COBURN. Mr. President, I ask unanimous consent that the pending amendments be set aside and my amendment No. 252, which asks for the transparency of our contributions into the Global AIDS Fund be called up.

THE PRESIDING OFFICER. In my capacity as a Senator from Vermont, I object.

MR. COBURN. Mr. President, I went through that exercise, and I know the Senator from Vermont does not disagree with all those amendments, but he is doing what he has been instructed by the majority to do. The fact is we could have a debate, we could delay this for 2 weeks, and we could make this bill far better. We could decide not

to spend an additional \$3.1 billion of our grandkids' money if we allowed a true debate.

In the last Congress I took a lot of criticism for going after my party on fiscal issues. I am not going to quit going after my party on fiscal issues, but I will tell my colleagues, I am certainly not going to quit when the majority party claims—falsely claims—to be doing something in the best interests of this country in terms of fiscal responsibility when, in fact, they are not.

There is no question what I have laid out here today is factual. There is no question that what we are seeing is more of the same in Washington. It is time for it to stop. It is time for the American public to hold everybody accountable, and we ought to be about America, not the Democratic Party or the Republican Party. We ought to be nonpartisan for the long-term future of this country. We ought to be nonpartisan in order to restore the idea of sacrifice and service for the next generation, rather than taking it for us today.

MR. President, I yield the floor, and I note the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

MR. WARNER. I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

MR. WARNER. Madam President, parliamentary inquiry: My understanding is that the matter before the Senate at this time is the continuing resolution and that Senators may address aspects of that resolution at this point in time; is that correct?

THE PRESIDING OFFICER. The Senator is correct.

MR. WARNER. Madam President, the Senate has before it the continuing resolution which is an absolutely essential piece of legislation to permit our Government to go forward. We are about to have a vote, I understand, at 4:45 in relation to that resolution. The resolution has been consistent with the rules and precedent of the Senate, put before the Senate in such a way as to make extremely restrictive the ability to amend that resolution.

Nevertheless, a group of Senators have felt ever so strongly about our initiative, which is contained in S. Con. Res. 7, a document that was filed at the desk in connection with the debate on Iraq. We feel very strongly that the program announced by the President on January 20 of this year contained therein aspects to which we could not give our full concurrence. There is a range of differences of opinion between our group, and when I say "our group," they have identified themselves from time to time as being cosponsors and other Members of the Senate.

Speaking for myself, I felt the plan, as announced on January 20, did not speak to the clarity I thought necessary, to say this operation should be highly dependent on the Iraqi-trained military and other security forces.

Our Nation, together with coalition partners over the period of this long conflict—in the not-too-distant future months or so it will begin a fifth year—have invested heavily in dollars and sacrifice and otherwise to train the Iraqi forces to take on their own security obligations. The figure “over 300,000” has been frequently referred to in briefings and otherwise, that we have thus far, in one way or another, trained and equipped.

As a member of the Committee on Armed Services in the course of briefings and, indeed, in the Intelligence Committee, both of which I serve on, it has been represented through the years, most particularly the last 2 to 2½ years, there has been a steady improvement in the quality and the professionalism of these Iraqi forces.

Now, 2½ years is a long time to train a military person. In the United States, we have prided ourselves since the days of World War II in taking a 17- or 18-year-old individual and training that individual to be a fighting person in 6, 8, 9 months and then some training with a unit and therein to a combat situation. Throughout our history, they have discharged themselves with the highest degree of professionalism. Many of the forces we currently have in Iraq have followed that pattern of less than a year's training. How well we know the courage with which the men and women of the Armed Forces of the United States, with the strong support of their families, have fought, suffered severe wounds, and died to enable the Iraqi people to have their freedom, to have a nation which is regarded as a sovereign nation today, to have a government elected by themselves.

I find it highly perplexing that in that cadre of some 300,000, there are not those elements that could have been utilized to a far greater degree in this campaign.

We have heard reports—within the last 2 days I received confirmation—that those Iraqi contingents, those troop commitments to this surge plan which is now in operation still fall short of the level of numbers in the commitment to have them in place.

Nevertheless, given the magnitude of that force, in our resolution, we specifically say the President should charge—we use the word “charge”—hold them accountable for taking the lead, for taking the point, for bearing the principal burden of this operation called “surge” in Iraq as enunciated by the President on January 20. Therein, rests this Senator's grave concern about the utilization of 21,500—and even a somewhat larger force than originally announced—in this operation.

We gathered together individuals of honest thinking, clear thinking—not

by political motivation—and have tried to continuously push our resolution before this Senate such that each and every Senator could express his or her agreement, concurrence, or disagreement. We have not yet succeeded, but we are going to continue to press on. There is some representation—I don't know whether it is final—that the Senate may see after we come back from this recess the measure that will be presumably passed by the House this week and presented in what I'm told could well be an identical form. We feel very strongly our resolution, S. Con. Res. 7, without any changes in it, should be brought up as a substitute amendment, but at the present time, given the few minutes remaining, I see my distinguished colleague who has joined me in this effort, the distinguished Senator from Nebraska, Mr. BEN NELSON. We have put forward this S. Con. Res. 7, which requires the funding for the Government.

At this time, I ask the pending amendment be set aside so I may offer amendment numbered 259 which is our S. Con. Res. 7, in identical form, which is pending at the desk.

The PRESIDING OFFICER. In my capacity as a Senator from Missouri, I object on behalf of the request of the leadership.

Mr. WARNER. Madam President, I receive that with a great deal of disappointment because I felt, in this critical period of time as this operation in Baghdad is getting underway, the constructive recommendations to the President, as embraced in our resolution, should be brought before this Senate for full discussion. I see my colleague.

I yield the floor.

Mr. MCCAIN. Madam President, what is the pending business?

The PRESIDING OFFICER. House Joint Resolution 20.

Mr. MCCAIN. I ask for the regular order and I ask to be recognized.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MCCAIN. Madam President, I come to the Senate to comment on H.J. Res. 20, making continuing appropriations for fiscal year 2007 which, as I understand, is the pending business before the Senate.

I think most of us agree that funding the Federal Government should be done through the regular order, not through a patchwork of continuing resolutions. The reality is that all but two Federal agencies are being funded through a measure to which no Member is being permitted to offer, debate or vote on a single amendment. That is wrong. We are not the House of Representatives. We are not the other body, I say to my colleagues. We are the Senate, a deliberative body. I hope the Senate leadership on both sides will work to ensure we do not repeat this fate.

I have been in this body for a little over 20 years. I have watched, over those 20 years, an increasing use of par-

liamentary procedures—the so-called filling up the tree and motions for cloture filed at the same time the legislation is before the Senate increase to an ever-accelerating process.

I was very disturbed about that process being exercised when my side of the aisle was in the leadership, and I am even more concerned as I watch the new majority conduct business in the Senate. I could submit for the record the fact of literally every measure before the Senate that at the same time a cloture motion is proposed, the tree is filled.

The Senate is here to debate and amend. The other body, understandably, has different rules. Given the mechanisms that are being put in place by the majority side, what is the difference? It seems to me that 20 years ago—and I would ask my friend from Virginia, who has been here considerably longer than I have—the routine was a piece of legislation would be before the Senate, there would be amendments proposed, debated, with second-degree amendments, if necessary. And the process was something where literally every Member of the Senate, if a Member so chose, could come to the floor and debate and amend and improve the legislation, if that was a Member's desire.

Where are we now? We file cloture. We vote on cloture. We stand around for 30 hours or so. And then we vote up or down. This is a very dangerous process we are going through. So now we are examining a bill which funds all but two Federal agencies in a measure which no Member is permitted to offer, debate or vote on a single amendment. That is not why I came here. That is not why. We are sent here—we are sent here—to express the views and ambitions and hopes and dreams of our constituents.

I have been in discussion with several other Members about how this trend continues to accelerate and literally deprive this institution from being described as not the greatest deliberative body in the world but a deliberative body.

And I say to the leadership, please sit down and work these things out. Have a reasonable number of amendments. Have debate. Agree to time agreements. Agree to time agreements. I had several amendments to this bill for which I would have agreed to an hour time agreement, which would have been plenty of time to debate the amendments and render the Senate's judgment, which I would have respected whether it succeeded or failed.

Now, there are many of us who are very unhappy because we think we could have improved this legislation, which covers all but two—two—Federal agencies of the entire Federal Government. And we are going to consider an up-or-down vote on it. That is not right. It is not fair to the American people. And it is not fair to the hallowed traditions of this institution.

I do not know exactly what to do about it. But there are some of us who

are looking for ways, perhaps, to express our dissatisfaction on this issue. In all deference to my dear friend from Virginia, all I asked for on this issue of the "surge" or "change in strategy" in Iraq was 2 hours of debate on our amendment, with a time agreement and a vote. I do not think that is a lot to ask. I do not think that is a great deal. I do not think that is a huge request. The two leaders sitting down together could have—and, by the way, I know my friend from Virginia supported that. I am not in any way denigrating—

Mr. WARNER. If the Senator will yield?

Mr. MCCAIN. Yes.

Mr. WARNER. I would have it reflected in our colloquy that I did support that because it has always been my understanding, this being the greatest deliberative body in the world's organization, legislatures should have that as a fundamental precedent.

I supported the Senator, much to the risk—and I was defamed from coast to coast—but I stood by the Senator's right to have his amendment, along with mine, considered by this body.

Mr. MCCAIN. I thank my friend from Virginia. And let the record be clear, the Senator from Virginia supported the proposition that we would consider more than one amendment.

Now, I am absolutely convinced—I hate to keep going on this aspect of it because I wish to discuss the continuing appropriations bill before us—but we could have sat down and said: OK, we will have four amendments, a certain amount of time on each amendment for debate. Time agreements would have been entered into, and then everybody could have had their say or certainly the majority of the Senate would have agreed to that.

Instead, unfortunately, we ended up without addressing the issue in a comprehensive fashion, in fact at all, because of the process that went through. But equally as important—equally as important—I say to my friend from Virginia—and I would ask him, when he first came here, would he have ever seen a situation where the entire funding of the Federal Government was in a measure before this body without a single amendment being allowed to it?

Madam President, I ask unanimous consent to engage in a brief colloquy with the Senator from Virginia.

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

Mr. WARNER. Madam President, I—

Mr. MCCAIN. For the record, you might want to say how many years you have been here.

Mr. WARNER. I certainly recall, over a period of 29 years, the importance of the continuing resolution and the greater utilization, regrettably, of the necessity for leaders on both sides to resort to that. But I would have to say to my good friend, the imperative of the ability for our Government to func-

tion requires the flow of money. And unless this particular continuing resolution is acted upon by this body within the next few days, it will, indeed, impair the ability of our Government to function. So we have to take into consideration those things.

Madam President, might I ask my friend, our good friend from Nebraska was to have had 2 minutes to rejoin in my effort to get the amendment up. At some point, might he be recognized and—

Mr. MCCAIN. Madam President, I ask unanimous consent that without losing the floor, my friend from Nebraska be recognized for 3 minutes to make a statement on the issue which has been raised by the Senator from Virginia, which I heartily disagree with.

Mr. WARNER. Madam President, I thank my friend from Arizona for his usual good humor and courtesy.

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

The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I thank my friends from Virginia and Arizona for the courtesy being extended to me and I appreciate their forbearance.

Madam President, the Senate is about to embark on a weeklong recess in the next couple days, and I would be remiss to allow this week to end without at least trying with my colleague from Virginia one more time to get the Senate to consider our resolution on the Iraq troop surge.

For days we have seen Senators deliver speeches on this floor, some for a vote, others against allowing a vote. We have heard great calls to action, and we have heard that doing nothing would be better than doing something. We even had Senators participate in an exercise to block an up-or-down vote on a resolution, some for reasons they think were certainly important.

But I am not a believer in doing nothing, and I believe the Senate has an obligation to lead. I have said that before, and I will say it again. The Senate is not only a deliberative body, but it is a governing body and has oversight interests. Each Senator, as a Member of the body, has an obligation to lead.

I would like to commend my colleagues, the Senator from Virginia and the Senator from Maine, for exhibiting great leadership and courage in forging this resolution that includes many important issues that need to be covered in a vote of this magnitude. Both of my colleagues and others have overcome fierce political pressures, including the Presiding Officer. But we have come together to do the right thing.

I would like to thank my colleagues, the chairman of the Senate Armed Services Committee, from Michigan, my colleague from Nebraska, and the other Senators who have signed on in support of our resolution. Together, we are able to begin the process of oversight, the process of leadership, the process of living up to our obligations.

And we are here today to try to continue to do the right thing. The House of Representatives is engaged in a historic debate today over a resolution that does, in part, what our resolution does. It expresses opposition to the President's planned surge of troops in Iraq.

Although their resolution and our resolution come at it from different directions and points of view, in essence, they have some similarity. But I would prefer the Senate to take up the Warner-Nelson-Collins resolution because we have spent considerable time and energy drafting a complete and comprehensive resolution that includes many of the priorities Senators have expressed over the duration of that war.

Our resolution includes the need to establish benchmarks for the Iraqi Government to meet in order to continue involvement of the United States in Iraq. It includes the desire to continue fighting the terrorists in Anbar Province. It expresses clear opposition to the President's proposal to deposit 21,000 troops at the crossroads of civil war in Baghdad.

The House resolution does express opposition to the President's plan, but it does not include these other important measures which we think are very important.

So I hope we can resolve our differences and vote on this resolution in a timely fashion. The American public deserves an up-or-down vote on this most important issue of today. The time is now to express our opposition to the troop surge and the use of American soldiers to stop civil war in Iraq.

Thank you, Madam President. And I thank my colleague and friend from Arizona and my colleague and friend from Virginia.

Mr. WARNER. Madam President, if I might be recognized to thank my colleague from Nebraska and then thank our colleague for his courtesy.

Mr. MCCAIN. Madam President, I have to insist on the regular order.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. WARNER. I thank my colleague from Arizona.

Mr. MCCAIN. I thank my colleagues.

Madam President, I understand at 4:15 we are turning to a judge. I ask unanimous consent for an additional 5 minutes.

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

Mr. ALLARD. Madam President, before we do that, I was under the impression I might be able to speak for about 5 minutes or so at around 4:15. If I could add another 5 minutes at the end of that so we each have 5 minutes.

The PRESIDING OFFICER. The time for executive session is not until 4:30.

Mr. ALLARD. Meaning we have time? OK.

Mr. MCCAIN. We have time.

Mr. ALLARD. Thank you, Madam President.

Mr. MCCAIN. I thank the Chair. I was misinformed.

Madam President, I will not go on, on this issue, but I believe we need to, as a body, sit down and try to fix this unfortunate situation where we are not allowing amendments nor sufficient examination of legislation before the body.

Madam President, there is one silver lining to the measure pending before us. It is largely free of wasteful earmarking and porkbarrel spending. This is the first time during my years in Congress I have witnessed such an occurrence. Compare this to the last fiscal year, 2006. According to data compiled by the Congressional Research Service, the appropriations bills and accompanying reports for the last fiscal year included \$64 billion in earmarks—the largest earmarked funding in history.

So again, this CR, which does not have an accompanying report where historically 95 percent of earmarks are included, is a welcomed change. I can only urge the Appropriations Committee to let this be a guide for future appropriations measures when it comes to earmarks: Do not include them and do not waste the taxpayers' dollars.

I was pleased to join with several of my colleagues in writing the President last week to urge his leadership on this issue and ensure his administration understands clearly and fully that it is under absolutely no obligation to continue to fund earmarks that were included in past committee reports or urged by Members of Congress or their staff. As stated by the President in his State of the Union Address last month, when it comes to earmarking, "The time has come to end this practice." Now it is up to the administration to abide by the President's directive, and I assure you, we will be watching.

Also, last week, Senator COBURN and I received a response from the Department of Energy Secretary Samuel Bodman in response to our letter of the previous week stating our serious concerns about reports that the Department may be planning "business as usual" and would fund conference report earmarks.

Fortunately, the Secretary has clarified his Department's position and will only fund programs or activities that, in his words, are "meritorious and effective" and "support and advance the Department's missions and objectives"

I ask unanimous consent that copies of our correspondence with the Secretary be printed in the RECORD at the conclusion of my remarks.

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

(See exhibits 1 and 2.)

Despite what I have described as a positive consequence of this CR, the measure is imperfect and, like many of my colleagues, I believe we should have had an opportunity to improve it. I am particularly concerned about underfunding the Base Realignment Closure,

BRAC, account, and was pleased to join in cosponsoring the amendment filed by Senators HUTCHISON and INHOFE to fund the account at the amount requested by the President and the amount we authorized for 2007.

The 55 percent cut to the BRAC account, submitted without any type of justification or explanation, seriously jeopardizes the Department of Defense's ability to meet a statutory deadline to complete all BRAC actions by 2011. Congress imposed this 6-year deadline specifically to limit the negative impact on the military units and local communities around the country affected by BRAC. Congress intended that a concentrated period of investment would accelerate the economic development and recovery of communities affected by BRAC. This callous decision to deny funds to the Department at this critical juncture directly harms these communities as much as it does the military units placed in limbo by the sudden denial of funds.

The administration noted in its recent response to the CR that the BRAC cut will "reduce BRAC savings, delay or postpone scheduled redeployments of military personnel and their families from overseas locations to the United States, and negatively impact many communities throughout the country that have begun making specific plans in response to BRAC."

Surely our colleagues who developed this CR proposal did not intend to cause additional harm to the local communities that are already trying to cope and recover from the BRAC decisions. Quoting Congressman DAVID OBEY, chairman of the House Appropriations Committee, about the CR, "I don't expect people to love this proposal, I don't love this proposal, and we probably have made some wrong choices."

So, why are we in the Senate not allowed an opportunity to correct an obvious mistake?

I've heard from the other side of the aisle during debate of H.J. Res. 20 that they understand this problem and that they plan to correct this \$3.1 billion BRAC underfunding in the fiscal year 2007 emergency supplemental request of \$93.4 billion. What kind of solution is that? Supplemental funds have been requested by the President for military operations in Iraq and Afghanistan. These funds are critically needed to purchase equipment for force protection and IED defeat initiatives. These funds will be used to train and equip Iraqi security forces. Since when is BRAC an emergency related to the global war on terror?

Furthermore, we are having this discussion because my colleagues who developed the resolution share with us the common goal to reduce overall Government expenditures. In that spirit, what critical warfighting requirement will we cut in the supplemental to pay for the BRAC increase they propose? What do we deny to our front-line fighting troops? While I have heard

the idea of funding BRAC in the supplemental, I have not heard one idea on how to pay for it. Do they instead advocate for an increase to the supplemental? Why not just provide the funds to BRAC by offsets in the pending measure before us, as proposed by the Hutchison amendment? We should be addressing full fiscal year 2007 funding for BRAC in this CR. Using budget gimmicks and shell games in a supplemental, which could have devastating results for the military and local communities, is not the way to provide appropriations for critical military requirements.

Finally, I want to associate myself with the remarks of my colleague, Dr. COBURN. He has been on the floor several times to discuss the very serious ramifications of the provision in this bill that will prohibit funding for what is known as the "baby AIDS" program. I've often commented that we need to start making tough fiscal decisions around here among competing priorities. But I have yet to hear anyone defend or even attempt to explain the decision that was made to prohibit funding for this critical program.

I completely agree with Dr. COBURN. This funding prohibition is regrettable, and may have far reaching and devastating consequences for those helpless babies who could otherwise be given a better chance at having and keeping healthy lives.

I yield the floor.

EXHIBIT 1

DEPARTMENT OF ENERGY,
Washington, DC, February 2, 2007.

MEMORANDUM FOR ALL PROGRAM SECRETARIAL OFFICERS

From: Jeffrey Kupfer, Chief of Staff, Office of the Secretary.

Re: FY 2007 Funding.

As you know, the House of Representatives recently passed H.J. Res. 20, which would provide funding for the Department of Energy's programs through the remainder of FY 2007. Even though the Senate has not yet acted on that legislation, we must begin to evaluate how we would operate if it is enacted into law.

One important matter that must be addressed in implementing H.J. Res. 20 is how we will handle the matter of earmarks. As President Bush noted in his recent State of the Union address, special interest funding earmarks often are included in committee reports that are never voted on by Congress or presented to the President for approval, and these earmarks cost the taxpayers billions of dollars each year across the Federal Government.

There is no House or Senate committee report accompanying H.J. Res. 20, and therefore there are no committee earmarks for the funding it would provide. Furthermore, section 112 of this proposed legislation states that "[a]ny language specifying an earmark in a committee report or statement of managers accompanying an appropriations Act for fiscal year 2006 shall have no legal effect with respect to funds appropriated by this division." Nonetheless, I understand some of your offices have begun to receive requests from some Congressional offices, asking that the Department continue to fund programs or activities that received earmarked funds in prior years.

Because the funding provided by H.J. Res. 20 will not be subject to nonstatutory earmarks and the President's policy on earmarks is clear, we must ensure that the Department only funds programs or activities that are meritorious; the Department itself is responsible for making those determinations. As a result, and at the Secretary's direction, any proposal by a recipient of an earmark in prior years who seeks continued funding in FY 2007 needs to be carefully reviewed and evaluated. Only those with meritorious proposals or programs that effectively support and advance the Department's missions and objectives, and who have submitted appropriate advance documentation justifying their request, should receive FY 2007 funding. Of course, all funding-related decisions and actions must be made in accordance with applicable laws and regulations.

If H.J. Res. 20 is enacted into law, I will ask each of you to submit a report containing your recommendations about which, if any, earmarks from prior Congressional committee reports you believe should continue to receive funding in FY 2007. No final decisions are to be made concerning those potential recipients until after you have submitted your report and received further guidance from the Secretary's Office. The Office of the Chief Financial Officer will provide instructions on the timing and the content of your report.

EXHIBIT 2

THE SECRETARY OF ENERGY,
Washington, DC, February 7, 2007.

Hon. JOHN S. MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for your February 2, 2007 letter concerning H.J. Res. 20. In your letter, you inquire whether the Department of Energy (DOE) intends to continue funding earmarks that have appeared in committee reports accompanying prior year appropriations bills. You note that a recent press report, citing unnamed sources, states that DOE has told Congressional appropriators it will continue to fund earmarks despite H.J. Res. 20 language that says agencies are not bound to continue funding prior year earmarks.

The press story cited in your letter does not accurately reflect DOE policy or the direction that has been given to DOE program offices. Late last week, the Department's Chief of Staff issued a memorandum to all Program Secretarial Officers concerning how they should evaluate earmarks that appeared in Congressional committee reports accompanying prior year appropriations bills. A copy of that memorandum is enclosed.

Among other things, the memorandum states that DOE officials must carefully review any requests for continued funding of prior year earmarks. Only those project sponsors "with meritorious proposals or programs that effectively support and advance the Department's missions and objectives, and who have submitted appropriate advance documentation justifying their request, should receive FY 2007 funding." This means that DOE may continue funding some programs or activities that have received earmarked funds in prior years, but only if the programs or activities are meritorious and effective. DOE is prepared to be fully accountable for making those decisions.

As you know, H.J. Res. 20 has not yet been enacted into law. We hope that Congress will act quickly on that legislation so that necessary funds will be provided for the remainder of Fiscal Year 2007, not only for DOE but for many other federal agencies as well. If

you have any further questions, please call me or Jill L. Sigal, Assistant Secretary for Congressional and Intergovernmental Affairs, at 202-586-5450.

Sincerely,

SAMUEL W. BODMAN.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Madam President, I ask unanimous consent that I may make some introductory remarks on S. 589, which is at the desk.

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

(The remarks of Mr. ALLARD pertaining to the introduction of S. 589 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

Mr. INHOFE. Madam President, what is the regular order?

The PRESIDING OFFICER. We are to proceed to executive session at this time.

Mr. INHOFE. I ask unanimous consent that I be recognized for 5 minutes as in morning business.

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

Mr. INHOFE. Madam President, there is a vote coming up on the resolution. We already had one vote on a cloture motion. I have to say publicly one more time the reason I have so vigorously opposed this whole concept, and it is because in a very partisan way, in a very partisan manner, the Democrats were successful in taking out the money that would have implemented the fifth and last BRAC round.

BRAC is the Base Closure and Realignment Commission. In this BRAC round, we would have saved \$20 billion by 2012, but by delaying it a year, the costs are going to be far greater. There is \$5.7 billion to implement BRAC, and the Democrats took out effectively \$4.1 billion and then put \$1 billion back—\$3.1 billion out. That means we cannot implement these BRAC policies and actually effect the savings.

The problem I have with this is they say this is going to come out of the emergency supplemental, we will get it all taken out of that. That means it comes out of money that otherwise would have gone to our fighting troops in Iraq. This is not what I want to happen. Right now, we are underfunded over there. We have great needs in armored vehicles, operating costs, and training costs for Iraqi security forces, and this translates into American lives.

To have \$3.1 billion come out of this BRAC process to me is unconscionable when we are at war. This means the

units that were planning to return stateside will have to remain abroad. It means the temporary and old housing will continue to be used, further increasing the upkeep in costs. And it means it is going to cost a lot more to implement it. Each week that goes by, each time it is delayed, it is going to cost additional money.

Here is the other problem we have, if we stop and think. All the communities that are surrounding our various military establishments have participated in the BRAC process and have said: If you will do this and expand this base, we will put in free housing, we will do health care for the children of our military people. All these very generous contributions which are made by the private sector very likely will not even be made.

It is not too late to change our mind. I just wish I could reach a number of people here to convince the leadership, such as my good friend from North Dakota. I know he is interested in accommodating the BRAC needs. If we could just get this one amendment in to allow us to do the military construction and to pull that out of the continuing resolution, it would be appreciated very much by our troops who are fighting a very difficult battle.

I will make my one last appeal. We cannot take the \$3.1 billion out and adequately support the military operation.

I yield the floor.

FUNDING FOR IRAQI REFUGEES

Mr. KENNEDY. Madam President, I commend Senator LEAHY, chairman of the Foreign Operations Subcommittee of the Appropriations Committee, for including an additional \$20 million for Iraqi refugees in the continuing resolution.

More than 3 million Iraqis have been displaced from their homes, and many of them have fled the country. America has a special obligation to help them and the neighboring countries in meeting their needs.

The UNHCR has made an international appeal for \$60 million to deal with this emerging crisis, and the United States plans to provide \$20 million to that appeal.

Our invasion of Iraq led to this crisis, and we have a clear responsibility to do more to ease it. We should provide at least half the funding for this \$60 million appeal to help this growing refugee population.

I believe \$10 million of the funds in this bill should be for the UNHCR appeal, in an effort to raise the total U.S. contribution to \$30 million. Is that the chairman's intent?

Mr. LEAHY. Yes, it is. Senator KENNEDY, who is the chairman of the Judiciary Committee's Subcommittee on Refugees, makes an important point. I believe that the United States should contribute half of the funds, and I will work with Senator KENNEDY and with the State Department to ensure that those funds are provided. I agree that

America should show greater leadership by providing at least half the funds for this appeal.

NDIIPP

Mr. STEVENS. Madam President, I have come to the floor to engage in a colloquy with the ranking member of the Committee on Rules and Administration, Senator BENNETT of Utah.

In 2000, Dr. James Billington, the Librarian of Congress, came to many Members of this Chamber with an urgent request. He wanted to begin preserving important cultural works which existed only in digital format.

Soon after, Congress approved the creation of the National Digital Information Infrastructure and Preservation Program, which is also referred to as "NDIIPP."

Those of us in Congress secured \$100 million over 10 years to start this program. With the Library's guidance, NDIIPP quickly became a broad-based coalition of Federal agencies, universities, non-profit organizations, and companies in the science and technology industries.

Today, the NDIIPP partnership includes 67 public and private organizations nationwide. But the future of this effort is in serious jeopardy.

The House-passed fiscal year 2007 continuing resolution rescinds \$47 million in NDIIPP funds—effectively destroying a program essential to our increasingly digital world.

If funding for NDIIPP is not restored, the Library of Congress risks losing the resources which have already been invested—and the important work already completed—with regard to digital preservation.

The Library's partners in the private sector have committed \$37 million in matching funds to this effort. If NDIIPP is eliminated, these funds will also be lost.

NDIIPP is essential to our ability to identify, preserve, and provide access to digital content. This program is helping to ensure future generations will be able to access information needed for research and policymaking.

Madam President, our choice is clear. A number of digital works have already disappeared. Many Web sites launched before 2000, for instance, were never preserved and will never be recovered. If funding for NDIIPP is eliminated, many future works will likewise be lost forever. If funding for NDIIPP is restored, we can help ensure these works do not suffer a similar fate.

This project holds great possibilities, and I will work with my colleagues to assure it receives the funding it deserves.

Mr. BENNETT. I agree with the Senator from Alaska. Funding intended for NDIIPP serves a vital purpose for our Nation. I will work with the Senator and our colleagues to restore these funds.

There is a wide assumption that digital materials will be available tomorrow and that we can put off taking measures to preserve them until some-

time in the future. That is not the case. The average life of a Web site is 44 days and material not saved today will be gone tomorrow. Geospatial information, including records of land elevation, weather patterns, water levels, LANDSAT imagery, State and local maps and other statistical information about an area exist almost exclusively in digital format today. If these materials are not actively preserved, the vital information they contain will be lost. Outside of efforts being undertaken by government agencies such as the Library of Congress and its public and private sector partners, little is being done to preserve digitally created materials for the future use of the Congress. The expense is great, the technologies necessary for long term preservation of digital information are in their infancy and the risks of loss are not widely known or understood. The legislators of the future will have access to only what we actively preserve today.

Mr. STEVENS. I thank the Senator from Utah for his commitment to this important program.

REVISED CONTINUING APPROPRIATIONS FOR
FISCAL YEAR 2007

Mr. CONRAD. Madam President, I rise to offer for the RECORD the Budget Committee's official scoring of H.J. Res. 20, making revised continuing appropriations for fiscal year 2007.

The pending long-term continuing resolution appropriations bill for fiscal year 2007, as passed by the House, provides discretionary budget authority for fiscal year 2007 of \$463.5 billion.

When combined with discretionary budget authority levels included in the 2007 Defense and Department of Homeland Security conference reports, total 2007 nonemergency budget authority is \$872.7 billion. This level is \$60 million below both the Appropriations Committee's 302(a) allocation pursuant to the deeming resolution (Sec. 7035 of P.L. 109-234) and the President's requested level.

When funding levels contained in the bill are combined with nonemergency budget authority levels included in previously enacted bills, all subcommittees are at their 302(b) allocation with the exception of the Homeland Security Subcommittee, which is \$60 million below its allocation. No points of order lie against the bill as passed by the House.

I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate. I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

H.J. RES. 20, REVISED CONTINUING
RESOLUTION FOR 2007

[Fiscal Year 2007; \$ millions]

General Purpose	
House-passed bill:	
Budget Authority	\$463,456

General Purpose	
Outlays	532,456
Previously-enacted bills:	
Defense:	
Budget Authority	377,357
Outlays	394,446
Department of Homeland Security:	
Budget Authority	31,905
Outlays	38,714
Total:	
Budget Authority	872,718
Outlays	965,616

Mrs. FEINSTEIN. Madam President, I rise today to speak on two matters concerning the 2007 continuing resolution.

First, as the chairman of the Interior Subcommittee, I want to let my colleagues know exactly what this continuing resolution means for the agencies within my subcommittee's jurisdiction.

Second, I want to touch briefly on the appropriations process and why it is so important that Congress pass individual appropriations bills.

Let me go through some funding highlights for the agencies and programs under my subcommittee's purview:

The President recently announced his new, National Parks Centennial Initiative. This will provide up to \$3 billion over the next 10 years to improve our national parks in preparation for their centennial in 2016. This continuing resolution contains the first \$40 million of the \$100 million installment the President requested in his 2008 budget.

The amount provided in the continuing resolution for basic operations at our national parks is \$1.758 billion, a \$40 million increase over last year's level.

The continuing resolution also contains an increase of \$70 million in the Forest Service firefighting account. Of that amount, \$51 million is provided for basic fire suppression activities.

We have added \$19 million to the hazardous fuels reduction account so that important preventive work can continue as well.

The continuing resolution provides an additional \$125 million for the Indian Health Service so that the critical medical care so desperately needed in Indian country can be made available.

There is also \$60 million for basic operational needs for the Fish and Wildlife Service, the Forest Service, and the Bureau of Land Management. Together, these agencies manage a conservation and recreation network that spans more than 550 million acres.

Finally, I would like to point out that under this continuing resolution, EPA's Clean Water State Revolving Fund will receive nearly \$1.1 billion. That is \$200 million more than the 2006 level, which will be used to help local communities meet their wastewater infrastructure needs.

But while there are some funding increases in this continuing resolution, the fact that we are now considering this on the floor today—over 4 months into fiscal year 2007—underscores the

problem with not going through the regular appropriations process.

This resolution essentially provides the same level of funding as fiscal year 2006, with a few exceptions. But this means that dozens of programs and projects did not receive an increase over 2006 levels or did not receive funding at all.

There are, however, a few bright spots in what has otherwise been tough times.

For instance, there is an increase of \$3.6 billion in veterans health care and \$1.2 billion to help care for our brave military personnel and their families; over a billion dollars for State and local law enforcement assistance grants; \$399 million for the State Criminal Alien Assistance Program, SCAAP, the same as fiscal year 2006; \$1.2 billion for Ryan White CARE grants, an increase of \$75.8 million to fund at the newly authorized level; \$4.5 billion for Global HIV/AIDS, an increase of \$1.3 billion; a \$502 million increase for section 8 tenant-based housing vouchers and the first increase in the maximum Pell grant in 4 years, from the current \$4,050 to \$4,310; and full funding of the Transportation Reauthorization bill for fiscal year 2007.

Yet many programs will not receive increases. For example, in California there is no increase for CalFed. This program plays an important role in increasing California's water supply, restoring fisheries and delta levees, and improving the water quality of the San Francisco Bay/Sacramento-San Joaquin River Delta.

Additionally, programs of a critical nature in my State that I fought hard to secure funding for will not receive the resources they deserve. These include State agricultural pest detection, Perchlorate cleanup efforts, and important flood control projects.

That is why it is so significant that Congress does its job to fully consider and approve each individual appropriations bill. This is the best way to ensure that needed projects and programs are funded adequately.

For this reason, I am glad to serve on the Appropriations Committee under the leadership of the Senator from West Virginia. Under his direction, I believe we will pass all 12 bills for fiscal year 2008. First, however, we must dispose of the leftover business from last Congress.

The Chairman is proceeding the best he can, and I believe we need to support this effort and get this done. I urge my colleagues to vote for the passage of this continuing resolution.

Ms. MIKULSKI. Madam President, this joint funding resolution is not what anyone wanted. We are in this position because the last Congress failed to do its job. We had no choice. We were determined to stay within strict spending limits while trying to address compelling needs. I believe we have done the best we can do. We were able to take care of the most important priorities facing the nation without going over our spending limits.

In the Commerce, Justice, Science chapter of this resolution, we were able to increase funding for the Department of Justice by \$1.4 billion over last year to ensure there were no cuts to the FBI and the war against terror. We provided the FBI with a \$333 million increase over the old CR which fully funds the FBI, U.S. attorneys and the Bureau of Prisons. More importantly, the additional \$1.4 billion eliminates the cuts to State and local law enforcement proposed in the President's budget. At a time when crime rates are going back up according to the most recent FBI crime statistics, we fully fund the COPS program, as well as programs to fight gangs and sexual predators. Protecting our neighborhoods and communities remains our No. 1 priority and this extra funding is proof of our commitment to make America safer.

We were also able to make a down payment on our innovation and competitiveness agenda. We added \$335 million to the National Science Foundation's research account to increase our commitment to basic research that will lead to new breakthroughs in science, technology and future innovation to keep America competitive in the global economy. In addition, we added \$38 million to the National Institute of Standards and Technology to increase research grants and an additional \$12 million to modernize their laboratory facilities. Finally, we gave the Patent and Trademark Office the full \$1.7 billion called for in the President's fiscal year 2007 budget request and ensured that all patent fees stay with the Patent Office.

While I would have liked to have increased funding for NASA, there was simply not enough extra funding available for us to do so. Within the limits of NASA's fiscal year 2006 operating plan, we added an extra \$460 million to exploration while protecting other critical NASA programs in science and aeronautics. With only 7 months left in this fiscal year, I believe NASA will be able to manage their programs in exploration with minimal impact to the overall schedule.

This bill cuts \$3.3 billion in Military Construction funds required to implement the 2005 Base Realignment and Closure round. By putting the entire year's BRAC Military Construction program on hold, the current situation has caused adverse disruptions to important military planning. In Maryland alone, the Defense Department is unable to execute over \$300 million worth of projects, preventing the construction of badly needed facilities that directly support our warfighters. This delay also has a huge impact on the economy of the State of Maryland, in the construction industry and other key support industries. Finally, the continuing resolution blocks critical projects required to implement the 2005 Base Realignment and Closure, BRAC, recommendations, jeopardizing the ability of our military installations to

complete required BRAC actions on time.

I, along with the other members of the Maryland congressional delegation, have sent a letter to the Chairmen and ranking members of the House and Senate Appropriations Committee, urging them to fully fund BRAC Military Construction in the fiscal year 2007 emergency supplemental spending bill. Both the House and Senate majority leaders have pledged their support for our effort. I will fight to add this vital funding to the emergency supplemental when it comes before the Senate in March.

So while this bill is not what anyone wanted, it is the best we could do considering what we were left with. I will support this continuing resolution and I will fight to do better next year.

Mr. NELSON of Florida. Madam President, I rise today to clarify an issue of concern to communities in my home state of Florida, particularly to those who have been affected by natural disasters in recent years.

The continuing resolution, H.J. Res. 20, contains a revision to the formula for funding the critical section 8 tenant-based rental assistance voucher program. Inefficiencies in the voucher funding formula in place since 2004 have resulted in the loss of vouchers for an estimated 150,000 families nationwide. My understanding is that the revised formula will provide sufficient funding for the number of families assisted last year, and provides a \$100 million pool to assist agencies who experience unusual circumstances during the transition.

However, due to the devastating hurricanes in 2004 and 2005, several of our Florida communities helped unusually low numbers of families last year. This is because the hurricanes devastated their housing stock they simply did not have the apartments and houses to rent. In some areas, the amount of need did not decline; there was simply a shortage of affordable housing options.

I rise to confirm my understanding that the section 8 funds for housing assistance payments already allocated by the Department of Housing and Urban Development, HUD, to a local housing authority will remain accessible.

If my understanding is correct, housing authorities may continue to use the funds in their possession, along with their fiscal year 2007 funds, to lease up to the authorized level of units under contract. This will ensure that our hurricane damaged communities and others who have seen losses in recent years due to unforeseen circumstances or the dislocations that have occurred since 2004 will be able to recover. As our communities rebuild, I want to make sure that our housing agencies will continue to have access to the available resources needed to serve low-income families.

Mr. CARDIN. Madam President, today I will vote in favor of the continuing resolution not because it is

perfect but because it is the responsible course of action for Congress to bring some fiscal sanity back to our Federal budget. The alternative, letting Government come to a screeching halt and blocking services to millions of Americans, is unacceptable.

The resolution we vote on today was drafted under the guidance of a Republican Congress and Republican President. Yet that same Congress, the 109th, refused to make difficult fiscal decisions and instead simply passed the buck to the current 110th Congress. So today we meet our constitutional responsibility to determine the Nation's budget and provide funding for programs that millions of hard-working Americans rely on to make ends meet.

Perhaps most unfortunate, today we are voting for appropriating funds for fiscal year 2007 that for most agencies are the same as fiscal year 2006 levels. In addition, it concerns me that this resolution gives too much power to Federal agencies. Under the formula prescribed in this resolution, each agency seemingly has wide discretion to determine which specific programs get slashed and which receive additional funds. I fear this widespread Federal discretion could have a negative impact on programs critical to Maryland, like the Chesapeake Bay Gateways and Small Watersheds Programs, the consolidation of the FDA Headquarters at White Oak, and the Ocean City hurricane protection project, to name only a few. I encourage the agencies to do the right thing and allocate appropriate funds for programs with track records of success because Congress will be watching.

Despite the shortcomings in this resolution, it does include some modest increases for important programs. In Maryland, scientists at the National Institutes of Health are on the cutting edge of unlocking some of our most complicated and devastating diseases. The additional \$620 million that this resolution allocates to NIH may lead to a groundbreaking cure or vaccine.

We must continue to do more to make a college education a reality for all families, and I am pleased to see that Pell grants will be expanded to help students afford college. In Maryland, the cost of receiving a public education has increased by nearly 40 percent at some State universities. A college education is key to achieving the American dream, and we must continue to make sure all children regardless of what zip code they live in or how much money their parents make have that opportunity.

Although some of Maryland's environmental programs might be affected, the increased funding in the Clean Water State Revolving Fund will enable Maryland communities to continue upgrading sewage treatment plants to help cleanup the Chesapeake Bay. This is a step in the right direction.

Maryland's transportation systems will also receive a much-needed boost,

with an additional \$86 million in highway funds and \$14 million more for transit funds. Amtrak will also receive much-needed funding so it can continue to help thousands of Marylanders get to work each day.

Again, this continuing resolution is far from perfect, and the circumstances under which we are passing it are far from ideal. It is unfortunate that this Congress was forced to finish the work of the prior Congress, but it is our responsibility to do so. Therefore, I support the continuing resolution and encourage my colleagues to do the same.

EXECUTIVE SESSION

NOMINATION OF NORA BARRY FISCHER TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Nora Barry Fischer, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Mr. LEAHY. Madam President, Nora Barry Fischer is an accomplished and well-respected attorney with over 30 years of legal experience. She is nominated to a seat on the United States District Court for the Western District of Pennsylvania. She received her law degree from Notre Dame University Law School, and graduated magna cum laude from St. Mary's College, Notre Dame, with a B.A. in history and humanistic studies. She has been an attorney with the law firm of Meyer, Darragh, Buckler, Bebenek & Eck, where she quickly rose through the ranks. She is currently a partner with the Pittsburgh law firm of Pietragallo, Bosick & Gordon, cochairing the firm's Defense Litigation Group. Ms. Fischer brings courtroom experience to the bench, having tried over 55 cases in State and Federal courts across the country. She has also served as a special master in state court and an arbitrator in Federal court on pro bono cases. She has been president of the Academy of Trial Lawyers of Allegheny County, served on the Executive Women's Council of Pittsburgh, and worked with the Allegheny County Bar Association to provide legal services to the underserved.

I thank Senator CASEY for expediting his consideration of this nomination. As a courtesy to Senator SPECTER, I asked the former majority leader to proceed to this nomination in December last year. Regrettably, Senator FRIST chose not to do so and Senator SPECTER's chairmanship of the Judiciary Committee ended without this nomination having been confirmed. I am glad that, at long last, the Senate

has turned its attention to this nomination and is granting its consent. I thank Majority Leader REID for acting promptly.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I have sought recognition to speak in favor of the pending nomination of a distinguished Pennsylvania lawyer, Mrs. Nora Barry Fischer, who is to be considered for the position of a U.S. district judge for the Western District of Pennsylvania.

Senator CASEY and I strongly endorse her confirmation. She is a Pennsylvania native with a distinguished academic record. She graduated magna cum laude from St. Mary's College with a B.A. degree in 1973 and received a law degree from Notre Dame Law School in 1976. She has had a distinguished law practice with the Pittsburgh firm of Meyer, Darragh, Buckler, Bebenek & Eck and later at Pietragallo, Bosick & Gordon. She served as an administrative partner in charge of recruitment and training and served as co-chair of the Defense Litigation Practice, which is Pietragallo Bosick's largest practice group. As Special Master for the Court of Common Pleas of Allegheny County, she handled conciliations, nonjury and jury trials by consent of the parties, which gives her a leg up on analogous judicial duties.

Mrs. Fischer is the recipient of a number of awards. The Pennsylvania Bar Association's Commission on Women in the Profession awarded her the Anne X. Alpern Award for her efforts to promote women in the law. The Pennsylvania Bar Association also recognized Mrs. Fischer for her work as co-chair of the Task Force on Health Care Delivery in Pennsylvania. She was named the recipient of the 2006 Professionalism Award by the Civil Litigation Section of the Allegheny County Bar Association for her faithful adherence to the highest standards of legal professionalism. She has been recognized as a Pennsylvania Super Lawyer and as one of the Top 50 Women Super Lawyers in Pennsylvania.

The American Bar Association has unanimously rated Mrs. Fischer "well qualified" to serve as a federal district court judge.

She is precisely the type of nominee we are looking for, and I believe she will do very well in this very important position.

Madam President, in the absence of any other Senator seeking recognition, 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. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. Madam President, am I correct that there is a vote ordered at 4:45 p.m.?

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. And is the time between now and 4:45 p.m. allocated?

The PRESIDING OFFICER. It is divided between the chairman and ranking member of the Judiciary Committee.

Mr. DORGAN. Madam President, if the chairman of the Judiciary Committee is not here to take the time, let me take a moment. If he shows up, I certainly will yield to him.

Mr. SPECTER. Madam President, I will be glad to yield to the Senator from North Dakota, especially since he called me the chairman.

Mr. DORGAN. I was talking about the chairman who was about to show up, Senator LEAHY.

Mr. SPECTER. I withdraw my consent.

BRAC

Mr. DORGAN. Madam President, I wish to make a point. My colleague from Oklahoma was talking about the BRAC funding. I think everybody here supports the BRAC funding. I certainly do. It is not a part of this agreement, but it is not, as the Senator from Oklahoma suggested, the Democrats' fault.

Just so people understand, we inherited a heck of a mess. We inherited a huge mess. What was the mess? The fact is, last year, 10 of the appropriations bills never got to the floor of the Senate. We never got here. They never had any discussion on them. Had that happened, we would have had those appropriations bills passed and signed into law, and we wouldn't be discussing these issues.

As a result of inheriting an unbelievable mess, we had to put together something between the House and the Senate. Let me make this point: That which was done between the House and the Senate included discussions with Republicans and Democrats on every single subcommittee. We engaged the staff of the Republicans and the Democrats as this was put together.

I wanted to make that point. We inherited a mess. We have tried to make the most of it.

This BRAC issue is going to get resolved. I support resolving it. The President is going to ask us for, apparently, \$100 billion in the coming couple of weeks.

Mr. INHOFE. Will the Senator yield?

Mr. DORGAN. Let me finish my thought.

He is going to ask for \$150 billion above that next year with respect to Iraq and Afghanistan.

The point I am making is this: I understand that not just the Senator from Oklahoma but any number of Senators might come and say: I wish this had been in it, I wish that had been in it. I personally wish a number of items had happened that didn't happen in this continuing resolution. But I was involved in working on it as chairman of the Appropriations Energy and Water Subcommittee. Last year, I was ranking member of the Appropriations

Interior Subcommittee. That bill didn't get to the floor of the Senate. The Energy and water bill didn't get to the floor of the Senate. The bill that would have carried the BRAC funding didn't get to the floor of the Senate. Why not? Don't blame that on Democrats. We didn't control this Chamber last year.

But I don't come to blame one side or the other. I only come to say we have tried to make the best of a bad situation. We were left with quite a mess. How did we make the best of this? We worked with the House and the Senate—bicameral; we worked with the staff of the Republicans and the staff of the Democrats, bipartisan—to try to see if we could put together something that would allow us to put the fiscal year 2007 appropriations bills behind us and move ahead, because we need to move immediately now to begin to put together the fiscal year 2008 appropriations bills. We need to do that now.

So I only make the point that that is why we are here. No one likes it. We have done the best we could to make the best out of a bad situation.

Mr. INHOFE. Madam President, will the Senator yield for a very friendly question?

Mr. DORGAN. I will be happy to yield.

Mr. INHOFE. We had authorized \$5.7 billion to be spent this year on the BRAC process and \$4.1 billion was taken out, with \$1 billion put back. My question to you is: Can we have that made up without taking it out of a supplemental that would be pulling it out of other wartime activities? I would say that probably would work. That is my concern.

Mr. DORGAN. Madam President, reclaiming my time, it is not going to be taken out of other funding in a supplemental. It will be added to a supplemental, I presume. The President has proposed sending us \$250 billion in emergency funding in two tranches, the first for this fiscal year and the second for the next fiscal year. My assumption is that everyone here believes those BRAC funds need to be dealt with and will be dealt with in a supplemental, not by taking it away from other military expenditures.

Madam President, I yield the floor.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the nomination of Nora Barry Fischer, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Mr. DORGAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Hawaii (Mr. INOUE),

and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER (Mr. OBAMA). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 47 Ex.]

YEAS—96

Akaka	Domenici	McConnell
Alexander	Dorgan	Menendez
Allard	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Graham	Obama
Boxer	Grassley	Pryor
Brown	Gregg	Reed
Brownback	Hagel	Reid
Bunning	Harkin	Roberts
Burr	Hatch	Rockefeller
Byrd	Hutchison	Salazar
Cantwell	Inhofe	Sanders
Cardin	Isakson	Schumer
Carper	Kennedy	Sessions
Casey	Kerry	Shelby
Chambliss	Klobuchar	Smith
Clinton	Kohl	Snowe
Coburn	Kyl	Specter
Cochran	Landrieu	Stabenow
Coleman	Lautenberg	Stevens
Collins	Leahy	Sununu
Conrad	Levin	Tester
Corker	Lieberman	Thune
Cornyn	Lincoln	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Webb
Dodd	McCain	Whitehouse
Dole	McCaskill	Wyden

NOT VOTING—4

Biden	Johnson
Inouye	Thomas

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table.

The President will be immediately notified of the Senate's action.

Mr. CASEY. Mr. President, I was pleased that today a fellow Pennsylvanian, Nora Barry Fischer, was confirmed by the U.S. Senate to serve on the U.S. District Court for the Western District of Pennsylvania. I was also happy to help expedite her nomination before the Judiciary Committee to help ensure a speedy consideration by the full Senate.

Ms. Fischer is a native of Homestead, PA, and a graduate of Notre Dame Law School. In private practice, she has gained extensive experience in litigation and mediation. Ms. Fischer will bring a wealth of knowledge to the bench, and I am confident that she will serve western Pennsylvania and the Nation well.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2007—CONTINUED

The PRESIDING OFFICER. Under the previous order, all pending amendments on H.J. Res. 20 are withdrawn.

The clerk will read the resolution for a third time.

The joint resolution (H.J. Res. 20) was read the third time.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass?

Mr. NELSON of Florida. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Hawaii (Mr. INOUE), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 15, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—81

Akaka	Dodd	McCaskill
Alexander	Domenici	McConnell
Allard	Dorgan	Menendez
Baucus	Durbin	Mikulski
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Bingaman	Grassley	Nelson (FL)
Bond	Gregg	Nelson (NE)
Boxer	Harkin	Obama
Brown	Hatch	Pryor
Bunning	Hutchison	Reed
Burr	Isakson	Reid
Byrd	Kennedy	Rockefeller
Cantwell	Kerry	Salazar
Cardin	Klobuchar	Sanders
Carper	Kohl	Schumer
Casey	Kyl	Shelby
Chambliss	Landrieu	Specter
Clinton	Lautenberg	Stabenow
Cochran	Leahy	Stevens
Coleman	Levin	Sununu
Collins	Lieberman	Tester
Conrad	Lincoln	Thune
Corker	Lott	Vitter
Cornyn	Lugar	Webb
Craig	Martinez	Whitehouse
Crapo	McCain	Wyden

NAYS—15

Brownback	Enzi	Sessions
Coburn	Graham	Smith
DeMint	Hagel	Snowe
Dole	Inhofe	Voinovich
Ensign	Roberts	Warner

NOT VOTING—4

Biden	Johnson
Inouye	Thomas

The joint resolution (H.J. Res. 20) was passed.

Mr. KERRY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAMBLISS. Mr. President, may I inquire as to the pending business?

The PRESIDING OFFICER. There is currently no pending business.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to speak as in morning business.

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

SCHIP FUNDING

Mr. CHAMBLISS. Mr. President, I rise to thank the majority leader for his cooperation on an issue regarding an amendment that I had on the continuing resolution relative to the SCHIP problem that exists not just in my State of Georgia, but in 13 States where we have a shortfall in Federal funding that is going to require, if we don't take action, a number of children all across America to be removed from the SCHIP rolls, and their health insurance will be terminated. The majority leader has agreed that during the break we are going to work among our staffs—Senator ISAKSON and I have been in conversation with his staff already—and we are going to continue to work with him, as well as with others.

This is not a problem unique to Georgia. We are going to seek to come to a compromise on this issue. In about 10 days to 2 weeks or so, we will have a cure or a fix for this problem that exists out there regarding the shortfall on SCHIP.

To Senator REID, I say thank you for his cooperation on this and his commitment to working together with us to find a solution for the children all across America to make sure these children do remain insured. I say to my colleague from Georgia, Senator ISAKSON, thanks for his hard work and commitment on this issue as we have worked very closely together.

I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. 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. ENSIGN. Mr. President, I ask to speak as in morning business.

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

CELEBRATING THE LEGACY OF ABRAHAM LINCOLN

Mr. ENSIGN. Mr. President, since 1915, an oil portrait of Abraham Lincoln has hung in the chambers of the Nevada Assembly. The painting of our 16th President serves as a reminder of Nevada's entrance to the Union during his remarkable administration and of the special place his leadership will always hold in our State's history.

I want to pay tribute today to that man who rose to the highest office in our country at one of the most turbulent times in our history. He is an example to all of a good, decent, honor-

able man, who contributed more to the freedom we cherish today than we may ever fully understand.

February 12 was the 198th anniversary of Abraham Lincoln's birth in a log cabin in Kentucky. We all learned about "Honest Abe" in grade school and his role in guiding this Nation through the Civil War.

But at the very essence of Abraham Lincoln was a man of great conviction who showed incomparable humility, a tested sense of morality, and an ability to rise above personal pettiness. Learning about Abraham Lincoln's life is a humbling lesson in leadership.

He was self-educated and had none of the advantages of a formal education. He taught himself the law and never stopped learning along the way. Whether it was studying history, philosophy, or military strategy, what Lincoln lacked in classroom time, he made up for in focus and determination.

And while moral fiber can be taught, that doesn't mean it will have its desired effect. It is said that trials don't build character, they reveal it. Abraham Lincoln had so many trials. His tremendous character was revealed time and again. The stories are endless, but I want to share a few examples of what a giant of a man President Lincoln really was.

During his days practicing law, Lincoln would often ride the legal circuit, which meant that he traveled with a band of lawyers and judges across Illinois to try cases in every corner of the State. Lincoln was admired and loved by his colleagues for his skill as a lawyer, and his gift for telling stories was legendary. It was during this time that fellow lawyers noted Lincoln's heartfelt conviction that no man was better than he. One lawyer pointed out:

He arrogated to himself no superiority over anyone. . . .

This sense of equality would remain consistent throughout Lincoln's life—as a man and a public servant—and would extend to other character strengths he exhibited. Lincoln was humble—to an astonishing degree. In 1855, Lincoln withdrew his name for a seat in the U.S. Senate. Although he had the greater number of votes, it became apparent that, if either he or the other anti-slavery candidate did not succumb, the cause of slavery would be the true victor. Much to the dismay of his loyal supporters, Lincoln advised the floor manager to drop his name, handing Lyman Trumball the win. Lincoln showed no hard feelings and shook Trumball's hand at his victory party.

Six months later, Lincoln suffered another blow to his morale when he believed that he was part of an important patent test case. Unbeknownst to him, he was not part of the case, but he continued to prepare as if he were. When he approached the lawyers involved with the case, one of them, Edwin Stanton, drew the other aside and asked why he had brought the ". . . long armed Ape here . . . he does not know any thing and can do you no

good." Stanton treated Lincoln poorly in the days that followed, but six years later, Lincoln asked Stanton to be his Secretary of War.

Lincoln's ability to put aside such losses—which for most people would be terrible ego blows—was inspiring. Not only did he move forward, but he wasn't blinded by hate or rage and he didn't seek revenge. Instead, he recognized the need to surround himself with the best people who would make the greatest contributions to the mission at hand.

Lincoln's decision on who would join his cabinet was the perfect example of what his assistant, John Nicolay, described as "one of great courage and self-reliance." Lincoln did not fill these positions with friends and loyal supporters who would agree with him and thought as he did. According to Lincoln:

We needed the strongest men of the party in the Cabinet. We needed to hold our own people together. I had looked the party over and concluded that these were the very strongest men. Then I had no right to deprive the country of their services.

It took great strength of character to understand that—especially when three of those men were his rivals for the Republican nomination for the presidency. These men: William Seward, Salmon Chase, and Edward Bates, were stunned by their losses to Lincoln in the primary and each maintained that he was the best man for the post well after their losses. When Lincoln embraced them for the cabinet positions, they still looked down on him as the lesser choice for president. However, Lincoln was wonderfully gifted at transforming rivals to admirers.

Seward, who Lincoln named his Secretary of State, slowly came to recognize the President's strong leadership abilities. He called the President's nobility "almost superhuman." Seward was not alone.

But not everyone grew gradually fond of the President, as many saw his promise and brilliance immediately. Nevada's first senator William Stewart, whose seat I occupy today, described Lincoln's greatness.

President Lincoln was the greatest man this hemisphere has produced. Without schooling he wrote the best English; without education in rhetoric or logic he was the most conclusive reasoner; without the slightest pretension to oratory he was the most persuasive speaker of his time. He was the kindest, most benevolent and humane man of his generation. Whoever may be second as a scholar, as a statesman and as a friend of humanity, Lincoln must be first.

Lincoln also touched the hearts of the soldiers who served under him. After one of his many visits to the troops on the battlefield, one soldier wrote home that as the President passed them, his smile "was a real reflection of his honest, kindly, heart; but deeper, under the surface of that marked and not all uncomely face, were the unmistakable signs of care and anxiety . . . In fact, his popularity in the army is and has been universal."

Lincoln's honest, kindly heart—that the soldier referenced—was also apparent in his loyalty and willingness to take responsibility for his actions. Lincoln would not let a subordinate take the fall for a decision he had made. In 1862, Secretary of War Edwin Stanton was the victim of an especially aggressive, brutal personal attack. He was accused of not providing all the backup troops to counter what turned out to be a battle of great loss to the Union. Lincoln took the unprecedented step of convening a Union meeting with all the government departments. The audience, gathered in front of the Capitol, was comparable in size to that of a crowd at an inauguration. He explained that, "The Secretary of War is not to blame for not giving when he had none to give. I believe he is a brave and able man, and I stand here, as justice requires me to do, to take upon myself what has been charged on the Secretary of War." What a humbling story. This is what Harry Truman meant when he said, "The buck stops here."

Equal to his loyalty was Abraham Lincoln's courage. The Emancipation Proclamation was described by one supporter as ". . . the greatest act of justice, statesmanship, and civilization, of the last four hundred years." The Executive Order, signed by President Lincoln, declared the freedom of all slaves in those areas of the rebellious Confederacy that had not already returned to Union control. By the summer of 1865, an estimated four million slaves had been freed. Hannah Johnson, the mother of a Northern Black soldier, wrote to President Lincoln about the Emancipation Proclamation, stating:

When you are dead and in Heaven, in a thousand years that action of yours will make the Angels sing your praises.

No doubt there are angels still singing, just 144 years later.

Lincoln never considered himself a champion for the slave. His priority was upholding and defending the Union and the Constitution upon which it stood. However, it was his vision and steady leadership that ultimately brought down slavery in the United States. With this transformation also came the respect and admiration of black abolitionist Frederick Douglass. Douglass has been a frequent critic of the President's, trashing him publicly many times. However, the two agreed on the need to recruit and build black regiments to fight in the war. It was a controversial move, but Lincoln understood the impact that the soldiers would have on the rebellion. Douglass went to the White House to meet with Lincoln about some of the inequalities among black and white soldiers. Just as he had won over countless rivals in the past, Lincoln's "humane spirit," as Douglass called it, won him over as well. The two formed a relationship, and Douglass came to greatly admire Abraham Lincoln.

I wanted to talk about Abraham Lincoln because there is a timeless lesson

in his style of leadership and his moral fiber. Today, we face a politically divided government and country. However, the issues are not as dire as the Civil War that took the lives of what today would be five million people. The United States is not on the brink of extinction. But we have an opportunity to rise above the political games and the pettiness to make progress on some of the major issues facing our Nation. We should all strive to show some of the humility, moral conviction, courage, and honesty by which Abraham Lincoln lived his life. This Nation paid a grave price in the name of freedom under his watch. Not only did freedom survive but it flourished, and he led us to new and greater heights.

Abraham Lincoln lost his life in the name of that freedom. After being shot in the back of the head, Lincoln struggled for 9 hours between life and death. The Nation—north and south—mourned for this beloved man, but those most inconsolable were the men who had first been Lincoln's rivals and who had later become his closest friends and advisors. There is no greater praise than that of Secretary of War Edwin Stanton whose tribute from Lincoln's deathbed has proven true, "Now he belongs to the ages."

President Lincoln told an Ohio regiment in 1864:

It is not merely for to-day, but for all time to come that we should perpetuate for our children's children this great and free government, which we have enjoyed all our lives.

I invite my colleagues to join me in honoring the legacy of one of our greatest Presidents by working together and challenging each other to lead as he did.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. OBAMA. Madam President, I ask unanimous consent that there now be 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.

TRIBUTE TO THE LATE CONGRESSMAN CHARLIE NORWOOD

Mr. COBURN. Madam President, I want to take a few minutes first to talk about someone who was a very dear friend whom I think was emblematic of what our forefathers thought about when they thought about a U.S. Congressman. His name was CHARLIE

NORWOOD. He died yesterday. CHARLIE was a "tell it like it is" guy. His motivations were always altruistic. They were never self-centered.

He had never been in politics. He was a dentist, and he got fed up. He came here and had a tremendous impact in terms of his voice of common sense, reason, and compassion. The House of Representatives is going to miss that voice, but more important, the American people are going to miss one of the few voices of common sense that we have in Congress today. He leaves a wife, Gloria, and two sons, all supportive of his sacrifice to serve here.

There are a lot of stories told about CHARLIE. I won't go into that. He was always fun to be around. He was always invigorating. And he never quit believing in this wonderful thing we call the American dream.

He fought hard for what he thought was right on immigration. He recognized that if we build a wall, it is not to keep people in; that the opportunities here are so great, what has been created by our Founders and grew through the years is so tremendous, that we ought to continue to take advantage of it.

What I really liked about him was that he was a true citizen legislator. He abandoned his practice and his easy life and came to do the hard work of representing the people of Georgia with common sense and down-home, plain family values. He will be sorely missed. But he leaves a legacy, a legacy to everybody who is out there today who thinks we need to change the Congress of the United States. The legacy he leaves is this: If you are willing to sacrifice and get into the fray, you can come here and make a difference. That is what he proved. His life was not that of a career politician—although that is a wonderful service, and we have dedicated people throughout both Houses of Congress who have dedicated their lives to public service. But he brought a freshness and he brought ideas because his experience was what everybody else in the country was experiencing, not what is experienced among the political elite in this country.

The challenge that CHARLIE leaves for all of us who are not in Congress, who do not like things the way they are, is to actually get involved. That legacy will live on for a long time—I know in his district in Georgia, and also through the State of Georgia—but also for those of us who will continue to remember him and the sacrifices he made.

HARD WORK YIELDS WISE INVESTMENTS FOR AMERICA

Mr. BYRD. Madam President, the Senate today gave final Congressional approval to a comprehensive \$463.5 billion funding resolution. The vote today was the culmination of many weeks of determined effort by Senators and Members of the House from both parties, and from their talented staffs.

I take a moment to thank Senators for their support for this legislation, and to the members of the Appropriations Committee, Democratic Senators and Republican Senators, for their determination and effort to reach this milestone.

This was not easy legislation to craft. Members and staff took on the difficult task of wrapping the funding of every domestic department and agency into a single bill, without Congressional earmarks and within very austere budget limitations. It was one of the most complex processes that the Appropriations Committee has undertaken in recent memory. But it was a challenge that we met in a smart, innovative way.

I thank the Appropriations Committee staff: Staff Director Terry Sauvain; Deputy Staff Director Charles Kieffer; Agriculture, Rural Development, FDA clerk Galen Fountain; Commerce, Justice, Science clerk Paul Carliner; Defense clerk Charlie Houy; Energy and Water clerk Doug Clapp; Financial Services clerk Marianne Upton; Interior clerk Peter Kiefhaber; Labor, Health and Human Services, and Education clerk Ellen Murray; Legislative Branch clerk Nancy Olkewicz; Military Construction and Veterans Affairs clerk Christina Evans; State and Foreign Operations clerk Tim Rieser; and Transportation and Housing and Urban Development clerk Peter Rogoff; their associate staffs; Communications Director Tom Gavin and Communications Coordinator Cindy Huber; Deputy Chief Clerk Elnora Harvey; and professional staff members Jack Conway and Bob Knisely. Senators know the value of a strong staff, and this staff is, in my opinion, the best on Capitol Hill. Each of these men and women devoted long hours to this legislation. But it was not just a commitment of time; it also was the application of their years of experience and their dedication to this country that helped to craft this funding resolution and help see it through the Senate.

This was a bipartisan effort, and I want to pay tribute to Senator THAD COCHRAN, the ranking member of the Senate Appropriations Committee, his staff director Bruce Evans, and the Republican subcommittee staffs. They were partners in producing this balanced funding legislation, and their ideas and input were invaluable.

Not only was the writing of this legislation a bipartisan process, but it also was a bicameral one. House Appropriations Chairman DAVE OBEY and his staff, and Ranking Member JERRY LEWIS and his staff, were integral to the success of this legislation.

This final funding package is an example of how the Congress can work together, without regard to party lines or partisan positions. This legislation focuses not on Democratic priorities or Republican priorities, but rather on national priorities of health care; law enforcement and counterterrorism ef-

forts; education, medical care for our troops and our veterans; and energy independence. We invest resources wisely in an effort to meet the country's needs today while building the foundation for a stronger America tomorrow.

I thank Senators for their support of this legislation, and I look forward to continuing this bipartisan effort on the Fiscal 2008 appropriations legislation.

CENTRALIA HIGH SCHOOL BASKETBALL TEAM

Mr. DURBIN. Madam President, I rise today to congratulate the Centralia High School boy's basketball team for 100 years of remarkable success.

The Centralia High Orphans have earned the distinction of being one of the "winningest" high school basketball teams in America. The Centralia basketball program began its winning career with a 2-and-2 record in its inaugural 1906-1907 season, less than a decade after the sport had been invented. In this their 100th season, the Orphans have amassed more than 1,975 career wins.

During the past 100 years, Centralia High has witnessed many legendary coaches and players. Coach Arthur Trout led the team to three State championships as well as an impressive 1941 season of 44 wins and only 2 losses. Coach Trout has an honored place in Centralia High's history where the new school gym bears his name today. Even now, many fans fondly recall the Orphans' all-time leading scorer, Dwight "Dike" Eddleman, who played for the team in the 1940s. Eddleman went on to letter in three sports at the University of Illinois, won the silver medal in the high jump at the 1948 Paris Olympics, and played in the NBA. Other Orphans that represented Centralia in the NBA include Bobby Joe Mason, Ken McBride, and Dick Garrett.

I am proud to be able to offer my congratulations to the Centralia High basketball team, Coach Randy Lincoln, and the town of Centralia, IL on reaching their 100th season, and I look forward to cherring on many more successful seasons of Orphans basketball in the future.

TRIBUTE TO CAMPBELLSVILLE UNIVERSITY

Mr. McCONNELL. Madam President, I rise today to honor a great Kentucky institution, Campbellsville University, as it celebrates 100 years of academic excellence.

Campbellsville University was originally founded in 1906 as the Russell Creek Academy and has proven itself to be an outstanding institution of higher education over the last 100 years. It has had an immeasurable impact on thousands of young men and women and has helped add to the academic excellence of our fine Commonwealth.

In the beginning, the Russell Creek Academy began with training departments for teacher and pastor training. In 1907 the Russell Creek Academy provided classes in music, art, and a diploma program for an enrollment of 200 students. Campbellsville University has now grown to 2,300 students as of last fall, with 38 undergraduate programs and 9 graduate programs, all while encompassing 75 acres of beautiful land near Campbellsville, KY.

To make sure that the university will continue to grow and progress for the next 100 years as it has this past century, many improvements are being made across the campus to add to its beauty and improve life for students. For instance, great progress is being made on the 800-seat Ransdell Chapel and the new Heilman Student Center. With the new School of Nursing, new tennis courts and the 48-bed addition to the Resident Village, Campbellsville University is looking forward to many new projects to keep up the demand and growth of this institution.

Academically, the School of Nursing program began this year and is off to a great start. Campbellsville University has also expanded its master of business administration program, moving along with the technological revolution by offering the program online in addition to the traditional MBA classes that the University has offered and been so well-known for over the years.

The students enrolled at Campbellsville University are proudly preparing a time capsule to commemorate this centennial celebration that will be opened in another 100 years, in 2107. The capsule will enable students 100 years from now to look at a time before they became students at Campbellsville University and compare its first 100 years to the next.

According to Dr. Michael V. Carter, the school's president, "at Campbellsville University, faculty encourage students to grow stronger spiritually and find their true purpose in life, which is the greatest discovery of all." I hope that the history and tradition of this great school, encapsulated in the time capsule that they are preparing, will aid in that discovery for the students of today and a century to come.

Madam President, I ask that the entire Senate join me in congratulating Campbellsville University on this auspicious occasion; with 100 years of excellence in education behind us, we look forward to the next 100 with high hopes and anticipation.

HONORING OUR ARMED FORCES

SPECIALIST RAYMOND "NEAL" MITCHELL, III

Mrs. LINCOLN. Madam President, I wish to pay tribute to the life of Army SPC Raymond "Neal" Mitchell III. Specialist Mitchell gave his life serving our Nation in Operation Iraqi Freedom. Although he may no longer be with us, his legacy and spirit will live on through the lives he touched and the example he set for others.

Originally from Tennessee, Specialist Mitchell moved to West Memphis, AR, in 2002 to live with his grandparents and attend West Memphis Christian School. While going to school, Mitchell helped his grandparents with the business they had operated for more than 18 years. Teachers at West Memphis Christian School remember Specialist Mitchell for the tremendous strides they witnessed him make as a student and as a person. The quiet young man they knew came out of his shell and became involved in the school and the community. Specialist Mitchell clearly valued the company of friends and family and considered returning one day to coach baseball. Upon graduating in 2004, he enrolled at Arkansas State University in Jonesboro before enlisting in the U.S. Army in 2005.

While serving in the Army, Specialist Mitchell became an infantryman. Despite the ever-present danger, he courageously devoted his skills where he felt they were needed most—becoming the point man, or lookout, for his patrol. When asked why he became a point man he said, "I'm not the best shot . . . but I'm the fastest." It was a testament to his bravery, desire to serve his country and devotion to his fellow soldiers. In August 2006, his unit deployed to Baghdad where he served as a driver and gunner for humvees while on patrol. Over Thanksgiving he had the opportunity to return home on a 2-week leave from Iraq. During his leave, he spent time with his family in Tennessee and had a chance to visit his old school in West Memphis. He told his grandmother that after completing his service in the Army, he planned to go back to Arkansas State University and try out for the baseball team.

Tragically, Specialist Mitchell died on January 6, 2007, from wounds sustained during routine security operations in Baghdad. On January 15, he was laid to rest in Smyrna, TN, with full military honors. He was posthumously awarded the Bronze Star and the Purple Heart.

The loss of someone so young and full of life, and loved by so many is a tragic reminder of the terrible consequences of war. While I could never find the words to adequately express the sorrow felt by friends and family of Neal Mitchell, I hope they can find some solace knowing that he lived his life with passion and with love. My thoughts and prayers are with his family members, friends, and all those who knew and loved him.

HONORING THE LIFE OF CONGRESSMAN CHARLIE NORWOOD

Mr. GRAHAM. Madam President, I wanted to take this opportunity to say a few words about my close friend and colleague who passed away yesterday, Congressman CHARLIE NORWOOD.

There is no doubt that with the death of CHARLIE NORWOOD the State of Georgia has lost one of her favorite sons. We were elected to serve in the House

of Representatives the same year and represented adjoining districts in Georgia and South Carolina.

CHARLIE was a dear friend of mine.

I have never met anyone in politics with more passion about what they believe than CHARLIE NORWOOD. He was a great representative for the people for the people of the 10th district of Georgia, and in his years of service he made a real difference in the Congress.

There is no doubt CHARLIE's leadership, his wisdom, and his wit will be sorely missed.

Now is the time to keep CHARLIE's family in our prayers. But we should also celebrate a life well-lived. Knowing CHARLIE NORWOOD like I do, I am confident he would not have wanted it any other way.

VOTE EXPLANATION

Mr. BROWNBACK. Madam President, due to inclement weather resulting in flight delays around the country on February 13, I was regrettably unable to arrive in Washington before the Senate voted on the motion to invoke closure on H.J. Res. 20. Regarding vote No. 46, I would not have voted in favor of the motion to invoke cloture on H.J. Res. 20. My vote would not have altered the result of this motion.

BLACK HISTORY MONTH

REGINALD JONES

Mr. MENENDEZ. Madam President, I rise today to join with my colleague, Senator FRANK R. LAUTENBERG, and our House colleague Congressman DONALD PAYNE in honoring Reginald Jones, a distinguished and inspiring figure in African-American history. In recognition of Black History Month, we gathered with residents of New Jersey to pay tribute to Mr. Jones on Saturday, February 10, 2007, at the Newark Museum in Newark, NJ, during "A Salute to Heroes."

Raised in Newark, NJ, Reginald Jones has dedicated his life to serving our great Nation. First, as a proud marine, he defended the freedoms and liberties we all hold dear as Americans.

It was while stationed in Guantanamo Bay that Reginald discovered boxing, a sport which led him to win the bronze medal at the 1971 Pan-Am Games in Cali, Colombia. In 1972, Reggie was selected as a member of the U.S. Olympic Team in Munich, Germany. In a boxing match that led to many changes in the sport, Reginald, a light middleweight, found himself in the ring with Valerie Tebugov of the Soviet Union. Judging discrepancies did not allow Reginald to advance to medal rounds, but Reginald received a good sportsmanship award for the dignity he displayed throughout the games, which he fondly recalled in a Star Ledger article as an "opportunity to make many friends."

Now, as a caseworker with the New Jersey Division of Children and Families Services for more than 20 years,

Reginald continues to serve our Nation, caring for and watching over the neediest children, ensuring that future generations have access to the same opportunities that helped Reggie reach his goals.

There is no doubt Reginald Jones is an exemplary leader and a profoundly committed individual who is a true role model for the Nation. Therefore, I am pleased to pay tribute to Reginald Jones, and know my colleagues will join in wishing him continued success.

TOMMIE SMITH

Madam President, I also rise today to join with my colleague, Senator FRANK R. LAUTENBERG, and our House colleague Congressman DONALD PAYNE to honor Tommie Smith, a distinguished and inspiring figure in African-American history. In recognition of Black History Month we gathered with residents of New Jersey to pay tribute to Dr. Smith on Saturday, February 10, 2007, at the Newark Museum in Newark, NJ, during "A Salute to Heroes."

Tommie Smith was born to Richard and Dora Smith on June 6, 1944, in Clarksville, TX. The 7th of his family's 12 children, he moved to California at a young age. His father was a sharecropper, and Tommie used to pick cotton at neighboring farms to help with the family finances.

During high school he excelled at football, basketball, and track. He received his bachelor of arts degree from San Jose State University in social science, with double minors in military science and physical education, and his masters degree in sociology from Goddard Cambridge in Boston, MA. As a sophomore college student, Tommie began breaking world records in track and went on to tie or break a total of 13 world records. He is the only man in the history of track and field to hold 11 world records simultaneously.

In 1968, Tommie was selected for the U.S. Olympic team for track and field. The 19th Olympiad, held in Mexico City, witnessed Tommie Smith breaking the world and Olympic records for the 200-meter race with a time of 19.83 seconds. On October 16, 1968, as the "Star Spangled Banner" played, Tommie stood on the victory podium, draped with his Olympic gold medal, shoeless, and together with his teammate, John Carlos, raised a clenched fist, covered in a black leather glove, in what has come to be recognized as a historic stand for "power, liberation and solidarity." Both Tommie and John were members of the Olympic Project for Human Rights. This silent act received both cheers and jeers, and Tommie was suspended by the U.S. Olympic Committee and ordered to leave Mexico. But Tommie Smith was not dissuaded from his commitment to championing the cause of oppressed people.

After the Olympics, Tommie returned to San Jose State University. Upon graduation, Tommie played professional football with the Cincinnati Bengals for 3 years. But teaching and

coaching were his true calling, and he later became a track coach at Oberlin College, in Ohio, where he also taught sociology, and at Santa Monica College, in California. Now a resident of Georgia, Tommie has dedicated his time to speaking to students across the country, urging them to stand up for what they believe in and to have "faith and hope."

Since 1968, Tommie Smith has been recognized for his actions in defense of civil rights and for his athletic prowess by various organizations including the National Track & Field Hall of Fame, the California Black Sports Hall of Fame, the County of Los Angeles and the State of Texas. He was honored with the 2004 dedication of the Tommie Smith gymnasium in Saint-Ouen, France, and a 2005 honorary doctorate degree of humane letters from San Jose State University.

There is no doubt Tommie Smith is an exemplary leader and a profoundly committed individual who is a true role model for the Nation. Therefore, I am pleased to pay tribute to Tommie Smith, and I know my colleagues will join in wishing him continued success.

COMMEMORATING ARIZONA'S STATEHOOD

Mr. KYL. Madam President, 95 years ago today Arizona became the 48th State in the Union when, on February 14, 1912, President William Taft signed the Arizona Statehood Act.

Today, just as almost a century ago, Americans are drawn to Arizona's economic opportunity, culture, and natural beauty. At the time of statehood, Arizona's population numbered in the hundreds of thousands, but it was growing quickly, from around 200,000 in 1910 to over 330,000 in 1920. Today, it is the Nation's fastest growing State, with a population of more than 6 million.

Tourists flock to the State for its cultural heritage and scenic beauty. Arizona is home to four national parks and many other national monuments and historic sites. Many who visit these sites are heeding the advice of Theodore Roosevelt, who said of the Grand Canyon, "You cannot improve on it. But what you can do is to keep it for your children, your children's children, and all who come after you, as the one great sight which every American should see."

From its days as a rough Wild West territory to the dynamic State it is today, Arizona's beauty and culture has captivated those who have experienced it. I wish the State a happy birthday.

ADDITIONAL STATEMENTS

KANSAS AIR NATIONAL GUARD

• Mr. BROWNBAC. Madam President, I wish to acknowledge the accomplishments of the Kansas Air National

Guard, specifically the 190th Air Refueling Wing which celebrates its 50th anniversary on February 23, 2007. The enormous sacrifice and dedication of these heroic men and women reflects well on themselves, the 190th Air Refueling Wing, and the Kansas Air National Guard. They truly make all Kansans proud.

This outstanding military organization began as the 117th Fighter-Interceptor Squadron located at the Hutchinson Naval Air Station in Hutchinson, KS. The unit was federally recognized on February 23, 1957. Over the course of its 50-year history, the 190th has flown the F-80, B-57A, B-57G, RB-57, EB-57, KC-135A, KC-135D, KC-135E and currently the KC-135R. The unit was stationed at Hutchinson Naval Air Station—later the Hutchinson Air National Guard Base—until 1967 when the unit was transferred to Forbes Air Force Base in Topeka, KS.

The 190th Air Refueling Wing at Forbes Field continues to be a leader in the Air National Guard. The unit recently received two prestigious awards—the Spaatz trophy—awarded to the overall outstanding Air National Guard Flying Wing—and the Air Force Outstanding Unit Award. We owe these brave servicemen, servicewomen, and their families a debt of gratitude. I thank them for their 50 years of service and extend my best wishes to them for the next 50 years and beyond.●

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:03 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 bill:

H.R. 742. An act to amend the Antitrust Modernization Commission Act of 2002, to extend the term of the Antitrust Modernization Commission and to make a technical correction.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 4:00 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 bill, in which it requests the concurrence of the Senate:

H.R. 437. An act to designate the facility of the United States Postal Service located at 500 West Eisenhower Street in Rio Grande City, Texas, as the "Lino Perez, Jr. Post Office".

MEASURES REFERRED

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

H.R. 437. An act to designate the facility of the United States Postal Service located at 500 West Eisenhower Street in Rio Grande City, Texas, as the "Lino Perez, Jr. Post Office"; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 574. A bill to express the sense of Congress on Iraq.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions. *Leon R. Sequeira, of Virginia, to be an Assistant Secretary of Labor.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. REID (for himself, Mr. HATCH, Mrs. CLINTON, Ms. MURKOWSKI, Mr. SANDERS, Ms. SNOWE, Mr. WARNER, Mr. FEINGOLD, Mr. BIDEN, Mr. MENENDEZ, Mr. REED, Mr. LEAHY, and Mr. LAUTENBERG):

S. 579. A bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH:

S. 580. A bill to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD:

S. 581. A bill to amend the Buy American Act to increase the requirement for American-made content, to tighten the waiver provisions, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SMITH (for himself, Mr. ROCKEFELLER, Mr. REED, and Mr. ALEXANDER):

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; to the Committee on Finance.

By Mr. SALAZAR:

S. 583. A bill to create a competitive grant program for States to enable the States to award salary bonuses to highly qualified elementary school or secondary school teachers who teach, or commit to teach, for at least 3 academic years in a school served by a rural local educational agency; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself, Mr. SMITH, and Ms. LANDRIEU):

S. 584. A bill to amend the Internal Revenue Code of 1986 to modify the rehabilitation credit and the low-income housing credit; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. INHOFE, and Mr. HARKIN):

S. 585. A bill to require the Secretary of the Treasury to mint and issue coins in commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN:

S. 586. A bill to amend the Public Health Service Act to provide grants to promote positive health behaviors in women and children; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 587. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Model T Ford Automobile and the 100th anniversary of the Highland Park Plant, Michigan, the birthplace of the assembly line, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON of Florida (for himself, Mr. REID, and Mr. BIDEN):

S. 588. A bill to amend title XVIII of the Social Security Act to increase the Medicare caps on graduate medical education positions for States with a shortage of residents; to the Committee on Finance.

By Mr. ALLARD:

S. 589. A bill to provide for the transfer of certain Federal property to the United States Paralympics, Incorporated, a subsidiary of the United States Olympic Committee; to the Committee on Environment and Public Works.

By Mr. SMITH (for himself, Mr. SALAZAR, Ms. SNOWE, Mr. MENENDEZ, Mr. LUGAR, Mr. KERRY, Mr. KENNEDY, Mr. ALLARD, Mr. WYDEN, Mr. LIEBERMAN, Mr. LAUTENBERG, Ms. CANTWELL, and Ms. LANDRIEU):

S. 590. A bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes; to the Committee on Finance.

By Mr. CHAMBLISS (for himself, Mr. HARKIN, Mr. ROBERTS, Mrs. LINCOLN, Mr. COCHRAN, and Mr. LEAHY):

S. 591. A bill to amend the Food Stamp Act of 1977 to adjust for inflation the allowable amounts of financial resources of eligible households and to exclude from countable financial resources certain retirement and education accounts; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. COLLINS:

S. 592. A bill to amend the Internal Revenue Code of 1986 to provide for a manufacturer's jobs credit, and for other purposes; to the Committee on Finance.

By Mr. BURR (for himself, Mr. REED, Mr. NELSON of Florida, Mr. MARTINEZ, Mr. DURBIN, Mrs. DOLE, and Ms. COLLINS):

S. 593. A bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. SANDERS, and Ms. MIKULSKI):

S. 594. A bill to limit the use, sale, and transfer of cluster munitions; to the Committee on Foreign Relations.

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

S. 595. A bill to amend the Emergency Planning and Community Right-to-Know

Act of 1986 to strike a provision relating to modifications in reporting frequency; to the Committee on Environment and Public Works.

By Mr. GREGG (for himself and Mr. SMITH):

S. 596. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of Internet pharmacies; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Ms. MURKOWSKI, Mrs. BOXER, Ms. SNOWE, Ms. CANTWELL, Mrs. CLINTON, Mr. SCHUMER, Mr. KYL, Mr. VOINOVICH, Mr. DURBIN, Mr. DODD, Mr. DOMENICI, Mr. STEVENS, Mr. WARNER, Mr. SALAZAR, Mr. BIDEN, Mr. FEINGOLD, Mr. GRAHAM, Mr. BAUCUS, Mr. THOMAS, Ms. MIKULSKI, Mr. LEAHY, Mr. BURR, Mr. BROWNBACK, and Mr. SUNUNU):

S. 597. A bill to extend the special postage stamp for breast cancer research for 2 years; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, Mr. VITTER, and Mr. LIEBERMAN):

S. 598. A bill to require reporting regarding the disaster loan program of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Ms. SNOWE (for herself, Ms. LANDRIEU, and Mr. VITTER):

S. 599. A bill to improve the disaster loan program of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. SMITH (for himself, Mr. DODD, Ms. COLLINS, Ms. SNOWE, Mr. KENNEDY, Mr. VITTER, and Mr. BINGAMAN):

S. 600. A bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAYH (for himself, Mr. COBURN, Mr. OBAMA, Mr. LEVIN, Mr. KERRY, Mr. CARPER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. SCHUMER, Ms. KLOBUCHAR, Mr. LIEBERMAN, Mr. BIDEN, Mr. BROWN, Ms. STABENOW, Mrs. CLINTON, Mr. LEAHY, and Mr. KENNEDY):

S. 601. A bill to amend the Internal Revenue Code of 1986 to require broker reporting of customer's basis in securities transactions, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. Res. 81. A resolution recognizing the 45th anniversary of John Hershel Glenn, Jr.'s historic achievement in becoming the first United States astronaut to orbit the Earth; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions,

and improve access to women's health care.

S. 57

At the request of Mr. INOUE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 57, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 80

At the request of Mr. STEVENS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 80, a bill to amend title 5, United States Code, to provide for 8 weeks of paid leave for Federal employees giving birth and for other purposes.

S. 206

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 223

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

S. 236

At the request of Mr. FEINGOLD, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 236, a bill to require reports to Congress on Federal agency use of data mining.

S. 254

At the request of Mr. ENZI, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 316

At the request of Mr. KOHL, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 316, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 329

At the request of Mr. CRAPO, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 388

At the request of Mr. THUNE, the name of the Senator from Kansas (Mr.

BROWNBACK) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 423, a bill to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 436

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 436, a bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes.

S. 479

At the request of Mr. HARKIN, the names of the Senator from Nevada (Mr. REID), the Senator from Ohio (Mr. BROWN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 505

At the request of Ms. COLLINS, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 505, a bill to amend the Internal Revenue Code of 1986 to increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

S. 518

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 518, a bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Kansas (Mr. ROBERTS) 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. 556

At the request of Mr. KENNEDY, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Utah (Mr. HATCH) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 556, a bill to reauthorize the Head Start Act, and for other purposes.

S. 558

At the request of Mr. DOMENICI, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from

New Mexico (Mr. BINGAMAN) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 565

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 565, a bill to expand and enhance postbaccalaureate opportunities at Hispanic-serving institutions, and for other purposes.

S. 572

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 572, a bill to ensure that Federal student loans are delivered as efficiently as possible in order to provide more grant aid to students.

S. 573

At the request of Ms. STABENOW, the name of the Senator from North Dakota (Mr. DORGAN) 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. CON. RES. 10

At the request of Mrs. CLINTON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Con. Res. 10, a concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary.

AMENDMENT NO. 234

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of amendment No. 234 intended to be proposed to H.J. Res. 20, a joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

AMENDMENT NO. 235

At the request of Mr. COBURN, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of amendment No. 235 intended to be proposed to H.J. Res. 20, a joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

AMENDMENT NO. 259

At the request of Mr. WARNER, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of amendment No. 259 intended to be proposed to H.J. Res. 20, a joint resolution making further continuing appropriations for the fiscal year 2007, and for other purposes.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. HATCH, Mrs. CLINTON, Ms. MURKOWSKI, Mr. SANDERS, Ms. SNOWE, Mr. WARNER, Mr. FEINGOLD, Mr. BIDEN, Mr. MENENDEZ, Mr. REED, Mr. LEAHY, and Mr. LAUTENBERG):

S. 579. A bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I am pleased to be joined by Senators HATCH, CLINTON, MURKOWSKI, SANDERS, and SNOWE in introducing the Breast Cancer and Environmental Research Act of 2007. On behalf of the millions of Americans who are affected by breast cancer, I urge all my Senate colleagues to support this important bill.

Many of us are familiar with breast cancer's serious toll on the Nation. Approximately 3 million women are living with the disease today, including an estimated 1 million who have not yet been diagnosed. Moreover, anyone's mother, daughter, wife, sister, or friend is at risk. It is thought that breast cancer will strike one in eight American women in her lifetime, with a new case diagnosed every 2 minutes. That means almost 275,000 new cases are expected to be diagnosed annually, including over 1,600 in Nevada. More than 40,000 lives are lost to the disease every year.

Deanna Jensen, a lifelong Nevadan and tireless activist for breast cancer research, was one of those lives. Sadly, Deanna passed away this year after her own heroic battle against breast cancer. Although the loss is most painfully felt by her loved ones, her legacy can be a reminder to us all that there are real people and real stories behind the impersonal statistics.

There are many more women across the country whose stories go unrecognized. But they deserve more than recognition and appreciation. They deserve answers to the same questions that many patients must surely ask themselves: Why me? Why do I have breast cancer?

The search for those answers is the driving force behind the Breast Cancer and Environmental Research Act. Unfortunately, we still do not know what causes breast cancer, despite the remarkable progress achieved so far. Scientists have identified some risk factors, but those factors can explain fewer than 30 percent of cases. Because many women, and men, have no family history or known genetic links to breast cancer, it is generally believed that the environment plays a role in the development of breast cancer. However, we still do not understand the extent of that role.

We do know that environmental toxins could be partly responsible for

America's high breast cancer rate. Studies have explored the effect of isolated environmental factors, such as diet, pesticides, and even electromagnetic fields. In most cases, the results have been inconclusive. Furthermore, there are many other factors that are suspected to play a role that have yet to be studied.

What is needed is not just a boost in the research investment on the role of the environment in the development of breast cancer, which has been very limited so far. We also need a comprehensive, national strategy to fully and effectively explore these issues. The Breast Cancer and Environmental Research Act would address both needs, thereby spurring on promising research. The resulting discoveries could be crucial to improving our knowledge of this complex illness, which could lead to new treatments and perhaps a cure one day.

Specifically, the Breast Cancer and Environmental Research Act will authorize \$40 million each year for five years to establish multi-institutional, multi-disciplinary Breast Cancer and Environmental Research Centers of Excellence. Each Center would include institutions with different areas of expertise working together to tackle the same problems from different angles, as well as collaborating with community organizations in the area. Modeled after the tremendously successful Breast Cancer Research Program at the Department of Defense, grants would be awarded under a competitive, peer-reviewed process that involves patient advocates.

Small studies sponsored by the National Institute of Environmental Health Sciences are already underway to study the prenatal-to-adult environmental exposures that may predispose a woman to breast cancer. This is a promising step in the right direction, but it is only a down payment on the task at hand. Moreover, the research strategy for these grants does not follow the nationally-focused, collaborative, and comprehensive model as outlined by the Breast Cancer and Environmental Research Act. Now, more than ever, we need to see the Breast Cancer and Environmental Research Act signed into law.

If we miss promising research opportunities because Congress has failed to act, millions more and their families will face difficult questions about breast cancer. Every day, many of these Americans, like Deanna Jensen, rise to the challenge of fighting back against breast cancer. I encourage Congress to heed the national call to action as well.

In the 109th Congress, 66 of my Senate colleagues and 262 members of the House of Representatives joined me in doing so. I hope that my colleagues in the 110th Congress will support the Breast Cancer and Environmental Research Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 579

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 "Breast Cancer and Environmental Research Act of 2007".

SEC. 2. NATIONAL INSTITUTES OF HEALTH; AWARDS FOR DEVELOPMENT AND OPERATION OF RESEARCH CENTERS REGARDING ENVIRONMENTAL FACTORS RELATED TO BREAST CANCER.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

"SEC. 404H. RESEARCH CENTERS REGARDING ENVIRONMENTAL FACTORS RELATED TO BREAST CANCER.

"(a) IN GENERAL.—The Secretary, acting through the Director of NIH, based on recommendations from the Breast Cancer and Environmental Research Panel established under subsection (b) (referred to in this section as the 'Panel'), shall make grants to public or nonprofit private entities for the development and operation of collaborative, multi-institutional centers for the purpose of conducting multidisciplinary and multi-institutional research on environmental factors that may be related to the etiology of breast cancer. Each such center shall be known as a Breast Cancer and Environmental Research Center of Excellence.

"(b) BREAST CANCER AND ENVIRONMENTAL RESEARCH PANEL.—

"(1) ESTABLISHMENT.—The Secretary shall establish within the National Institutes of Health a Breast Cancer and Environmental Research Panel.

"(2) COMPOSITION.—The Panel shall be composed of—

"(A) 9 members to be appointed by the Secretary, of which—

"(i) six members shall be appointed from among physicians and other health professionals, who—

"(I) are not officers or employees of the United States;

"(II) represent multiple disciplines, including clinical, basic, and public health sciences;

"(III) represent different geographical regions of the United States;

"(IV) are from practice settings, academia, or other research settings; and

"(V) are experienced in peer review; and

"(ii) three members shall be appointed from the general public who are representatives of individuals who have had breast cancer and who represent a constituency; and

"(B) such nonvoting, ex officio members as the Secretary determines to be appropriate.

"(3) CHAIRPERSON.—The members of the Panel appointed under paragraph (2)(A) shall select a chairperson from among such members.

"(4) MEETINGS.—The Panel shall meet at the call of the chairperson or upon the request of the Director of NIH, but in no case less often than once each year.

"(5) DUTIES.—The Panel shall—

"(A) develop a comprehensive strategy concerning collaborative centers that would—

"(i) result in innovative approaches to study unexplored or underexplored areas of the environment and breast cancer;

"(ii) outline key research questions, methodologies, and knowledge gaps concerning environmental factors that may be related to the etiology of breast cancer;

"(iii) outline key issues concerning environmental factors that may be related to the etiology of breast cancer; and

“(iv) result in an overall strategy to address environmental factors related to breast cancer;

“(B) make recommendations to the Secretary with respect to the mechanisms, peer review criteria, and allocations under this section;

“(C) assist in the overall program evaluation; and

“(D) make recommendations for the dissemination of information on program process.

“(c) **COLLABORATION WITH COMMUNITY.**—Each center under subsection (a) shall include community organizations in the geographic area served by the center, including those that represent women with breast cancer, as integral collaborators involved at all levels of the decision-making and research in such center.

“(d) **COORDINATION OF CENTERS; REPORTS.**—The Director of NIH shall, as appropriate, provide for the coordination of information among centers under subsection (a) and ensure regular communication between such centers, and may require the periodic preparation of reports on the activities of the centers and the submission of the reports to the Director.

“(e) **REQUIRED CONSORTIUM.**—Each center under subsection (a) shall be formed from a consortium of cooperating institutions and community groups, meeting such requirements as may be prescribed by the Director of NIH. Each center shall require collaboration among highly accomplished scientists, other health professionals and advocates of diverse backgrounds from various areas of expertise.

“(f) **DURATION OF SUPPORT.**—Support of a center under subsection (a) may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director of NIH and if such group has recommended to the Director that such period be extended.

“(g) **GEOGRAPHIC DISTRIBUTION OF CENTERS.**—The Director of NIH shall, to the extent practicable, provide for an equitable geographical distribution of centers under this section.

“(h) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there is authorized to be appropriated \$40,000,000 for each of the fiscal years 2008 through 2012. Such authorization is in addition to any other authorization of appropriations that is available for such purpose.”

Mr. HATCH. Mr. President, I am pleased to introduce today along with my colleagues, Senators HARRY REID, JOHN WARNER, HILLARY CLINTON, OLYMPIA SNOWE, LISA MURKOWSKI, and BERNIE SANDERS, the Breast Cancer and Environmental Research Act of 2007.

The American Cancer Society estimates that a woman in the United States has a one in eight chance of developing invasive breast cancer during her lifetime. This risk was about 1 in 11 in 1975. All women are at risk for breast cancer. About 90 percent of women who develop breast cancer do not have a family history of the disease. The most recent available statistics show that 40 percent of all women diagnosed with invasive breast cancer died from the disease within 20 years. These are frightening statistics.

Furthermore, the disease is not limited by gender—in 2007, approximately 1,750 new cases of invasive breast can-

cer will be diagnosed among men in the United States. In my home State of Utah, as indicated by the Utah Cancer Registry, breast cancer has the highest incidence rate of the ten leading cancer types. This disease has an impact on nearly every American's life.

Breast cancer death rates have been dropping steadily since 1991; however, challenges still remain. The bottom line is that we still do not know what causes this disease, or how to prevent it. Although scientists have discovered some risk factors for breast cancer, the known risk factors account for only a small percentage about 30 percent—of breast cancer cases. There are no proven interventions to prevent breast cancer and there is no cure.

There is general belief within the scientific community that the environment plays a role in the development of breast cancer, but the extent of that role has been less-examined. Research has investigated the effect of isolated environmental factors such as diet, pesticides, and electromagnetic fields; but, in most cases, there has been no conclusive evidence. Some scientists hypothesize that certain subgroups of women have genetic variants that may make them more susceptible to adverse environmental exposures.

In addition, a large study of twins demonstrated that the majority of breast cancers cannot be explained by inherited factors. The incidence of breast cancer in Western industrialized countries, such as the United States, is much higher than the incidence in Africa and Asia. When women migrate from a country with low incidence to a country with high incidence, their daughters experience the breast cancer risk of the new country's population. The discrepancy in incidence among various countries suggests that some of the differences in incidence may be explained by environmental exposures.

In-depth study of these potential risks could provide invaluable information in understanding the causes of breast cancer, and could lead to new prevention strategies. Clearly, more research needs to be done to determine the impact of environmental factors on breast cancer.

My colleagues and I are introducing the Breast Cancer and Environmental Research Act of 2007 to address this palpable need for research. It creates a national strategy to conduct research into the possible links between breast cancer and the environment. The time to address these frightening statistics is now.

Specifically, the bill authorizes the National Institute of Environmental Health Sciences (NIEHS) at the National Institutes of Health (NIH) to award grants for the development and operation of up to eight centers for the purpose of conducting research on environmental factors that may be related to breast cancer. These centers will work across institutions, across disciplines, and with community organizations to study environmental factors that may cause breast cancer.

This legislation is modeled after the highly successful and promising Department of Defense Breast Cancer Research Program (DOD BCRP), which operates under a competitive, peer-reviewed grant-making process that involves consumers.

Isolated studies have been conducted to look at suspected environmental links to breast cancer; but these studies are only a small step toward the broad strategic research that is required. What is needed is a collaborative, comprehensive, nationally-focused strategy to address this oversight a strategy like the one outlined in this bill.

It is important to note that while we have made progress in the fight against breast cancer, we are still a long way from prevention or a cure—breast cancer remains the leading cause of cancer death among women worldwide. Studies have shown that environmental factors that cause breast cancer may exist, but conclusive evidence is scarce. This bill will go a long way in helping the scientific community explore environmental triggers of breast cancer.

The Breast Cancer and Environmental Research Act had strong bipartisan support in the 109th Congress, with 66 Senate cosponsors. In the House of Representatives, 262 Members supported the legislation.

I urge my colleagues to think of breast cancer patients and their loved ones, and support this important bill. This Federal commitment is critical for the overall, national strategy and the long-term investments required to discover the environmental causes of breast cancer so that we can better prevent it, treat it more effectively, and, ultimately, cure it.

Mrs. CLINTON. Mr. President, today I am proud to introduce the Breast Cancer and Environmental Research Act with Senator REID and colleagues from both sides of the aisle.

This legislation would allow us to investigate the links between environmental exposures and breast cancer. Improving our ability to investigate the connection between pollutants and cancer incidence is the first step in improving our overall response to environmental health concerns. Environmental hazards manifest themselves in unexpected cancers, tumors, and other diseases in ways that we are only now beginning to understand.

Breast cancer is the second leading cause of cancer death for women in the United States, and 3 million women in the United States are currently living with the disease 1 million of whom have not yet been diagnosed. Each year, over 13,000 women in New York State are diagnosed with this disease. Every one of us has been affected by breast cancer, whether it is through our own personal battle or our experiences offering love and support to our friends, our mothers, and our sisters.

Since 2001, I have sought to raise awareness of the need for increased research into the connections between

environmental factors and the incidence of chronic diseases like breast cancer. I have worked closely with advocates from New York on this issue, and hosted a field hearing of the Senate Environment and Public Works Committee in Long Island to discuss breast cancer and other environmental health concerns.

The bill that we are introducing today will expand the available resources for our scientists and expedite research in this area. The Breast Cancer and Environmental Research Act will create Centers of Excellence to engage in multidisciplinary research, carried out in collaboration with the community, and learn more about how environmental factors may be linked to the more than 200,000 breast cancer cases diagnosed each year.

I am hopeful that in the not-too-distant future, the incidence of breast cancer will be dramatically reduced, and in the handful of new cases that appear, we will be able to provide high-quality, highly effective treatment and save women's lives. But in order to achieve those goals, we need to learn more about all the causes of breast cancer, including the environmental factors that contribute to this disease.

Last year, the Breast Cancer and Environmental Research Act was reported unanimously out of the Health, Education, Labor and Pensions Committee. I will work with my colleagues there to once again move it through the committee process quickly, so that we can pass this essential legislation in this session of Congress.

By Mr. HATCH:

S. 580. A bill to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise today to introduce the Pioneer National Historic Trails Studies Act which would update the feasibility and suitability studies of four national historic trails and allow possible additions to them. The trails in question are the Oregon, the Mormon, the Pony Express, and the California National Historic Trails.

In 1978, the Oregon and Mormon trails were established by the National Trails System Act which defined these trails as "point A to point B," limiting them to one beginning point and one final destination. At that time, The Mormon Pioneer National Historic trail was defined as the route Brigham Young took in 1846 through Iowa and then to the Salt Lake Valley in 1847. The Oregon Trail was defined narrowly as the route taken by settlers from Independence, MO, to Oregon City from 1841 to 1848. It was limited to a single trail with only three variants as well. Unfortunately, we have come to realize that this rigid definition precludes designation of some very important historical sites.

Congress passed an amendment for the establishment of the California and Pony Express National Historic Trails in 1992. This amendment broadened the statute to include the possibility of trail variants for the California Trail and provided a more accurate depiction of the original trail. The legislation I am introducing today will provide additional authority for variation to these four trails to provide a more accurate depiction of history.

To those of us in the West, these trails are the highways of our history. With this legislation, I hope to capture the important stories made along the variations of these main trails. Since the enactment of the National Trails System Act in 1978, there has been a great deal of support to broaden the Act to include these side roads of the trails.

Not every pioneer embarked on their journey from Omaha, NE, or Independence, MO and not every great or tragic event took place along the main routes. Tens of thousands of settlers began from other starting points. These trail variations and alternate routes show the ingenuity and adaptability of the pioneers as they were forced to contend with inclement weather, lack of water, difficult terrain, and hostile Native American tribes.

The Act requires comprehensive management for the historic trails. In 1981, such plans were completed for the Mormon and Oregon trails. Since that time, however, endless hours of research by the Park Service and trails organizations have produced a more complete picture of the westward expansion. The National Park Service has determined, however, that legislation is required to update the trails with this newfound history.

That is why I am introducing this legislation today. This bill would authorize the study of further important additions to the California, Mormon Pioneer, Oregon, and Pony Express National Historic Trails and allow for a more complete story to be told of our history of the West.

I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 580

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

SECTION 1. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.

Section 5 of the National Trails System Act (16 U.S.C. 1244) is amended by adding at the end the following:

"(g) REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.—

"(1) DEFINITIONS.—In this subsection:

"(A) ROUTE.—The term 'route' includes a trail segment commonly known as a cutoff.

"(B) SHARED ROUTE.—The term 'shared route' means a route that was a segment of more than one historic trail, including a route shared with an existing national historic trail.

"(2) REQUIREMENTS FOR REVISION.—

"(A) IN GENERAL.—The Secretary of the Interior shall revise the feasibility and suitability studies for certain national trails for consideration of possible additions to the trails.

"(B) STUDY REQUIREMENTS AND OBJECTIVES.—The study requirements and objectives specified in subsection (b) shall apply to a study required by this subsection.

"(C) COMPLETION AND SUBMISSION OF STUDY.—A study listed in this subsection shall be completed and submitted to Congress not later than 3 complete fiscal years from the date funds are made available for the study.

"(3) OREGON NATIONAL HISTORIC TRAIL.—

"(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other routes of the Oregon Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Oregon National Historic Trail.

"(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

"(i) Whitman Mission route.

"(ii) Upper Columbia River.

"(iii) Cowlitz River route.

"(iv) Meek cutoff.

"(v) Free Emigrant Road.

"(vi) North Alternate Oregon Trail.

"(vii) Goodale's cutoff.

"(viii) North Side alternate route.

"(ix) Cutoff to Barlow road.

"(x) Naches Pass Trail.

"(4) PONY EXPRESS NATIONAL HISTORIC TRAIL.—The Secretary of the Interior shall undertake a study of the approximately 20-mile southern alternative route of the Pony Express Trail from Wathena, Kansas, to Troy, Kansas, and such other routes of the Pony Express Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Pony Express National Historic Trail.

"(5) CALIFORNIA NATIONAL HISTORIC TRAIL.—

"(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the Missouri Valley, central, and western routes of the California Trail listed in subparagraph (B) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other and shared Missouri Valley, central, and western routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the California National Historic Trail.

"(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

"(i) MISSOURI VALLEY ROUTES.—

"(I) Blue Mills-Independence Road.

"(II) Westport Landing Road.

"(III) Westport-Lawrence Road.

"(IV) Fort Leavenworth-Blue River route.

"(V) Road to Amazonia.

"(VI) Union Ferry Route.

"(VII) Old Wyoming-Nebraska City cutoff.

"(VIII) Lower Plattsburgh Route.

"(IX) Lower Bellevue Route.

"(X) Woodbury cutoff.

"(XI) Blue Ridge cutoff.

"(XII) Westport Road.

“(XIII) Gum Springs-Fort Leavenworth route.

“(XIV) Atchison/Independence Creek routes.

“(XV) Fort Leavenworth-Kansas River route.

“(XVI) Nebraska City cutoff routes.

“(XVII) Minersville-Nebraska City Road.

“(XVIII) Upper Plattsmouth route.

“(XIX) Upper Bellevue route.

“(ii) CENTRAL ROUTES.—

“(i) Cherokee Trail, including splits.

“(II) Weber Canyon route of Hastings cutoff.

“(III) Bishop Creek cutoff.

“(IV) McAuley cutoff.

“(V) Diamond Springs cutoff.

“(VI) Secret Pass.

“(VII) Greenhorn cutoff.

“(VIII) Central Overland Trail.

“(iii) WESTERN ROUTES.—

“(I) Bidwell-Bartleson route.

“(II) Georgetown/Dagget Pass Trail.

“(III) Big Trees Road.

“(IV) Grizzly Flat cutoff.

“(V) Nevada City Road.

“(VI) Yreka Trail.

“(VII) Henness Pass route.

“(VIII) Johnson cutoff.

“(IX) Luther Pass Trail.

“(X) Volcano Road.

“(XI) Sacramento-Coloma Wagon Road.

“(XII) Burnett cutoff.

“(XIII) Placer County Road to Auburn.

“(6) MORMON PIONEER NATIONAL HISTORIC TRAIL.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Mormon Pioneer Trail listed in subparagraph (B) and generally depicted in the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other routes of the Mormon Pioneer Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as components of the Mormon Pioneer National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) 1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).

“(ii) 1856-57 Handcart route (Iowa City to Council Bluffs).

“(iii) Keokuk route (Iowa).

“(iv) 1847 Alternative Elkhorn and Loup River Crossings in Nebraska.

“(v) Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).

“(vi) 1850 Golden Pass Road in Utah.

“(7) SHARED CALIFORNIA AND OREGON TRAIL ROUTES.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the shared routes of the California Trail and Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as shared components of the California National Historic Trail and the Oregon National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) St. Joe Road.

“(ii) Council Bluffs Road.

“(iii) Sublette cutoff.

“(iv) Applegate route.

“(v) Old Fort Kearny Road (Oxbow Trail).

“(vi) Childs cutoff.

“(vii) Raft River to Applegate.”.

By Mr. FEINGOLD:

S. 581. A bill to amend the Buy American Act to increase the requirement for American-made content, to tighten the waiver provisions, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. FEINGOLD. Mr. President, today I am introducing legislation to help American workers and companies.

The bill that I am introducing, the Buy American Improvement Act, focuses on the Federal Government's responsibility to support domestic manufacturers and workers and on the role of Federal procurement policy in achieving this goal. The reintroduction of this bill, which I first introduced in 2003, is part of my ongoing efforts to stem the flow of manufacturing jobs abroad.

The Buy American Act of 1933 is the primary statute that governs Federal procurement. The name of this law accurately describes its purpose: to ensure that the Federal Government supports domestic companies and domestic workers by buying American-made goods. Regrettably, this law contains a number of loopholes that make it too easy for government agencies to buy foreign-made goods.

My bill, the Buy American Improvement Act, would strengthen the existing law by tightening its waiver provisions. Currently, the heads of Federal departments and agencies are given broad discretion to waive the Act and buy foreign goods with little or no accountability. We should ensure that the Federal Government makes every effort to give Federal contracts to companies that will perform the work domestically. We should also ensure that certain types of industries do not leave the United States completely, thus making the Federal Government dependent on foreign sources for goods, such as plane or ship parts, that our military may need to acquire on short notice.

I have often heard my colleagues say on this floor that American-made goods are the best in the world. I could not agree more. Regrettably, nearly 90,000 good-paying manufacturing jobs have left my State since 2000. And the country has lost around 3 million manufacturing jobs since January 2001. This hemorrhaging of jobs shows that Congress needs to do more to support domestic manufacturers and their employees. One way to do this is to ensure that the Federal Government makes every effort to buy American-made goods.

There are five primary waivers to the Buy American Act, and my bill addresses four of them. The first of these waivers allows an agency head to buy foreign goods if complying with the Act would be “inconsistent with the public interest.” I am concerned that this waiver, which includes no definition for what is “inconsistent with the public interest,” is actually a gaping loophole that gives too much discre-

tion to department secretaries and agency heads. My bill would modify this waiver provision to prohibit it from being invoked by an agency or department head after a request for proposals, or RFP, has been published in the Federal Register. Once the bidding process has begun, the Federal Government should not be able to pull an RFP by saying that it is in the “public interest” to do so. This determination, sometimes referred to as the Buy American Act's national security waiver, should be made well in advance of placing a contract up for bid. To do otherwise pulls the rug out from under companies that are spending valuable time and resources to prepare a bid for a Federal contract.

The Buy American Act may also be waived if the head of the agency determines that the cost of the lowest-priced domestic product is “unreasonable,” and a system of price differentials is used to assist in making this determination. My bill would modify this waiver to require that preference be given to the American company if that company's bid is substantially similar to the lowest foreign bid or if the American company is the only domestic source for the item to be procured.

I have a long record of supporting efforts to help taxpayers get the most bang for their buck and opposing wasteful Federal spending. I don't think anyone can argue that supporting American jobs is “wasteful.” We owe it to American manufacturers and their employees to make sure they get a fair shake. I would not support awarding a contract to an American company that is price gouging, but we should make every effort to ensure that domestic sources for goods needed by the Federal Government do not dry up because American companies have been slightly underbid by foreign competitors.

The Buy American Act also includes a waiver for goods bought by the Federal Government that will be used outside of the United States. There is no question that there are occasions when the Federal Government needs to procure items quickly for use outside the United States. However, there may be items that are bought on a regular basis and used at foreign military bases or United States embassies, for example, that could reasonably be procured from domestic sources and shipped to the location where they will be used. My bill would require Federal agencies to compare the difference in cost for obtaining articles that are used on a regular basis outside the U.S., or that are not needed immediately, between an overseas versus a domestic source—including the cost of shipping—before awarding the contract to the company that will do the work overseas.

The Buy American Act's domestic source requirements may also be waived if the articles to be procured are not available from domestic sources “in sufficient and reasonably available commercial quantities and of

a satisfactory quality." My bill would require that an agency or department head, prior to issuing such as waiver, determine whether domestic production can be initiated to meet the procurement needs and whether a comparable article, material, or supply is available domestically.

My bill would also strengthen the Buy American Act in four other ways. It would, for the first time, make the Buy American requirement applicable to the United States Congress. The current definition of a Federal agency in the Act specifically exempts the Senate, the House, and the Architect of the Capitol, and activities under the direction of the Architect. I believe that Congress should lead by example and comply with the Buy American Act, a requirement that we have imposed on executive agencies.

Secondly, my bill would increase the minimum American content standard for qualification under the Act from the current 50 percent to 75 percent. The definition of what qualifies as an American-made product has been a source of much debate. To me, it seems clear that "American-made" means manufactured in this country. This classification is a source of pride for manufacturing workers around our country. The current 50 percent standard should be raised to a minimum of 75 percent.

In addition, my bill would put in place for the next five years the expanded reporting requirement that I authored which was first enacted as part of the fiscal year 2004 omnibus spending bill and was included again by this body as an amendment to the recent minimum wage bill. Prior to the enactment of these provisions, only the Department of Defense was required to report to Congress on its use of Buy American waivers and purchases of foreign goods. It is virtually impossible to get hard numbers on the Federal Government's purchases of foreign—and domestic—made goods and to ensure that there is disclosure and accountability in the waiver process. This reporting requirement seeks to hold agencies accountable by requiring agencies to report on their foreign-made purchases and make that information available to Congress and the American public.

The annual report to be submitted by agency heads will be required to include the following information: the dollar value of any items purchased that were manufactured outside of the United States; an itemized list of all applicable waivers granted with respect to such items under the Buy American Act, including the type of waiver used; and a summary of the total procurement funds spent by the Federal agency on goods manufactured in the United States versus on goods manufactured overseas. In addition, my bill also requires that the heads of all Federal agencies make these annual reports publicly available on the Internet.

Finally, my bill would require the Government Accountability Office to report to Congress with recommendations for defining the terms "inconsistent with the public interest" and "unreasonable cost" for purposes of invoking the corresponding waivers in the Act. I am concerned that both of these terms lack definitions, and that they can be very broadly interpreted by agency or department heads. GAO would be required to make recommendations for statutory definitions of both of these terms, as well as for establishing a consistent waiver process that can be used by all Federal agencies.

The gaping loopholes in the Buy American Act and the trade agreements and defense procurement agreements that contain additional waivers of domestic source restrictions have combined to weaken our domestic manufacturing base by allowing—and sometimes actually encouraging—the Federal Government to buy foreign-made goods. Congress can and should do more to support American companies and American workers. We must strengthen the Buy American Act and we must stop entering into bad trade agreements that send our jobs overseas and undermine our own domestic preference laws.

By strengthening Federal procurement policy, we can help to bolster our domestic manufacturers during these difficult times. As I have repeatedly noted, Congress cannot simply stand on the sidelines while tens of thousands of American manufacturing jobs have been and continue to be shipped overseas. While there may be no single solution to this problem one way in which Congress should act is by strengthening the Buy American Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 581

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 "Buy American Improvement Act of 2007".

SEC. 2. REQUIREMENTS FOR WAIVERS.

(a) IN GENERAL.—Section 2 of the Buy American Act (41 U.S.C. 10a) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(a) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(b) SPECIAL RULES.—The following rules shall apply in carrying out the provisions of subsection (a):

"(1) PUBLIC INTEREST WAIVER.—A determination that it is not in the public interest to enter into a contract in accordance with this Act may not be made after a notice of solicitation of offers for the contract is published in accordance with section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)).

"(2) DOMESTIC BIDDER.—A Federal agency entering into a contract shall give pref-

erence to a company submitting an offer on the contract that manufactures in the United States the article, material, or supply for which the offer is solicited, if—

"(A) that company's offer is substantially the same as an offer made by a company that does not manufacture the article, material, or supply in the United States; or

"(B) that company is the only company that manufactures in the United States the article, material, or supply for which the offer is solicited.

"(3) USE OUTSIDE THE UNITED STATES.—

"(A) IN GENERAL.—Subsection (a) shall apply without regard to whether the articles, materials, or supplies to be acquired are for use outside the United States if the articles, materials, or supplies are not needed on an urgent basis or if they are acquired on a regular basis.

"(B) COST ANALYSIS.—In any case in which the articles, materials, or supplies are to be acquired for use outside the United States and are not needed on an urgent basis, before entering into a contract an analysis shall be made of the difference in the cost of acquiring the articles, materials, or supplies from a company manufacturing the articles, materials, or supplies in the United States (including the cost of shipping) and the cost of acquiring the articles, materials, or supplies from a company manufacturing the articles, materials, or supplies outside the United States (including the cost of shipping).

"(4) DOMESTIC AVAILABILITY.—The head of a Federal agency may not make a determination under subsection (a) that an article, material, or supply is not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of satisfactory quality, unless the head of the agency has conducted a study and, on the basis of such study, determined that—

"(A) domestic production cannot be initiated to meet the procurement needs; and

"(B) a comparable article, material, or supply is not available from a company in the United States.

"(c) REPORTS.—

"(1) IN GENERAL.—Not later than 180 days after the end of each of fiscal years 2007 through 2011, the head of each Federal agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the amount of the acquisitions made by the agency in that fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

"(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall separately include, for the fiscal year covered by such report—

"(A) the dollar value of any articles, materials, or supplies that were manufactured outside the United States;

"(B) an itemized list of all waivers granted with respect to such articles, materials, or supplies under this Act, and a citation to the treaty, international agreement, or other law under which each waiver was granted;

"(C) if any articles, materials, or supplies were acquired from entities that manufacture articles, materials, or supplies outside the United States, the specific exception under this section that was used to purchase such articles, materials, or supplies; and

"(D) a summary of—

"(i) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

"(ii) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

“(3) PUBLIC AVAILABILITY.—The head of each Federal agency submitting a report under paragraph (1) shall make the report publicly available to the maximum extent practicable.

“(4) EXCEPTION FOR INTELLIGENCE COMMUNITY.—This subsection shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as specified in, or designated under, section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).”.

(b) DEFINITIONS.—Section 1 of the Buy American Act (41 U.S.C. 10c) is amended by adding at the end the following:

“(c) FEDERAL AGENCY.—The term ‘Federal agency’ means any executive agency (as defined in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1))) or any establishment in the legislative or judicial branch of the Federal Government.

“(d) SUBSTANTIALLY ALL.—Articles, materials, or supplies shall be treated as made substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States, if the cost of the domestic components of such articles, materials, or supplies exceeds 75 percent of the total cost of all components of such articles, materials, or supplies.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 2 of the Buy American Act (41 U.S.C. 10a) is amended by striking “department or independent establishment” and inserting “Federal agency”.

(2) Section 3 of such Act (41 U.S.C. 10b) is amended—

(A) in subsection (a), by striking “department or independent establishment” and inserting “Federal agency”; and

(B) in subsection (b), by striking “department, bureau, agency, or independent establishment” and inserting “Federal agency”.

(3) Section 633 of the National Military Establishment Appropriation Act, 1950 (41 U.S.C. 10d) is amended by striking “department or independent establishment” and inserting “Federal agency”.

SEC. 3. GAO REPORT AND RECOMMENDATIONS.

(a) REPORT ON SCOPE OF WAIVERS.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall report to Congress recommendations to be used in determining, for purposes of applying the waiver provision of section 2(a) of the Buy American Act, as redesignated by section 2(a) of this Act, whether acquiring articles, materials, and supplies mined, produced, or manufactured in the United States would—

(1) involve unreasonable cost; or

(2) be inconsistent with the public interest.

(b) RECOMMENDATIONS.—The report described in subsection (a) shall include recommendations—

(1) for a statutory definition of unreasonable cost and for standards for determining inconsistency with the public interest; and

(2) for establishing procedures for applying the waiver provisions of the Buy American Act that can be consistently applied.

By Mr. SMITH (for himself, Mr. ROCKEFELLER, Mr. REED, and Mr. ALEXANDER):

Mr. SMITH. Mr. President, today Senator ROCKEFELLER and I are introducing the Fire Sprinkler Incentive Act of 2007. This legislation would reduce the tremendous economic and human losses that fire inflicts on the National economy and the quality of life.

In 2005, fire departments responded to about 1.6 million fires. These fires resulted in about 3,500 deaths and almost

18,000 civilian injuries. Fire also caused over \$10 billion in direct property damages in 2005.

Fire sprinklers can dramatically decrease loss of life and injury as a result of fires. The National Fire Protection Association has no record of a fire killing more than two people in a completely sprinklered public assembly, educational, institutional, or residential building where the system was properly installed and fully operational. Fire sprinklers also mitigate economic losses resulting from fires. Fire sprinklers are responsible for a 70-percent reduction in property damage from fires in public assembly, educational, residential, commercial, industrial, and manufacturing buildings.

The Fire Sprinkler Incentive Act will provide an incentive for businesses to protect their buildings with fire sprinklers. Under current law, the cost of retrofitting an existing building with automatic fire sprinklers generally would be depreciated over a 39-year period. Our legislation would reduce the depreciation period to 5 years, greatly reducing the economic burden of retrofitting a building.

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. 582

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 “Fire Sprinkler Incentive Act of 2007”.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the publication of the original study and comprehensive list of recommendations in *America Burning*, written in 1974, requesting advances in fire prevention through the installation of automatic sprinkler systems in existing buildings have yet to be fully implemented;

(2) fire departments responded to approximately 1,600,000 fires in 2005;

(3) there were 3,675 non-terrorist related deaths in the United States and almost 17,925 civilian injuries resulting from fire in 2005;

(4) 87 firefighters were killed in 2005;

(5) fire caused \$10,672,000,000 in direct property damage in 2005, and sprinklers are responsible for a 70 percent reduction in property damage from fires in public assembly, educational, residential, commercial, industrial and manufacturing buildings;

(6) fire departments respond to a fire every 20 seconds, a fire breaks out in a structure every 61 seconds and in a residential structure every 79 seconds in the United States;

(7) the Station Nightclub in West Warwick, Rhode Island, did not contain an automated sprinkler system and burned down, killing 99 people on February 20, 2003;

(8) due to an automated sprinkler system, not a single person was injured from a fire beginning in the Fine Line Music Café in Minneapolis after the use of pyrotechnics on February 17, 2003;

(9) the National Fire Protection Association has no record of a fire killing more than 2 people in a completely sprinklered public assembly, educational, institutional or residential building where the system was properly installed and fully operational;

(10) sprinkler systems dramatically improve the chances of survival of those who cannot save themselves, specifically older adults, young children and people with disabilities;

(11) the financial cost of upgrading fire counter measures in buildings built prior to fire safety codes is prohibitive for most property owners;

(12) many State and local governments lack any requirements for older structures to contain automatic sprinkler systems;

(13) under the present straight-line method of depreciation, there is a disincentive for building safety improvements due to an extremely low rate of return on investment; and

(14) the Nation is in need of incentives for the voluntary installation and retrofitting of buildings with automated sprinkler systems to save the lives of countless individuals and responding firefighters as well as drastically reduce the costs from property damage.

SEC. 3. CLASSIFICATION OF AUTOMATIC FIRE SPRINKLER SYSTEMS.

(a) IN GENERAL.—Subparagraph (B) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to 5-year property) is amended by striking “and” at the end of clause (v), by striking the period at the end of clause (vi) and inserting “, and”, and by inserting after clause (vi) the following:

“(vii) any automatic fire sprinkler system placed in service after the date of the enactment of this clause in a building structure which was placed in service before such date of enactment.”.

(b) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) of the Internal Revenue Code of 1986 (relating to special rule for certain property assigned to classes) is amended by inserting after the item relating to subparagraph (B)(iii) the following:

“(B)(vii) 7”.

(c) DEFINITION OF AUTOMATIC FIRE SPRINKLER SYSTEM.—Subsection (i) of section 168 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(18) AUTOMATED FIRE SPRINKLER SYSTEM.—The term ‘automated fire sprinkler system’ means those sprinkler systems classified under one or more of the following publications of the National Fire Protection Association—

“(A) NFPA 13, Installation of Sprinkler Systems,

“(B) NFPA 13 D, Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes, and

“(C) NFPA 13 R, Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

Mr. ROCKEFELLER. Mr. President, today I rise to join my colleague Mr. SMITH in the introduction of the Fire Sprinkler Incentive Act. Two years ago, we first introduced this legislation to help provide businesses with an important tax incentive to install life-saving sprinkler systems, believing that the legislation would be one way to keep our Nation's citizens, and the firefighters who dedicate their lives to fire safety, free from unnecessary fire-related injury. At that time, I could not imagine that in 2007 West Virginia would suffer one of the worst fire-related tragedies in many years. In January of this year, a fire at the Emmons Junior Apartment Building in Huntington, WV, took the lives of nine individuals, including three teenagers

who were all siblings and another unrelated child who was only seven years old. My heart goes out to those families and to a devastated community. We later learned that the complex was built in 1924 and was not equipped with a sprinkler system. I cannot help thinking that if the tax incentives provided by this legislation were already in effect, many businesses including those operating apartment complexes might have had enough financial incentive to allow them to make the decision to install life-saving sprinkler systems.

Fire safety is a national problem. The National Fire Protection Association (NFPA) indicates that in 2005 there were over 1.6 million fires reported in the United States, which caused 3,675 civilian deaths, 17,925 civilian injuries, and \$10.7 billion in property damage. As a result, 80,100 firefighters were injured and another 87 died responding to these fires in an effort to protect the lives of their fellow citizens. High-rise buildings and other living facilities that were built under older codes often lack adequate fire safety protection and leave vulnerable those citizens who cannot as easily save themselves from a fire, such as older adults, young children, and people with disabilities. There were 511,000 structure fires in 2005, and 381,000 of those occurred in family home structures including dwellings, duplexes, manufactured homes, apartments, townhouses, rowhouses, and condominiums. These home structure fires accounted for 82 percent of civilian fire-related fatalities and \$6.7 billion in direct property damage.

Protecting our citizens and first-responders from these fire-related injuries and fatalities is of the utmost importance, and a real way to improve fire safety exists in the use of automatic sprinkler systems. These devices react quickly and save lives by dramatically reducing the heat, flames and smoke produced in a fire. The NFPA reports that when sprinklers are present, the chances of dying in a fire are reduced by between 50 and 75 percent and average property loss is cut by one-half to two-thirds. The NFPA also has no record of a fire killing more than two people in a building where a sprinkler system was properly installed and fully operational.

The benefits of fire sprinkler systems are overwhelming, even for business owners, but one thing that inhibits their implementation is cost. Under current law, installations in residential rental property and non-residential real property must be deducted over a 27.5- or 39-year period, respectively. The financial cost of upgrading existing structures with fire safety measures is prohibitive for most property owners, and under our present straight-line method of depreciation, there is disincentive for building safety improvements due to an extremely low rate of return on investment. This legislation, by amending the internal rev-

enue code to classify automatic fire sprinkler systems as depreciable over a 5-year period, would mitigate the expense of retrofitting older buildings with costly automated sprinkler systems. It helps businesses make the choice to take advantage of fire safety systems that have been proven to have life-saving results.

I again express my support for the Fire Sprinkler Incentive Act as a way to promote the use of fire sprinkler systems that are now an invaluable asset in our efforts to protect citizens and firefighters from fire-related death and injury. This proposal has been endorsed by firefighters, the insurance industry, and general contractors, and I urge my colleagues to do the same.

By Mr. SALAZAR:

S. 583. A bill to create a competitive grant program for States to enable the States to award salary bonuses to highly qualified elementary school or secondary school teachers who teach, or commit to teach, for at least 3 academic years in a school served by a rural local educational agency; to the Committee on Health, Education, Labor, and Pensions.

Mr. SALAZAR. Mr. President, the second piece of legislation I am introducing has to do with education. We know rural school districts have a very hard time in terms of retaining teachers. The national teacher turnover rate across the country is about 15 percent, but in rural districts it is as high as 30 to 40 percent. Thirty to forty percent of teachers in rural school districts are turning over.

So what I hope to do with the Colorado Teacher Retention Act is to help with a competitive State program that would allow rural school districts to provide bonuses for highly qualified teachers who commit to teaching in rural schools for at least 3 years. It would simply provide an opportunity for rural schools to have the kind of excellence in teaching they so deserve.

By Mr. BINGAMAN:

S. 586. A bill to amend the Public Health Service Act to provide grants to promote positive health behaviors in women and children; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, the legislation I am introducing today, entitled the "Community Health Workers Act of 2007," would improve access to health education and outreach services to women and children in medically underserved areas, including the U.S. border region along New Mexico.

Lack of access to adequate health care and health education is a significant problem on the southern New Mexico border. While the access problem is in part due to a lack of insurance, it is also attributable to non-financial barriers to access. These barriers include a shortage of physicians and other health professionals, and hospitals; inadequate transportation; a

shortage of bilingual health information and health providers; and culturally insensitive systems of care.

This legislation would help to address the issue of access by providing \$15 million per year for a three year period in grants to State, local, and tribal organizations, including community health centers and public health departments, for the purpose of hiring community health workers to provide health education, outreach, and referrals to women and families who otherwise would have little or no contact with health care services.

Recognizing factors such as poverty and language and cultural differences that often serve as barriers to health care access in medically underserved populations, community health workers are in a unique position to improve health outcomes and quality of care for groups that have traditionally lacked access to adequate services. They often serve as "community specialists" and are members of the communities in which they work. As such they can effectively serve hard-to-reach populations.

A shining example of how community health workers serve their communities, a group of so-called "Promotoras" in Dona Ana County were quickly mobilized during a recent flood emergency in rural New Mexico. These community health workers assisted in the disaster recovery efforts by partnering with FEMA to find, inform and register flood victims for Federal disaster assistance. Their personal networks and knowledge of the local culture, language, needs, assets, and barriers greatly enhanced FEMA's community outreach efforts. The Promotoras of Dona Ana County demonstrate the important role community health workers could play in communities across the nation, including increasing the effectiveness of new initiatives in homeland security and emergency preparedness, and in implementing risk communication strategies.

The positive benefits of the community health worker model also have been documented in research studies. Research has shown that community health workers have been effective in increasing the utilization of health preventive services such as cancer screenings and medical follow up for elevated blood pressure and improving enrollment in publicly funded health insurance programs. In the case of uninsured children, a study by Dr. Glenn Flores, "Community-Based Case Management in Insuring Uninsured Latino Children," published in the December 2005 issue of *Pediatrics* found that uninsured children who received community-based case management were eight times more likely to obtain health insurance coverage than other children involved in the study because case workers were employed to address typical barriers to access, including insufficient knowledge about application processes and eligibility criteria, language barriers and family mobility

issues, among others. This study confirms that community health workers could be highly effective in reducing the numbers of uninsured children, especially those who are at greatest risk for being uninsured. Preliminary investigation of a community health workers project in New Mexico similarly suggests that community health workers could be useful in improving enrollment in Medicaid and the State Children's Health Insurance Program, or "SCHIP."

According to a 2003 Institute of Medicine, IOM, report entitled, "Unequal Treatment: Confronting Racial and Ethnic Disparities in Healthcare," community health workers offer promise as a community-based resource to increase racial and ethnic minorities' access to health care and to serve as a liaison between healthcare providers and the communities they serve.

Although the community health worker model is valued in the New Mexico border region as well as other parts of the country that encounter challenges of meeting the health care needs of medically underserved populations, these programs often have difficulty securing adequate financial resources to maintain and expand upon their services. As a result, many of these programs are significantly limited in their ability to meet the ongoing and emerging health demands of their communities.

The IOM report also noted that "programs to support the use of community health workers . . . especially among medically underserved and racial and ethnic minority populations, should be expanded, evaluated, and replicated."

I am introducing this legislation to increase resources for a model that has shown significant promise for increasing access to quality health care and health education for families in medically underserved communities.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 586

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 "Community Health Workers Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Chronic diseases, defined as any condition that requires regular medical attention or medication, are the leading cause of death and disability for women in the United States across racial and ethnic groups.

(2) According to the National Vital Statistics Report of 2001, the 5 leading causes of death among Hispanic, American Indian, and African-American women are heart disease, cancer, diabetes, cerebrovascular disease, and unintentional injuries.

(3) Unhealthy behaviors alone lead to more than 50 percent of premature deaths in the United States.

(4) Poor diet, physical inactivity, tobacco use, and alcohol and drug abuse are the

health risk behaviors that most often lead to disease, premature death, and disability, and are particularly prevalent among many groups of minority women.

(5) Over 60 percent of Hispanic and African-American women are classified as overweight and over 30 percent are classified as obese. Over 60 percent of American Indian women are classified as obese.

(6) American Indian women have the highest mortality rates related to alcohol and drug use of all women in the United States.

(7) High poverty rates coupled with barriers to health preventive services and medical care contribute to racial and ethnic disparities in health factors, including premature death, life expectancy, risk factors associated with major diseases, and the extent and severity of illnesses.

(8) There is increasing evidence that early life experiences are associated with adult chronic disease and that prevention and intervention services provided within the community and the home may lessen the impact of chronic outcomes, while strengthening families and communities.

(9) Community health workers, who are primarily women, can be a critical component in conducting health promotion and disease prevention efforts in medically underserved populations.

(10) Recognizing the difficult barriers confronting medically underserved communities (poverty, geographic isolation, language and cultural differences, lack of transportation, low literacy, and lack of access to services), community health workers are in a unique position to reduce preventable morbidity and mortality, improve the quality of life, and increase the utilization of available preventive health services for community members.

(11) Research has shown that community health workers have been effective in significantly increasing health insurance coverage, screening and medical follow-up visits among residents with limited access or underutilization of health care services.

(12) States on the United States-Mexico border have high percentages of impoverished and ethnic minority populations: border States accommodate 60 percent of the total Hispanic population and 23 percent of the total population below 200 percent poverty in the United States.

SEC. 3. GRANTS TO PROMOTE POSITIVE HEALTH BEHAVIORS IN WOMEN.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399S. GRANTS TO PROMOTE POSITIVE HEALTH BEHAVIORS IN WOMEN.

"(a) GRANTS AUTHORIZED.—The Secretary, in collaboration with the Director of the Centers for Disease Control and Prevention and other Federal officials determined appropriate by the Secretary, is authorized to award grants to States or local or tribal units, to promote positive health behaviors for women and children in target populations, especially racial and ethnic minority women and children in medically underserved communities.

"(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may be used to support community health workers—

"(1) to educate, guide, and provide outreach in a community setting regarding health problems prevalent among women and children and especially among racial and ethnic minority women and children;

"(2) to educate, guide, and provide experiential learning opportunities that target behavioral risk factors including—

"(A) poor nutrition;

"(B) physical inactivity;

"(C) being overweight or obese;

"(D) tobacco use;

"(E) alcohol and substance use;

"(F) injury and violence;

"(G) risky sexual behavior; and

"(H) mental health problems;

"(3) to educate and guide regarding effective strategies to promote positive health behaviors within the family;

"(4) to educate and provide outreach regarding enrollment in health insurance including the State Children's Health Insurance Program under title XXI of the Social Security Act, Medicare under title XVIII of such Act and Medicaid under title XIX of such Act;

"(5) to promote community wellness and awareness; and

"(6) to educate and refer target populations to appropriate health care agencies and community-based programs and organizations in order to increase access to quality health care services, including preventive health services.

"(c) APPLICATION.—

"(1) IN GENERAL.—Each State or local or tribal unit (including federally recognized tribes and Alaska native villages) that desires to receive a grant under subsection (a) shall submit an application to the Secretary, at such time, in such manner, and accompanied by such additional information as the Secretary may require.

"(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

"(A) describe the activities for which assistance under this section is sought;

"(B) contain an assurance that with respect to each community health worker program receiving funds under the grant awarded, such program provides training and supervision to community health workers to enable such workers to provide authorized program services;

"(C) contain an assurance that the applicant will evaluate the effectiveness of community health worker programs receiving funds under the grant;

"(D) contain an assurance that each community health worker program receiving funds under the grant will provide services in the cultural context most appropriate for the individuals served by the program;

"(E) contain a plan to document and disseminate project description and results to other States and organizations as identified by the Secretary; and

"(F) describe plans to enhance the capacity of individuals to utilize health services and health-related social services under Federal, State, and local programs by—

"(i) assisting individuals in establishing eligibility under the programs and in receiving the services or other benefits of the programs; and

"(ii) providing other services as the Secretary determines to be appropriate, that may include transportation and translation services.

"(d) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to those applicants—

"(1) who propose to target geographic areas—

"(A) with a high percentage of residents who are eligible for health insurance but are uninsured or underinsured;

"(B) with a high percentage of families for whom English is not their primary language; and

"(C) that encompass the United States-Mexico border region;

"(2) with experience in providing health or health-related social services to individuals who are underserved with respect to such services; and

"(3) with documented community activity and experience with community health workers.

“(e) COLLABORATION WITH ACADEMIC INSTITUTIONS.—The Secretary shall encourage community health worker programs receiving funds under this section to collaborate with academic institutions. Nothing in this section shall be construed to require such collaboration.

“(f) QUALITY ASSURANCE AND COST-EFFECTIVENESS.—The Secretary shall establish guidelines for assuring the quality of the training and supervision of community health workers under the programs funded under this section and for assuring the cost-effectiveness of such programs.

“(g) MONITORING.—The Secretary shall monitor community health worker programs identified in approved applications and shall determine whether such programs are in compliance with the guidelines established under subsection (f).

“(h) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to community health worker programs identified in approved applications with respect to planning, developing, and operating programs under the grant.

“(i) REPORT TO CONGRESS.—

“(1) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under subsection (a), the Secretary shall submit to Congress a report regarding the grant project.

“(2) CONTENTS.—The report required under paragraph (1) shall include the following:

“(A) A description of the programs for which grant funds were used.

“(B) The number of individuals served.

“(C) An evaluation of—

“(i) the effectiveness of these programs;

“(ii) the cost of these programs; and

“(iii) the impact of the project on the health outcomes of the community residents.

“(D) Recommendations for sustaining the community health worker programs developed or assisted under this section.

“(E) Recommendations regarding training to enhance career opportunities for community health workers.

“(j) DEFINITIONS.—In this section:

“(1) COMMUNITY HEALTH WORKER.—The term ‘community health worker’ means an individual who promotes health or nutrition within the community in which the individual resides—

“(A) by serving as a liaison between communities and health care agencies;

“(B) by providing guidance and social assistance to community residents;

“(C) by enhancing community residents’ ability to effectively communicate with health care providers;

“(D) by providing culturally and linguistically appropriate health or nutrition education;

“(E) by advocating for individual and community health or nutrition needs; and

“(F) by providing referral and followup services.

“(2) COMMUNITY SETTING.—The term ‘community setting’ means a home or a community organization located in the neighborhood in which a participant resides.

“(3) MEDICALLY UNDERSERVED COMMUNITY.—The term ‘medically underserved community’ means a community identified by a State—

“(A) that has a substantial number of individuals who are members of a medically underserved population, as defined by section 330(b)(3); and

“(B) a significant portion of which is a health professional shortage area as designated under section 332.

“(4) SUPPORT.—The term ‘support’ means the provision of training, supervision, and materials needed to effectively deliver the services described in subsection (b), reimbursement for services, and other benefits.

“(5) TARGET POPULATION.—The term ‘target population’ means women of reproductive age, regardless of their current childbearing status and children under 21 years of age.

“(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2008, 2009, and 2010.”.

By Mr. NELSON of Florida (for himself, Mr. REID, and Mr. BIDEN):

S. 588. A bill to amend title XVIII of the Social Security Act to increase the Medicare caps on graduate medical education positions for States with a shortage of residents; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, I am pleased to be joined by my colleague Senate Majority Leader HARRY REID as we introduce the Resident Physician Shortage Reduction Act of 2007. The bill would enhance America's health care infrastructure by expanding the number of Medicare-supported physician residency training positions in States with a shortage of residents.

Over the past several years, a number of studies have concluded that this country is facing, or soon will face, physician shortages. The Council on Graduate Medical Education (COGME) and the Association of American Medical Colleges (AAMC) recently issued reports, which concluded that our Nation will likely lack an adequate number of physicians to meet patient demand by the year 2020.

By expanding the number of Medicare-supported physician residency training positions in our Nation's teaching hospitals, we can help stabilize America's health care infrastructure and alleviate physician shortages. Unfortunately, in 1997, the Balanced Budget Act (BBA) “capped” the number of residents that each teaching hospital could claim for Medicare payment purposes. In general, Medicare does not reimburse hospitals for residents they train that are above the capped number of residency slots.

There are no exceptions that allow hospitals to permanently adjust their caps. For example, the cap on physician training positions does not adjust for population growth. In many States, including Florida, populations continue to grow both in size and age and physician shortages are occurring or soon will occur. Ten years ago, Florida's ratio of physicians to population was above the national average. Today, Florida is among the States seeing the slowest growth in physician supply. A major reason for the slow growth in Florida is the lack of physician residents.

A recent study by the AAMC ranks Florida 44th among States with federally funded medical residency positions, with 16 residents per 100,000 people. This problem will worsen over time because Florida's population continues to grow and Federal funding for graduate medical education slots has been capped and cannot grow to reflect the need.

Because physicians tend to remain in the region where they complete their medical training, increasing the number of residency cap positions in States with a shortage will help to ensure an adequate physician workforce. According to a study by the AAMC, 47 percent of physicians are practicing in the State in which they did their training. Florida's record of retention is even better than the national average. The same study shows that approximately 60 percent of physicians who trained in Florida stay in Florida to practice medicine after their residency.

Today we are introducing the Resident Physician Shortage Reduction Act of 2007 to enhance America's health care infrastructure by expanding the number of resident physician training positions in States with a shortage of resident physicians. Specifically, the bill authorizes the Secretary of Health and Human Services (HHS) to increase the cap on the number of Medicare-supported residency training positions at teaching hospitals in States where there are shortages of resident physicians. A State is considered to have a shortage of resident physicians if its ratio of resident physicians per 100,000 population is below the national median level. Under our bill, teaching hospitals in approximately 24 States would be eligible for increases in their resident caps.

We believe this legislation is a critical first step towards ensuring an adequate supply of physicians in our health care system. We urge all of our colleagues, from both sides of the aisle, to join us in this effort.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 588

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 “Resident Physician Shortage Reduction Act of 2007”.

SEC. 2. INCREASING THE MEDICARE CAPS ON GRADUATE MEDICAL EDUCATION POSITIONS FOR STATES WITH A SHORTAGE OF RESIDENTS.

(a) DIRECT GRADUATE MEDICAL EDUCATION.—Section 1886(h)(4)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(F)) is amended—

(1) in clause (i), by inserting “clause (iii) and” after “subject to”; and

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

“(iii) INCREASE IN CAPS ON GRADUATE MEDICAL EDUCATION POSITIONS FOR STATES WITH A SHORTAGE OF RESIDENTS.—

“(I) IN GENERAL.—For cost reporting periods beginning on or after the date that is 16 months after the date of enactment of the Resident Physician Shortage Reduction Act of 2007, the Secretary shall increase the otherwise applicable limit on the total number of full-time equivalent residents in the field of allopathic or osteopathic medicine determined under clause (i) with respect to a qualifying hospital in an eligible State by an amount determined appropriate by the Secretary. Such increase shall be phased-in over

a period of 5 cost reporting periods beginning with the first cost reporting period in which the increase is applied under the previous sentence to the hospital. For each eligible State the aggregate number of such increases shall be—

“(aa) not less than 15; and

“(bb) not greater than the State resident cap increase.

“(II) QUALIFYING HOSPITAL.—In this clause, the term ‘qualifying hospital’ means a hospital located in an eligible State that the Secretary determines should receive an increase under this clause in the otherwise applicable limit on the total number of full-time equivalent residents in the field of allopathic or osteopathic medicine.

“(III) ELIGIBLE STATE.—In this clause, the term ‘eligible State’ means a State for which the National median medical resident ratio exceeds the State medical resident ratio.

“(IV) STATE RESIDENT CAP INCREASE.—In this clause, the term ‘State resident cap increase’ means, with respect to a State, $\frac{1}{4}$ of the product of—

“(aa) the difference between the National median medical resident ratio and the State medical resident ratio; and

“(bb) the State population (as determined for purposes of subclause (VI)).

“(V) NATIONAL MEDIAN MEDICAL RESIDENT RATIO.—In this clause, the term ‘National median medical resident ratio’ means the median of all State medical resident ratios.

“(VI) STATE MEDICAL RESIDENT RATIO.—In this clause, the term ‘State medical resident ratio’ means, with respect to any State, the ratio of full-time equivalent residents in the State in approved medical residency training programs as of the date of enactment of the Resident Physician Shortage Reduction Act of 2007 to the population of the State as of such date, as determined by the Secretary.

“(VII) STATE.—In this clause, the term ‘State’ means a State and the District of Columbia.

“(VIII) CONSIDERATIONS IN DETERMINING RESIDENT CAP INCREASES.—In determining whether a hospital is a qualifying hospital, and how much of an increase in the resident cap a qualifying hospital shall receive under subclause (I), the Secretary shall take into consideration the demonstrated likelihood of the hospital filling resident positions that would be made available as a result of such increase within the first 3 cost reporting periods beginning on or after the date that is 16 months after the date of enactment of the Resident Physician Shortage Reduction Act of 2007. The Secretary shall also take into consideration whether the new resident positions will be in primary care, preventive medicine, or geriatrics programs.”

(b) INDIRECT MEDICAL EDUCATION.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended by adding at the end the following new clause:

“(x) Clause (iii) of subsection (h)(4)(F) shall apply to clause (v) in the same manner and for the same period as such clause (iii) applies to clause (i) of such subsection.”

Mr. REID. Mr. President, I am introducing a bill today dealing with resident physician shortages. This bill will expand the number of Medicare-supported physician residency training positions in States all over the country which face a shortage of doctors.

This legislation is important because we know that the cities where doctors are trained are often the cities where they stay. For example, Nevada currently has 199 physicians in training and will be eligible for an additional 93 positions under this bill.

As Nevada continues to grow, so do our health needs. The two bills I am introducing today will help ensure communities across Nevada that they have the doctors they need and the quality of care they deserve.

By Mr. ALLARD:

S. 589. A bill to provide for the transfer of certain Federal property to the United States Paralympics, Incorporated, a subsidiary of the United States Olympic Committee; to the Committee on Environment and Public Works.

Mr. ALLARD. Mr. President, I rise today to introduce important legislation in support of America's Paralympic programs.

The Paralympics are an important facet of our modern Olympic tradition and serve as an integral part of the rehabilitation of the mind, body, and soul. Training programs provided by Paralympic organizations enable disabled athletes to overcome obstacles on and off the field. Through training, performance, and competition, these athletes regain independence and renew their spirit.

The roots of the Paralympic movement originally stem from disabled veteran's returning from war. After World War II, British soldiers began participating in Paralympic games. These games provided a way for disabled soldiers to compete competitively in athletics. This practice quickly spread to the United States, and this country is now leading the way in advancing the movement. Today thousands of athletes with physical disabilities compete internationally, proudly representing their countries.

Tremendous advancements in modern medicine and the adaptation of athletic equipment have allowed Paralympic athletes to physically compete in a variety of sports and live the Olympic dream. By continuing to support the development of the Paralympic movement at all levels, as this bill does, we are able to take advantage of these numerous scientific and medical advancements to truly improve quality of life for our wounded veterans.

Today I am introducing legislation to facilitate the transfer of unused Federal property in Colorado Springs, CO, to the United States Olympic Committee and specifically Paralympics Incorporated. The transfer of this property allows the current United States Olympic Committee complex in Colorado Springs to expand and provides the U.S. Paralympic Team with further room to grow their programs.

To a large degree, this expansion will afford greater opportunities to Paralympics athletes, especially our Nation's military veterans.

Colorado Springs and the Pikes Peak region are unique. Home to a robust veteran's population, this region also serves as the national headquarters of the United States Olympic Committee. This makes the area a natural fit for

championing and advancing the Paralympic movement.

Proponents for the disabled estimate that approximately 10 percent of the more than 500-person U.S. team to the Paralympics in 2012 will be comprised of veteran's of the global war on terrorism. This is a tremendous increase considering there were no war veterans participating in either the 2004 or 2006 games.

Providing for the transfer of this property will give the United States Olympic Committee the necessary facilities to work with local and national veteran's service organizations, the Department of Defense, as well as the Department of Veterans Affairs in order to allow for greater opportunities for disabled veterans to participate in the Paralympics, particularly those returning home from war in Iraq and Afghanistan.

I am not alone. National and local organizations recognize the importance of these programs and vocally support my efforts, including: the Colorado American Legion, the Colorado Springs Chamber of Commerce, the National Sports Center for the Disabled, and the Pikes Peak Chapter of Military Officers Association of America.

I ask my colleagues to join me in cheering on the Olympic spirit that lives in all of us by supporting our Nation's disabled veterans and Paralympic athletes.

I ask unanimous consent to print the following letters in the RECORD.

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

THE CHAMBER,

Colorado Springs, CO, February 14, 2007.

Hon. WAYNE ALLARD,
U.S. Senator, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR ALLARD: We are writing to express our strong support of your efforts to transfer the Federal Building at 1520 East Willamette in Colorado Springs to the United States Paralympic Committee.

As you know, The Greater Colorado Springs Chamber of Commerce has an active and steadfast relationship with the United States Olympic Committee. In addition, our membership provides a strong support system to our military in the region. We are most impressed with the USOC's Paralympics Organization that provides such a valuable initiative to our injured soldiers coming back from serving and protecting our country.

The stature and pride associated with The United States Olympic Committee's presence in the Colorado Springs area has always been an important part of our cultural and economic significance. Combining that with the mission of helping our soldiers recover and succeed in the Paralympics venue would be another critical investment in our people and our region.

We wholly and enthusiastically support your efforts to add to our nation's viability in the Paralympics movement and to increase our region's prominence in that movement. Thank you for your vigorous dedication in moving this effort forward.

Sincerely,

WILL TEMBY,
Chief Executive Officer.

NATIONAL SPORTS CENTER
FOR THE DISABLED,
January 24, 2007.

Hon. WAYNE ALLARD,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALLARD: On behalf of the National Sports Center for the Disabled of Winter Park, Colorado, I would like to thank you for introducing legislation to transfer Federal property to the United States Paralympics, Inc. and the United States Olympic Committee. This property will significantly add to the U.S. Paralympics' ongoing efforts to provide sport programs for individuals with disabilities.

In recent years, the number of young men and women with newly acquired disabilities from military service has increased considerably. Learning to live with a disability is an experience that many find difficult. Recognizing that physical activity can play a tremendous role in encouraging healthy and independent lives, the U.S. Paralympics has made remarkable efforts to provide sport programs for such individuals. As chief executive officer for the National Sport Center for the Disabled, I have witnessed firsthand the benefits of physical activity on the lives of the disabled. It is clear that sport programs have tremendous therapeutic value and encourage healthy, independent lives.

As military operations in Iraq and Afghanistan continue, the need for such programs is greater than ever. This property in Colorado Springs, Colorado will greatly enhance the U.S. Paralympics' ability to continue sport training programs for our soldiers with newly acquired disabilities as they return home and begin the rehabilitation process.

I ardently support your legislation to transfer Federal property to the U.S. Olympic Committee and U.S. Paralympics for sport programs for the disabled, and I thank you for recognizing this need as so many active duty and retired military personnel begin to adjust to life with a disability.

Sincerely,

CRAIG POLLITT, PRESIDENT/CHIEF
EXECUTIVE OFFICER.

PIKES PEAK CHAPTER,
MILITARY OFFICERS ASSOC. OF AMERICA,
Colorado Springs, CO, January 24, 2007.
U.S. OLYMPIC COMMITTEE,
Olympic Plaza,
Colorado Springs, CO.

DEAR U.S. OLYMPIC COMMITTEE: The members of the Pikes Peak Chapter of the Military Officers Association of America would like to express our strongest support for your efforts to transfer the Federal Property near the U.S. Olympic Training Center to your Olympic Committee. Understanding that U.S. Olympic Committee will use this property in the training of United States Paralympics, we see this as a wonderful opportunity to help athletes with physical disabilities. As many veterans take part in this training and competition and it adds so much to their lives, we strongly urge the Olympic Committee to pursue the acquisition of this property for the Paralympics.

Feel free to contact me at 719-590-9522 for further details.

Sincerely,

THOMAS M. DASCHBACH,
Colonel USAF (Ret),
President, Pikes Peak Chapter.

By Mr. SMITH (for himself, Mr. SALAZAR, Ms. SNOWE, Mr. MENENDEZ, Mr. LUGAR, Mr. KERRY, Mr. KENNEDY, Mr. ALLARD, Mr. WYDEN, Mr. LIEBERMAN, Mr. LAUTENBERG, Ms. CANTWELL, and Ms. LANDRIEU):

S. 590. A bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce legislation to spur investment in and deployment of fuel cells and solar energy systems. I am joined today by my colleague, Senator SALAZAR, and eleven other Senators in introducing this important bill to encourage the development if these clean energy facilities.

The Energy Policy Act of 2005 created new commercial and residential investment tax credits that have helped stimulate market growth for these innovative technologies. Those tax credits, which were extended in 2006, are set to expire at the end of 2008. However, in order to drive down future production costs and encourage the development of these facilities, this bill provides for an eight-year extension of the investment tax credits for solar and fuel cell facilities. It also provides for the accelerated depreciation of commercial solar and fuel cell projects.

The long-term extension is needed within these industries because these emerging energy technologies have longer planning horizons than traditional power plants. A long-term extension will also help developers secure the financing for these facilities.

There are numerous benefits of extending these investment tax credits. It is estimated that an eight-year extension of the tax credits will displace over 4 trillion cubic feet of natural gas and save consumers over \$32 billion. An estimated 70,000 new jobs will be created in the solar and fuel cell industries and over \$50 billion in economic investment will be made in these industries. In addition, distributed generation facilities can serve remote sites and help address transmission congestion issues.

Home-grown energy technologies and sources help reduce our dependence on foreign sources of energy. Moreover, both solar equipment and fuel cells provide zero emissions energy. I would urge my colleagues to join us in providing America's entrepreneurs and households with these important tax incentives. Together, we can reduce our dependence on fossil fuels and restore our nation's leading role in these important industries.

By Mr. CHAMBLISS (for himself, Mr. HARKIN, Mr. ROBERTS, Mrs. LINCOLN, Mr. COCHRAN, and Mr. LEAHY):

S. 591. A bill to amend the Food Stamp Act of 1977 to adjust for inflation the allowable amounts of financial resources of eligible households and to exclude from countable financial resources certain retirement and education accounts; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CHAMBLISS. Mr. President, I rise today to introduce the Food Stamp

Savings and Investment Act of 2007, a bill that would improve the food stamp program which is administered by the U.S. Department of Agriculture. For fiscal year 2005, the food stamp program touched an average of over 25 million people in this country every month.

Our nutrition assistance programs, anchored by the food stamp program, play a key role in ensuring that needy Americans have access to the food they need to lead healthy, productive lives. I know from the school teachers in my family the importance of good nutrition, especially for our children's development. Moreover, the food for nutrition programs comes from U.S. farmers which helps agriculture. Finally, food assistance programs are an important part of this country's safety net. Not long ago, the Nation witnessed the food stamp program's effective emergency response to evacuees from hurricanes Katrina and Rita. The U.S. food assistance programs are good for families, good for farmers and good for America.

The food stamp program not only helps by providing food and emergency aid, it helps America's needy families on their path to independence and self-sufficiency. The goals of the 1996 welfare reform were spelled out in the title, to increase "personal responsibility and work opportunity." In essence, Congress asked our nation's families on welfare to take personal responsibility for themselves and join the workforce, and many of those families did. In the ten years since welfare reform was passed by Congress and signed by President Clinton, fewer families receive cash welfare, and more welfare families are working. According to the Congressional Research Service, from 1996 to 2005, the number of food stamp households with children who received cash welfare payments decreased by 57 percent, and the number who reported earned income increased 41 percent. Many families have transitioned from welfare to work, and the Food Stamp program should do more to encourage this continuing transition.

States have done a great job addressing food stamp error rates. From fiscal year 2000 to fiscal year 2005, while average monthly participation increased to a near historical high of almost 26 million people, the combined error rates of over payments and under payments fell 34 percent to a historical low of 5.84 percent.

In the 2002 farm bill, Congress gave States many options to administer the food stamp program easier. Most States have taken advantage of these options and the program serves both taxpayers and recipients better today than in the past. However, there is room to improve. For many working families with low income, there are some aspects of the food stamp program that may reduce their ability to escape the cycle of poverty. For example, food stamp asset rules conflict

with families' ability to save for their future. The asset limit of \$2,000 for liquid assets for most food stamp recipients has not changed for more than 20 years. When indexed for inflation, the asset limit would be almost \$4,000 today. This bill would index the asset limit to inflation. A higher asset limit should help families build up savings in order to achieve financial independence and prepare for a rainy day or get an education and eventually end their need to receive food stamps.

In addition, food stamp rules discourage working families from utilizing all the financial investment tools encouraged by the tax code for working Americans. This bill would exempt savings plans for retirement and education from being counted toward the asset when determining eligibility, provisions included in the Bush Administration's farm bill proposal.

The core ideas underlying this bill enjoy broad support across the political spectrum. Examples of organizations that have voiced support for reforming asset limits in order to encourage savings include: The Heritage Foundation; the Center on Budget and Policy Priorities; the New America Foundation; the Corporation for Enterprise Development; and, the Center for Law and Social Policy.

Reforming food stamp asset limits has the potential to help needy families break the cycle of poverty and achieve long-term financial independence. I urge my colleagues to support this bill.

Mr. HARKIN. Mr. President, I am pleased today to join my friend and colleague, the senior Senator from Georgia, as a cosponsor of legislation to provide some needed improvements to the Food Stamp Program's eligibility rules.

Senator CHAMBLISS' legislation, the Food Stamp Personal Savings and Investment Act of 2007, would exempt retirement accounts and educational savings accounts from the current asset limits test in the Food Stamp Program. Additionally, this bill would index the current asset limit to inflation.

For most households, the current asset limit in the Food Stamp Program is \$2000; \$3000 for households with an elderly individual or an individual with a disability. This limit has not been raised in over 20 years, making it inconsistent with the economic challenges faced by today's low-income working families in America.

In addition, current Food Stamp Program resources rules are inconsistent. Many types of retirement accounts and all educational savings accounts are counted against the asset limit, meaning that a working mother who has recently become unemployed but managed to save \$2500 for her daughter's college education is actually ineligible for food stamps. This forces otherwise eligible households to have to choose between liquidating such savings, which in many cases are also subject to

a financial penalty, or going without needed food assistance.

It is clear that current Food Stamp Program rules actually discourage people from planning responsibly for their futures and deny them a helping hand at a time when they need it most. It makes no sense for the government to force families that are suffering through periods of unemployment to spend down the savings which represent their only source of security in times of hardship. In essence we require people to trade-off their minimal savings for meager food stamp benefits that equal an average of one dollar per meal per person.

If our true goal is to provide low-income families with a hand up—to help make a better life for themselves and their children—then we must enact policies that actually encourage them to build the resources that are necessary to get out of poverty and remove the barriers to saving that exist in current law. Exempting retirement and educational savings accounts from the Food Stamp Program's asset limits test will help do that.

Similarly, adjusting the current asset limit so that it rises with inflation will provide a more reasonable, less-restrictive threshold that, though modest, will at least prevent further erosion in the current asset limits. I'm hopeful that we can do more than just indexing the current limit, which is too restrictive. I hope that we can first increase the asset limits and then index them annually to inflation. But Senator CHAMBLISS' bill is a good start, and I commend him for seeking to address this problem.

Taken together, these are common sense changes that are needed throughout our federal anti-poverty programs to allow low-income Americans who are currently discouraged from saving to invest in their futures. The Committee on Agriculture, Nutrition and Forestry obviously has no jurisdiction over other anti-poverty programs, but we can start by removing the unrealistic and damaging limits that currently exist within the Food Stamp Program.

I should also make clear that this is not the only change needed to improve upon the Food Stamp Program. We clearly must do more to help those who suffer from food insecurity in this country, and there are a number of other improvements that we should make to our federal food assistance programs to help low-income families put food on their tables.

This legislation is a good start to the larger objective of simplifying and strengthening our food assistance programs to make them more responsive and relevant to helping meet the needs of today's low-income American families. I commend Senator CHAMBLISS for introducing this bill, am happy to cosponsor it and look forward to continuing to work with him to promote economic and food security and stability for low-income Americans and families.

By Ms. COLLINS:

S. 592. A bill to amend the Internal Revenue Code of 1986 to provide for a manufacturer's jobs credit, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce legislation, the "Growing Our Manufacturing Employment Act, or "GoME," which is aimed at reinvigorating the manufacturing sector, boosting the level of domestic manufacturing, and preventing the further loss of manufacturing jobs.

Few issues are as important to the American people than the availability of good jobs in their communities. Manufacturing jobs have long provided quality employment for generations of Americans. But in recent years, employment in the manufacturing sector has dropped, and over 3 million manufacturing jobs have been lost since the year 2000.

Few States have been hit harder by the loss of manufacturing jobs than my home State of Maine. According to the National Association of Manufacturers, Maine has lost 22,000 manufacturing jobs—nearly 28 percent of our total—since the beginning of this decade. These jobs once provided lifelong employment to Mainers in towns like Millinocket, Wilton, Waterville, Fort Kent, Dexter, Westbrook, and Sanford. Here is but one example of the tragic results of this ongoing trend, from my home State of Maine: For 60 years, Moosehead Manufacturing produced furniture of the highest quality—beautiful designs and quality materials combined with expert craftsmanship. Last week, Moosehead closed its doors. More than 120 skilled workers have lost their jobs. A traditional Maine business, built from the ground up by a Maine family, is gone.

Why are American manufacturing jobs disappearing? Three years ago, the National Association of Manufacturers released a study showing that American manufacturers face "structural costs" that makes it 22 percent more expensive to manufacture goods here than overseas. Last fall, NAM updated this study, and found that these costs are escalating, with American manufacturers now facing a cost differential 31 percent higher than our nine leading trading partners.

While it would surprise no one that U.S. manufacturers face a higher cost-of-doing business than manufacturers in countries like China and Mexico, it would be a mistake to assume that wage rates alone explain this difference. They do not. In fact, the productivity of American workers is unrivaled, allowing American workers to receive more value, in wages, for the goods they produce. As the original NAM study states, if wages were the only factor, then "U.S. manufacturers would be much more dominant . . . in the global markets than the current trade situation suggests."

It is other "structural costs" that make it more expensive to manufacture goods in the U.S. relative to the

cost elsewhere. Indeed, the NAM study shows that most of the “structural costs” facing American manufacturers are higher than those facing manufacturers in industrialized nations like Japan, Germany, and France. This fact illustrates the critical impact these high “structural costs” have on our ability to compete.

In essence, these costs have the same effect as imposing a 31 percent additional tax on making goods here rather than overseas. To stay in business, American manufacturers must somehow do more with less, move operations overseas, or get out of manufacturing altogether. The end result is fewer jobs, a weaker economy, and a manufacturing sector in crisis.

I believe a healthy manufacturing base is essential to our Nation’s future. Not only is manufacturing a key source of skilled, high-paying jobs, but also it is crucial to our economic and national security that we have the ability to manufacture the goods we need right here in this country. For all these reasons, I am proposing the “Growing Our Manufacturing Employment Act.”

This bill would help to lessen the 31 percent cost differential that American manufacturers face by providing a variety of tax incentives. For example, a jobs tax credit would be provided to manufacturers that employ displaced workers who are receiving benefits under the Trade Adjustment Act, as well as those who are receiving benefits under the Alternative TAA program. That would help get those workers back to work. In Maine alone over 4,700 workers have been deemed eligible for benefits under TAA since November of 2002, and nationally, the number is nearly 600,000.

The jobs credit I am proposing in this bill would only be available to manufacturers that increase their employment level. The availability of this credit would provide a powerful incentive to hire workers who are receiving benefits because they are displaced.

This bill is designed to ensure that only companies that are helping to build America’s manufacturing base obtain its benefits. It has both a carrot and a stick approach. Companies that move jobs offshore will see their benefits under this proposal reduced, and companies that chose to “invert” their corporate structure to avoid U.S. taxes will not be eligible for this credit at all.

As important as it is to assist workers who are eligible for benefits under TAA and ATAA, however, this alone is not enough to address the crisis facing American manufacturers. That is why my bill also includes a 5-year extension of the research and development tax credit we passed last year. R&D is critical to our manufacturers, because it is the basis of the breakthroughs we need to keep our economy on the cutting edge. The credit also creates jobs—it can only be claimed on R&D performed in the United States, and 75 percent of

each dollar claimed goes to cover salaries of employees engaged in R&D. But despite its importance, the R&D tax credit is scheduled to sunset at the end of this year. Extending this credit would be a powerful tool that will help manufacturers keep their operations in America, and help offset the cost disparity American manufacturers face.

I am hopeful that, working together on this and other proposals, we can take the important steps needed to strengthen American manufacturers, preserve our manufacturing capacity, and most of all, help ensure that hard-working Americans have the jobs they need and deserve.

By Mr. BURR (for himself, Mr. REED, Mr. NELSON of Florida, Mr. MARTINEZ, Mr. DURBIN, Mrs. DOLE, and Ms. COLLINS):

S. 593. A bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am pleased to join my colleague, Senator BURR, to introduce the Services for Extended Long-Term Homelessness Act (SELHA).

It is estimated that two to three million Americans experience a period of homelessness in a given year. While the majority of these individuals find themselves homeless for a brief period of time, a growing segment are experiencing prolonged periods of homelessness. Roughly 200,000 to 250,000 Americans fall under the category of chronically homeless.

In March 2003, former Department of Health and Human Services Secretary Tommy Thompson issued a report that defined the issues and challenges facing the chronically homeless and developed a comprehensive approach to bringing the appropriate services and treatments to this population of individuals who typically fall outside of mainstream support programs.

Similarly, the President’s New Freedom Commission on Mental Health recommended the development of a comprehensive plan to facilitate access to permanent supportive housing for individuals and families who are chronically homeless. However, affordable housing, alone, is not enough for many chronically homeless to achieve stability. This population also needs flexible, mobile, and individualized support services to sustain them in housing.

The legislation we are introducing today is critical to the development and implementation of more effective strategies to combat chronic homelessness through improved service delivery and coordination across Federal agencies serving this population. It directs the Substance Abuse and Mental Health Services Administration to coordinate their efforts not only with the Department of Housing and Urban De-

velopment, but with other Federal departments as well as with various agencies within the Department of Health and Human Services that provide supportive services.

Mr. President, SELHA is an important bipartisan measure designed to help improve coordination and ensure access to the range of supportive services that the growing number of chronically homeless Americans need to get back on their feet. Our bill brings together permanent supportive housing and services, the essential tools to enable these individuals to begin to take the steps necessary to become productive and active members of our communities again.

I look forward to working with my colleagues toward expeditious passage of this legislation.

By Mrs. FEINSTEIN (for herself, Mr. LEAHY, Mr. SANDERS, and Ms. MIKULSKI):

S. 594. A bill to limit the use, sale, and transfer of cluster munitions; to the Committee on Foreign Relations.

Mrs. FEINSTEIN. Mr. President, I rise with Senator LEAHY, Senator SANDERS, and Senator MIKULSKI to introduce legislation to address the continuing threat posed by cluster bombs to innocent civilians around the world.

Our legislation places common sense restrictions on the use of cluster bombs. It prevents any funds from being spent to use, sell or transfer cluster munitions: that have a failure rate of more than one percent; unless the rules of engagement or the agreement applicable to the sale or transfer of such cluster munitions specify that: the cluster munitions will only be used against clearly defined military targets and; will not be used where civilians are known to be present or in areas normally inhabited by civilians.

The bill also requires the President to submit a report to the appropriate Congressional committees on the plan, including estimated costs, by either the United States Government or the government to which U.S. cluster bombs are sold or transferred to clean up unexploded cluster bombs.

Finally, the bill includes a national security waiver that allows the President to waive the prohibition on the use, sale, or transfer of cluster bombs with a failure rate of more than one percent, if he determines it is vital to protect the security of the United States.

The human death toll and injury from these weapons are felt everyday. Innocent children think they are picking up a play toy in the field and suddenly their arm is blown off.

Last November, the International Committee for the Red Cross called for a ban on the use of cluster bombs in highly populated areas. They joined other leading organizations who have also decried the indiscriminate use of these weapons: Amnesty International, Human Rights Watch, the Friends Committee on National Legislation,

Handicap International, and Landmine Action.

Several countries, including Belgium, Germany, and Norway have either instituted a ban or a moratorium on the use and procurement of cluster bombs. More than 30 countries are actively calling for increased international controls on the weapon.

And next week, Norway will host an international conference to explore the possibility of a international treaty to ban certain types of cluster munitions and provide support for the victims of the weapons.

We need to adjust our policies for their use and can do so easily.

Every year, hundreds of civilians are killed and many more are injured due to unexploded cluster bombs.

From the fields of Vietnam, Laos, and Cambodia, through the streets of Kosovo and Iraq, to the arid hills of Afghanistan and the playgrounds of Lebanon, these lethal relics of war continue to cripple life, hope, and peace.

Cluster munitions are large bombs, rockets, or artillery shells that contain up to hundreds of small submunitions, or individual "bomblets."

They are intended for attacking enemy troop formations and armor covering over a half mile radius.

Yet, in practice, they pose a real threat to the safety of civilians when used in populated areas because they leave hundreds of unexploded bombs over a very large area and they are often inaccurate.

The non-profit group Handicap International studied the effects of cluster bombs in 24 countries and regions, including Afghanistan, Chechnya, Laos, and Lebanon.

Its report found that civilians make up 98 percent of those killed or injured by cluster bombs. 27 percent of the casualties are children.

As the report shows, cluster bombs end up in streets and cities where men and women go to work and do their shopping.

They end up in groves of trees and fields where children play.

They end up in homes where families live.

In some cases, up to 40 percent of cluster bombs fail to explode, posing a particular danger to civilians long after the conflict has ended.

This is particularly and sadly true of children because bomblets are no bigger than a D battery and in some cases resemble a tennis ball.

Children, outside with their friends and relatives, come across these cluster bombs, pick them up because they look a ball, and start playing with them.

A terrible result often follows as these stories demonstrate.

On March 25, 2003 Abdallah Yaqoob was sleeping in his bed in his family's home in Basra, Iraq when he was hit by shrapnel from a cluster munition strike that hit his neighborhood.

He lost his arm, and his abdomen was severely injured. Abdallah was hit by British L20A1/M85 munition.

Falah Hassan, 13, was injured by an unexploded ground-launched submunition in Iraq on March 26, 2003.

The explosion severed his right hand and spread shrapnel through his body. He lost his left index finger and soft tissue in his lower limbs. Source: Bonnie Docherty/Human Rights Watch.

Hassan Hammade, a 13 year old Lebanese boy, lost four fingers and sustained injuries to his stomach and shoulder after he picked up an unexploded cluster bomb in front of an orange tree.

He said, "I started playing with it and it blew up. I didn't know it was a cluster bomb—it just looked like a burned out piece of metal." Source: Christian Science Monitor.

All the children are too scared to go out now, we just play on the main roads or in our homes.

These unexploded cluster bombs become, in essence, de facto landmines.

Instead of targeting troop formations and enemy armor, unexploded bomblets target innocent civilians, seriously maiming or killing their victims.

This runs counter to our values and counter to the laws of war.

Make no mistake, the impact of unexploded cluster bombs on civilian populations has been devastating.

In Laos alone there are between 9 and 27 million unexploded cluster bombs, leftovers from U.S. bombing campaigns in the 1960s and 1970s. Approximately 11,000 people, 30 percent of them children, have been killed or injured since the war ended. Source: International Committee for the Red Cross.

In the first Gulf War, 61,000 cluster bombs were used containing 20 million bomblets. Since 1991, unexploded bomblets have killed 1,600 innocent men, women, and children and injured more than 2,500.

In Afghanistan in 2001, 1,228 cluster bombs with 248,056 bomblets were used. Between October 2001 and November 2002, 127 civilians were killed by them, 70 percent of them under the age of 18.

In Iraq in 2003, 13,000 cluster bombs with nearly 2 million bomblets were used. Combining the first and second Gulf Wars, the total number of unexploded bomblets in the region is approximately 1.2 million.

An estimated 1,220 Kuwaitis and 400 Iraqi civilians have been killed since 1991. Source: Human Rights Watch.

What gives rise, in part, to my bill are recent developments in Lebanon over alleged use of cluster bombs by Israel.

It is estimated that Israel dropped 4 million bomblets in southern Lebanon and 1 million of these bomblets failed to explode.

As Lebanese children and families have returned to their homes and begin to rebuild, they have been exposed to the danger of these unexploded bomblets lying in the rubble.

22 people, including six children have been killed and 133, including 47 children, injured.

One United Nations official estimates that 40 percent of the cluster bombs

launched by Israel in Southern Lebanon failed to explode.

So far, more than 58,000 unexploded bomblets in Lebanon have been destroyed but it will take 12 to 15 months to complete the effort. Source: United Nations humanitarian coordinator for Lebanon.

Looking at these figures it is clear that several countries are awash with unexploded bomblets.

The number is indeed staggering and the consequences are real.

Each death that results from an unexploded American bomblet weakens American diplomacy and American values.

How are we supposed to win the hearts and minds of civilians in these countries when we leave behind such deadly weapons that indiscriminately kill boys and girls?

How are we supposed to speed up reconstruction efforts—building homes, schools, hospitals, clinics, and ensuring electricity and water supplies—when populated areas are littered with these bombs?

Simply put, unexploded cluster bombs fuel anger and resentment and make security, stabilization, and reconstruction efforts that much harder.

And it is not just a humanitarian problem, it is a military problem.

By showering targets with cluster bombs, we ensure that our troops will face thousands of unexploded bomblets as they move forward.

This will force them to change course and slow the mission.

During the Iraq war, U.S. troops would fire six rockets containing 4,000 bomblets to eliminate one artillery piece in a civilian neighborhood. With a 16 percent dud rate, approximately 640 duds were left behind. Source: Human Rights Watch.

As an August 2003 Wall Street Journal article noted: "Unexploded bomblets render significant swaths of battlefield off-limits to advancing U.S. troops."

In fact, during the first Gulf War, unexploded cluster munitions killed 22 U.S. troops—6 percent of total U.S. fatalities—and injured 58.

Former Secretary of Defense William Cohen recognized the threat cluster bombs posed to civilians and U.S. troops alike and issued a memorandum which became known as the Cohen Policy.

It stated that beginning in fiscal year 2005, all new cluster bomb would have a failure rate of less than one percent.

This was an important step forward but we must remember that we still have 5.5 million cluster bombs in our arsenals containing 728.5 million bomblets. That is, we are still prepared to use an enormous amount of cluster bombs that have significant failure rates. That is unacceptable.

Let me be clear. While this legislation prohibits the sale, use, or transfer of cluster bombs with a failure rate of more than one percent, it does include a national security waiver to allow the President to waive the restriction.

Instead of exercising the waiver, I would hope that administration would work with Congress to extend the Cohen Policy to the entire U.S. cluster bomb arsenal.

During the 1990s, a comprehensive pact was forged to protect civilians from land mines worldwide. The United States and the international community have since spent millions to remove mines in post-conflict regions.

There is no question there should be a similar program for cluster bombs.

Simply put, this legislation will save lives—civilians and soldiers alike—and will help save the reputation of the United States.

I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 594

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 “Cluster Munitions Civilian Protection Act of 2007”.

SEC. 2. LIMITATION ON THE USE, SALE, OR TRANSFER OF CLUSTER MUNITIONS.

No funds appropriated or otherwise available to any Federal department or agency may be obligated or expended to use, sell, or transfer any cluster munitions unless—

(1) the submunitions of the cluster munitions have a 99 percent or higher functioning rate;

(2) the policy applicable to the use, or the agreement applicable to the sale or transfer, of such cluster munitions specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians; and

(3) not later than 30 days after such cluster munitions are used, the President submits to the appropriate congressional committees a plan, including estimated costs, for cleaning up any such cluster munitions and submunitions which fail to explode and continue to pose a hazard to civilians that is prepared, as applicable—

(A) by the head of such Federal department or agency in the event such cluster munitions are to be used by the United States Government; or

(B) by the government of the country to which the United States Government sold or transferred such cluster munitions.

SEC. 3. PRESIDENTIAL WAIVER.

The President may waive the requirement under section 2(1) if, prior to the use, sale, or transfer of cluster munitions, the President—

(1) certifies that it is vital to protect the security of the United States; and

(2) not later than 30 days after making such certification, submits to the appropriate congressional committees a report, in classified form if necessary, describing in detail—

(A) the steps that will be taken to protect civilians; and

(B) the failure rate of the cluster munitions that will be used, sold, or transferred and whether such munitions are fitted with self-destruct or self-neutralization devices.

SEC. 4. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this Act, the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

Mr. LEAHY. Mr. President, I am very pleased to cosponsor this legislation on cluster munitions with my friend from California, Senator FEINSTEIN. I commend her for the determination she has shown to prevent future harm to innocent people from these weapons.

The problem of cluster munitions, which overwhelmingly maim and kill civilians, has been known for many years. Perhaps the most egregious example is Laos, where millions of these tiny explosives were dropped by United States military aircraft during the Vietnam war. Over three decades later they continue to cause horrific casualties among local villagers and unsuspecting children.

I have urged the Pentagon to address this problem for nearly a decade.

While they have acknowledged the problem, they have not yet taken sufficient steps to solve it. We used large numbers of cluster munitions in the invasion of Iraq, including in densely inhabited, urban areas, and many civilians paid and continue to pay a terrible price.

Israel used these weapons extensively in Lebanon, including cluster munitions supplied by the United States, and again it has been civilians who have suffered disproportionately.

Cluster munitions, like any weapon, have military utility. They can be effective against armor or other military infrastructure. But they are, in effect, indiscriminate, because they are scattered by the thousands over wide areas.

Many of them—between 1 and 40 percent depending on the type and the condition of the terrain—fail to explode on contact and remain on the surface of the ground as hazardous duds indefinitely, no different from landmines.

The duds are exploded by whoever comes into contact with them. Often it is a child who thinks it is a toy. The consequences are disastrous—lifelong disfigurement and disability, or death.

No one suggests that it is possible to completely avoid civilian casualties in war. Innocent casualties are an inevitable, tragic consequence of all wars. But this legislation should not be necessary. Weapons that are so disproportionately hazardous to civilians should of course be subject to strict controls on their use.

The Feinstein-Leahy bill does not prohibit the use or export of cluster munitions. Rather, it would set a standard for reliability that is the same as what the Pentagon now requires for new procurements of these weapons.

The President may waive this requirement if he certifies that doing so is vital to protect the security of the United States, and he submits a report describing the steps that will be taken

to protect civilians and the failure rate of the cluster munitions to be used or sold.

Our bill, which is not aimed at any particular country because this is a global problem, would also require that cluster munitions be used only against military targets and not where civilians are known to be present or in areas normally inhabited by civilians.

This is a moral issue and it is an issue of our own self-interest. Using or selling weapons that are so indiscriminate in their effect without strict controls on their use is immoral. It is immoral.

Anyone who has seen the horrific consequences of children with an arm or a leg blown off, or a part of their face, or their lifeless body cut to pieces by shrapnel, knows that.

It is also contrary to our own interest to be using or selling weapons which cause such appalling casualties of people who are not the enemy. It fuels anger and resentment we can ill afford among the very people whose support we need.

Again, I am pleased to join with the Senator from California. This is a thoughtful, much needed response to a serious humanitarian problem.

It is also timely because other governments, following the leadership of Norway, Austria and others, are meeting in Oslo later this month to begin discussions on an international treaty to curtail the use and export of cluster munitions that pose unacceptable risks to civilians.

The United States should play a visible, constructive role in those negotiations and it is our hope that this legislation will contribute to that process.

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

S. 595. A bill to amend the Emergency Planning and Community Right-to-Know Act of 1986 to strike a provision relating to modifications in reporting frequency; to the Committee on Environment and Public Works.

Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation that would preserve the public's right to know about toxic chemical releases and waste management where they live.

The legislation would overturn the Environmental Protection Agency's recent action to undermine the Toxics Release Inventory (TRI) program—which I helped create in 1986—by allowing facilities that release up to 2,000 pounds of a toxic chemical to simply provide notice of a chemical's presence at the facility, rather than disclose the actual amounts released to the land, air, and water. The 2,000 pounds standard represents a four-fold increase of the current reporting threshold. EPA finalized another change to the TRI program that will reduce the information available to the public regarding the waste management of some of the most toxic chemicals that accumulate

in the environment, including lead and mercury.

These changes would eliminate detailed reporting for one or more chemicals at thousands of facilities in communities around the country, including hundreds of facilities in New Jersey, and could eliminate entirely the disclosure of the releases of more than a dozen potentially dangerous chemicals. According to the Government Accountability Office (GAO), citizens living in 75 U.S. counties could have no numerical TRI information about local toxic pollution under the changes made by EPA. Furthermore, GAO estimates that 3,565 facilities—including 101 in New Jersey—would no longer have to report any quantitative information about their chemical releases and waste management practices to the TRI.

The EPA had also proposed to require reports on chemical emissions only every other year, instead of the current annual requirement. Under that plan, communities would have no knowledge of what chemicals have been released into their neighborhoods, or how those wastes were otherwise managed every other year. Additionally, companies would have an incentive to concentrate their most egregious releases of toxic chemicals into the environment in years which are not reported. EPA withdrew this particular part of their proposal, but there is no guarantee that they will not pursue this avenue in the future.

I strongly oppose all of these rule changes; and the legislation I am introducing will overturn the changes EPA has made, and prevent them from making the third change that they considered.

I firmly believe that it is unacceptable for the EPA to reduce the amount of information available to the public about chemicals—including mercury, lead benzene, chromium, and other carcinogens—stored nearby or released into their community. When Congress passed the original Emergency Planning and Community Right-to-Know Act in 1986, as a response to the 1984 Union Carbide chemical disaster in Bhopal, India, some accountability was finally established in the chemical industry. And now, the EPA has weakened the rules and reduced the amount of information available to the public on these critical issues. For instance, in my home State of New Jersey, a chemical facility that released 2,000 pounds of arsenic via air emissions in 2003 would no longer be required to disclose this pollution to the general public. Fourteen facilities that released a combined 8,600 pounds of carcinogenic styrene would no longer have to report these emissions in detail.

While the EPA touts the benefits of its proposal as “burden reduction” for industry, I strongly believe that the benefit of annual, detailed reporting vastly outweighs any reduction in burden that will be provided to industry. In fact, according to GAO’s estimates,

the average cost savings for facilities no longer required to report their release of toxic chemicals or waste management practices would be approximately \$2.46 per day.

There are constructive ways to improve the TRI program, and lessen the burdens on industry, without reducing the amount of information available to the public. These include improving the system for electronic reporting, and offering technical assistance to help businesses comply with the requirements.

The bill I introduce today, with Senator BOXER and Senator MENENDEZ as original co-sponsors, would codify the previous requirement that facilities with chemical releases of more than 500 pounds of any standard TRI chemical must disclose the details of their releases. Releases in amounts less than 500 pounds could continue to use the less detailed reporting form. Second, it would codify the current prohibition on using the less detailed form for the most persistent chemicals, including lead and mercury—those the EPA has classified as “chemicals of special concern.” Finally, it would prevent EPA from making the frequency of reporting less than every year.

I would also like to thank my Congressional colleagues in the House of Representatives, FRANK PALLONE of New Jersey, and HILDA SOLIS of California, with whom I have been pleased to work on this issue. Representatives PALLONE and SOLIS are introducing the companion of this bill in the House; I now look forward to continuing to work with them and my colleagues in the Senate to ensure its passage.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 595

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 “Toxic Right-to-Know Protection Act”.

SEC. 2. MODIFICATIONS IN REPORTING FREQUENCY.

(a) IN GENERAL.—Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023) is amended—

(1) by striking subsection (i); and
(2) by redesignating subsections (j) through (l) as subsections (i) through (k), respectively.

(b) CONFORMING AMENDMENTS.—Sections 322(h)(2) and 326(a)(1)(B)(iv) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11042(h)(2), 11046(a)(1)(B)(iv)) are amended by striking “313(j)” each place it appears and inserting “313(i)”.

SEC. 3. REQUIREMENTS RELATING TO TOXICS RELEASE INVENTORY.

Notwithstanding any other provision of law—

(1) the Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”) shall establish the eligibility threshold regarding

the use of a form A certification statement under the Toxics Release Inventory Program established under the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001 et seq.) at not greater than 500 pounds for nonpersistent bioaccumulative and toxic chemicals; and

(2) the use of a form A certification statement described in paragraph (1), or any equivalent successor to the statement, shall be prohibited with respect to any chemical identified by the Administrator as a chemical of special concern under section 372.28 of title 40, Code of Federal Regulations (or a successor regulation).

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Ms. MURKOWSKI, Mrs. BOXER, Ms. SNOWE, Ms. CANTWELL, Mrs. CLINTON, Mr. SCHUMER, Mr. KYL, Mr. VOINOVICH, Mr. DURBIN, Mr. DODD, Mr. DOMENICI, Mr. STEVENS, Mr. WARNER, Mr. SALAZAR, Mr. BIDEN, Mr. FEINGOLD, Mr. GRAHAM, Mr. BAUCUS, Mr. THOMAS, Ms. MIKULSKI, Mr. LEAHY, Mr. BURR, Mr. BROWNBACK, and Mr. SUNUNU):

S. 597. A bill to extend the special postage stamp for breast cancer research for 2 years; to the Committee on Homeland Security and Governmental Affairs.

Mrs. FEINSTEIN. Mr. President. I rise today with Senator HUTCHISON to introduce legislation to reauthorize the extraordinarily successful Breast Cancer Research Stamp for two additional years.

Without Congressional action, this important stamp will expire on December 31 of this year.

This stamp deserves to be extended as it has proven to be highly effective.

Since 1998, over 747 million breast cancer research stamps have been sold—raising \$53.76 million for breast cancer research.

California continues to be one of the leading contributors, purchasing over 47 million stamps with \$3.6 million going to research—almost 15 percent of the nationwide contribution.

Furthermore, in September 2005, the General Accounting Office (GAO) released a report showing that the Breast Cancer Research Stamp has been a success and an effective fund-raiser in the effort to increase funds to fight the disease.

The report also indicated that “grants funded by NIH and DOD using Breast Cancer Research Stamp proceeds have produced significant findings in breast cancer research.”

The National Institutes for Health and the Department of Defense have received approximately \$36.7 million and \$15.7 million, respectively, putting these research dollars to good use by funding innovative advances in breast cancer research.

For example, a 2002 Department of Defense Concept Award enabled researchers to develop Medical Hyperspectral Imaging (MHSI) technology. This method of imaging helps surgeons determine if they have removed all cancerous tissue during breast cancer surgery.

Thanks to breakthroughs in cancer research, more and more people are becoming cancer survivors rather than cancer victims. Every dollar we continue to raise will help save lives.

One cannot calculate in dollars and cents how the stamp has focused public awareness on this terrible disease and the need for additional research funding.

There is still so much more to do because this disease has far reaching effects on our nation: breast cancer is the second most commonly diagnosed cancer among women after skin cancer. More than three million women are living with breast cancer in the U.S. today, one million of who have yet to be diagnosed. Though much less common, over 1,700 men were diagnosed with breast cancer last year.

This legislation would: extend the authorization of the Breast Cancer Research stamp for two additional years—until December 31, 2009; allow the stamp to continue to have a surcharge of up to 25 percent above the value of a first-class stamp with the surplus revenues going to breast cancer research; not affect any other semi-postal proposals under consideration by the U.S. Postal Service.

I urge my colleagues to join me and Senator HUTCHISON in passing this important legislation to extend the Breast Cancer Research Stamp for another two years.

Until a cure is found, the money from the sale of this unique postal stamp will continue to focus public awareness on this devastating disease and provide hope to breast cancer survivors.

We ask for unanimous consent that the text of the legislation directly follow this statement in the RECORD.

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

S. 597

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

SECTION 1. 2-YEAR EXTENSION OF POSTAGE STAMP FOR BREAST CANCER RESEARCH.

Section 414(h) of title 39, United States Code, is amended by striking “2007” and inserting “2009”.

By Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, Mr. VITTER, and Mr. LIEBERMAN):

S. 598. A bill to require reporting regarding the disaster loan program of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, I rise today to introduce the “Small Business Disaster Loan Reporting Act of 2007,” which will require the Small Business Administration to update its disaster response plan and to submit detailed disaster loan reports to the Small Business and Entrepreneurship Committee. This bill is a bipartisan effort, and I thank Ranking Member SNOWE as well as Senators LANDRIEU, VITTER, and

LIEBERMAN for their efforts in bringing this bill together.

In the months since Hurricane Katrina, Rita and Wilma, I have worked with other members of the Committee on Small Business and Entrepreneurship to improve the SBA’s disaster loan program. We have introduced numerous drafts of this legislation, and each time our reform proposals have been blocked by the administration. While we continue to work toward passing this comprehensive reforms bill, we need to address some of the provisions that will assist Congress in assessing how the SBA’s disaster loan program is operating in the present.

SBA Administrator Steve Preston appeared before the House Committee on Small Business this morning and admitted that although the SBA has implemented widespread reforms in its operational approach to processing and disbursing disaster loans, there is no plan on paper to speak of that can be provided to Congress. To provide disaster victims with a quick and effective response in the aftermath of future disasters, we must continue to evaluate the SBA’s programs, building upon successes and making improvements when we identify agency flaws. It is imperative that the SBA review its disaster response plan in preparation for the 2007 hurricane season, and this bill requires the SBA to do so and to submit its changes to our Committee and the House Small Business Committee for review.

Last February, while thousands of Gulf Coast hurricane victims sat waiting for promised disaster relief to arrive, the SBA nearly ran out of money twice for its Disaster Assistance program. It required two emergency acts of Congress to keep the program running. Despite knowing about these funding issues well in advance, the SBA chose not to disclose the problem to its authorizing Committee until just before the issue came to a head. With greater coordination and transparency, Congress can work with the SBA to ensure that this essential disaster response program does not run the risk of shutting down. This bill requires the SBA to provide the Committee with detailed monthly and daily reports to update us on the program’s lending volumes as well as funding levels. It also requires the SBA to notify its oversight committees when it will be seeking supplemental funding. Making the disaster loan program transparent for our review is crucial in creating a system that provides timely and valuable assistance to victims of disasters, and this legislation will help to do that.

The SBA’s failure to act quickly and effectively in response to the devastation of the 2005 hurricanes was unacceptable, but as we have learned from the continuing devastation in those areas, long-term disaster assistance for our small businesses also requires attention to federal procurement requirements. Small businesses need to play a

leading role in rebuilding these areas. This legislation requires the SBA to report to Congress the number of contracts awarded to small businesses following disaster declarations, because continued assistance and government contracts for small businesses in these areas help to empower entrepreneurs to make their homes and cities vibrant once again.

This bill will improve the SBA disaster loan program in allowing better congressional oversight to ensure the agency is giving entrepreneurs the tools they need to make a difference in their communities after a disaster.

By Ms. SNOWE (for herself, Ms. LANDRIEU, and Mr. VITTER):

S. 599. A bill to improve the disaster loan program of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce with Senator LANDRIEU and Senator VITTER the “Private Disaster Loans Act of 2007.” This legislation streamlines the current disaster loan program and allows private banks to make loans to disaster victims.

As ranking member of the Committee on Small Business and Entrepreneurship, I am committed to providing the Small Business Administration, SBA, with the tools necessary to help small businesses and homeowners recover in the wake of a disaster. With the SBA at the forefront of disaster relief efforts, Congress must support the agency to ensure that this country’s 25 million small businesses have a resource they can depend on when disaster strikes. It is essential that we create a program to utilize existing infrastructure and provide immediate, much-needed aid to disaster victims.

I have made reforming and improving the disaster loan program a top priority. The legislation I am introducing today, the Private Disaster Loans Act of 2007, is designed to remedy some of the problems that prevented or delayed disaster victims from receiving immediate and necessary funding following the 2005 gulf coast hurricanes. Homeowners and businesses are the bedrock of communities across this Nation, and keeping them healthy, happy, and economically viable will enhance and improve the disaster recovery process. My bill is an important step in the right direction.

The creation of private disaster loan program will give the SBA the opportunity to work with private banks to improve the lending process in the wake of another devastating disaster, as in the case of September 11 or the 2005 gulf coast hurricanes. Because these private disaster loans will be made by qualified private lenders, borrowers will have an efficient alternative for accessing disaster assistance instead of depending solely on the SBA.

Under my proposal, the maximum PDL loan size will be \$2 million, with a

maximum SBA guaranty of 85 percent, no matter the size of the loan. The maximum term will be 25 years if collateral is involved; otherwise, the maximum term for uncollateralized loans will be 15 years. These loans can be used for any purposes that are authorized under the standard SBA disaster loan program.

There will be no SBA guaranty fee for PDLs. In addition, there will be a loan origination fee paid to lenders by the SBA using authorized funds appropriated for the standard disaster loan program.

The size standard used to determine a borrower's eligibility for the PDL program will be the standard currently used in the 7(a) or 504 loan program. This will provide greater flexibility to the lenders and foster more incentive for use of the program.

For documenting each loan, lenders would be allowed to use their own documents, subject to SBA approval, and would also be permitted to create an internet, or electronic, application process.

As we learned all too well after the 2005 gulf coast hurricanes, it is critical for our Government agencies to be as prepared as possible when disaster strikes. As we move forward during the 110th Congress, I look forward to working with my colleagues in Congress to get this vital legislation passed, and to support the SBA in its continuing mission to assist the country's small business community.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 599

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 "Private Disaster Loans Act of 2007".

SEC. 2. PRIVATE DISASTER LOANS.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) PRIVATE DISASTER LOANS.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘disaster area’ means a county, parish, or similar unit of general local government in which a disaster was declared under subsection (b);

“(B) the term ‘eligible small business concern’ means a business concern that is—

“(i) a small business concern, as defined in this Act; or

“(ii) a small business concern, as defined in section 103 of the Small Business Investment Act of 1958; and

“(C) the term ‘qualified private lender’ means any privately-owned bank or other lending institution that the Administrator determines meets the criteria established under paragraph (9).

“(2) AUTHORIZATION.—The Administrator may guarantee timely payment of principal and interest, as scheduled on any loan issued by a qualified private lender to an eligible

small business concern located in a disaster area.

“(3) USE OF LOANS.—A loan guaranteed by the Administrator under this subsection may be used for any purpose authorized under subsection (b).

“(4) ONLINE APPLICATIONS.—

“(A) ESTABLISHMENT.—The Administrator may establish, directly or through an agreement with another entity, an online application process for loans guaranteed under this subsection.

“(B) OTHER FEDERAL ASSISTANCE.—The Administrator may coordinate with the head of any other appropriate Federal agency so that any application submitted through an online application process established under this paragraph may be considered for any other Federal assistance program for disaster relief.

“(C) CONSULTATION.—In establishing an online application process under this paragraph, the Administrator shall consult with appropriate persons from the public and private sectors, including private lenders.

“(5) MAXIMUM AMOUNTS.—

“(A) GUARANTEE PERCENTAGE.—The Administrator may guarantee not more than 85 percent of a loan under this subsection.

“(B) LOAN AMOUNTS.—The maximum amount of a loan guaranteed under this subsection shall be \$2,000,000.

“(6) LOAN TERM.—The longest term of a loan for a loan guaranteed under this subsection shall be—

“(A) 15 years for any loan that is issued without collateral; and

“(B) 25 years for any loan that is issued with collateral.

“(7) FEES.—

“(A) IN GENERAL.—The Administrator may not collect a guarantee fee under this subsection.

“(B) ORIGINATION FEE.—The Administrator may pay a qualified private lender an origination fee for a loan guaranteed under this subsection in an amount agreed upon in advance between the qualified private lender and the Administrator.

“(8) DOCUMENTATION.—A qualified private lender may use its own loan documentation for a loan guaranteed by the Administrator, to the extent authorized by the Administrator. The ability of a lender to use its own loan documentation for a loan offered under this subsection shall not be considered part of the criteria for becoming a qualified private lender under the regulations promulgated under paragraph (9).

“(9) IMPLEMENTATION REGULATIONS.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Private Disaster Loans Act of 2007, the Administrator shall issue final regulations establishing permanent criteria for qualified private lenders.

“(B) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of the Private Disaster Loans Act of 2007, the Administrator shall submit a report on the progress of the regulations required by subparagraph (A) to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

“(10) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—Amounts necessary to carry out this subsection shall be made available from amounts appropriated to the Administration under subsection (b).

“(B) AUTHORITY TO REDUCE INTEREST RATES.—Funds appropriated to the Administration to carry out this subsection, may be used by the Administrator, to the extent available, to reduce the applicable rate of interest for a loan guaranteed under this subsection by not more than 3 percentage points.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to disasters declared under section 7(b)(2) of the Small Business Act (631 U.S.C. 636(b)(2)) before, on, or after the date of enactment of this Act.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(c)—

(A) in paragraph (1), by striking “7(c)(2)” and inserting “7(d)(2)”; and

(B) in paragraph (2)—

(i) by striking “7(c)(2)” and inserting “7(d)(2)”; and

(ii) by striking “7(e),” and

(2) in section 7(b), in the undersigned matter following paragraph (3)—

(A) by striking “That the provisions of paragraph (1) of subsection (c)” and inserting “That the provisions of paragraph (1) of subsection (d)”; and

(B) by striking “Notwithstanding the provisions of any other law the interest rate on the Administration's share of any loan made under subsection (b) except as provided in subsection (c),” and inserting “Notwithstanding any other provision of law, and except as provided in subsection (d), the interest rate on the Administration's share of any loan made under subsection (b)”.

By Mr. SMITH (for himself, Mr. DODD, Ms. COLLINS, Ms. SNOWE, Mr. KENNEDY, Mr. VITTER, and Mr. BINGAMAN):

S. 600. A bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SMITH. Mr. President, today, I am honored to introduce the School Based Health Clinic Act of 2007. I developed this legislation in partnership with parents and healthcare advocates, all of whom are affiliated with Oregon's vibrant school based health center network. This important legislation will create a federal authorization to support the work of school based health centers (SBHCs) across the Nation. I am pleased to be joined by my colleagues, Senators DODD, SNOWE, COLLINS, KENNEDY, VITTER and BINGAMAN.

Currently, there are approximately 1700 SBHCs operating across the country, and Oregon is home to 44 of them. These special health clinics—with the input of parents, school personnel, healthcare providers and other youth advocate—provide vital primary and mental healthcare services to all children, regardless of their income or insurance status. Communities around the country are beginning to realize the enormous benefits of SBHCs, not only to the health of children, but to the broader healthcare system. Study after study show that SBHCs can help curtail inappropriate emergency room use, reduce Medicaid expenditures and prevent costly hospitalizations. Findings such as these have convinced me that Congress should be supporting programs like SBHCs that provide convenient points of access to basic healthcare services.

Along with Community Health Centers, SBHCs serve as an invaluable

component of the Nation's healthcare safety net. Sadly, more than nine million children in the U.S. still lack any form of health insurance coverage. As a consequence, they face enormous challenges in accessing primary, preventive and mental health services. Even those children who are fortunate to have consistent health coverage face access barriers, which may result in increased absences or undiagnosed health conditions. SBHCs help tear down those barriers so that all children—regardless of insurance or socioeconomic status—have access to a comprehensive range of health services.

What truly sets SBHCs apart is their unique model of delivering care. Working with parents, school personnel and other community based programs, they provide direct care in a manner that helps foster the development of positive behaviors and long-term healthy lifestyles. They also play an important role in helping students achieve their full academic potential. An Oregon survey found that 75 percent of SBHC users would have missed one or more classes if they had to seek treatment in a traditional care setting. Clearly, SBHCs play a vital role not only in keeping children healthy, but in supporting their long-term educational success. We cannot expect children to excel in the classroom if they are forced to miss school to seek treatment from a traditional healthcare provider.

Despite the enormous value they add to our nation's educational and healthcare systems, SBHCs receive little to no federal support. Most of their funding comes from state and local resources, patient revenue and private contributions. However, as budgets tighten and deficits grow larger, SBHCs find themselves competing alongside other programs for limited public health dollars. Many have been forced to scale back services or close altogether.

Some SBHCs have been fortunate to receive limited support through the Federal Community Health Center (CHC) program, if they are affiliated with or operated by a center. While this relationship has proven beneficial, over time it has placed an increasing demand on CHC's source of revenue and has limited the ability of SBHCs to cultivate the resources needed to expand into other vulnerable and underserved areas.

To realize their full potential, the Federal Government needs to establish a separate authorization for SBHCs. Even a small amount of Federal support can serve as much needed seed money to attract funding from other sources. In Oregon, centers have been able to generate as much as \$3 to \$4 dollars in funding from other public and private sources with every \$1 of State general revenue. This clearly underscores the value of the SBHC-model of service delivery to the government. My legislation is asking for only a \$50 million annual appropriation to support the work of SBHCs—an invest-

ment that could lead to a return many times over.

As Congress prepares to consider the reauthorization of the State Children's Health Insurance Program this year, my colleagues and I have turned our attention to finding innovative and effective ways we can support the health and well-being of our Nation's children. I am hopeful that along with that important piece of legislation, we also can generate the support to pass the School Based Health Clinics Establishment Act. I believe we must support a variety of means of healthcare access so that all children are able to receive the care they need to stay healthy and well-prepared to excel in their educational pursuits.

Mr. DODD. Mr. President, today, Senator SMITH and I are introducing the School-Based Health Clinic Establishment Act of 2007. This legislation will assist in the operation of school-based health clinics (SBHCs) which provide comprehensive and accessible primary health care services to medically underserved youth.

Why is this legislation needed? Let's look at the facts. We have more than eight million children in this country who have no health insurance. According to recent data released by the Department of Health and Human Services, between 2003-2005, the percentage of high school students who reported smoking cigarettes was around 23 percent. In 2005, 30 percent of students in grades 11-12 reported binge drinking, which is five or more alcoholic drinks in a row. Twenty-two percent of students in grades 11 and 12 reported using marijuana in the past month.

In addition, the same Department of Health and Human Services report found that the United States spends more on health per capita than any other country. The report, "Health, United States 2006," specifically stated that "much of this spending is for care that controls or reduces the impact of chronic diseases and conditions affecting an aging population." Fewer dollars are spent on preventative care for our children.

Another fact I would like to bring to your attention is one found in a document released today by the United Nations Children's Fund. The U.N. Children's Fund report found that the United States ranks last in child health and safety, with the highest rates of relative child poverty and teenage obesity."

The points I have just made should not only shock us, but should be a wake-up call to each member of this body and to the American people that we need to take action and we need to take it now.

With the introduction of the School-Based Health Clinic Establishment Act of 2007, Senator SMITH and I are seeking to change the data I have outlined. School-based health clinics, where available, have a demonstrated record of improving the health care of our nation's youth. A study by Johns Hopkins

University found that SBHCs reduced inappropriate emergency room use and increased primary care utilization, which resulted in fewer hospitalizations for those who used SBHCs. SBHCs also save money. For example, the Emory University School of Public Health attributed a reduction in Medicaid expenditures related to inpatient care and emergency department registration to the use of SBHCs.

In Connecticut, we have 73 school-based health clinics. The SBHCs have provided health care to many elementary, middle, and high school students who would not have access to care if SBHCs did not exist. The Connecticut clinics provide an array of services such as comprehensive physical and mental health assessments, dental care, asthma treatment, and conflict resolution.

The bill we are introducing today will help enable school-based health clinics to continue providing these much needed services. Although these clinics function totally in accordance with state laws and regulations, the federal government needs to provide funding so these clinics can continue to be a key component of our health care delivery system.

This year, we will be working on the reauthorization of the State Children's Health Insurance Program (SCHIP). The program was created to provide health care to millions of children who were previously uninsured. SCHIP is an outstanding program. I believe the "School-Based Health Clinic Establishment Act of 2007" would be a good complement to SCHIP.

The School-Based Health Clinic Establishment Act of 2007 is an important step in making sure that the next time the United Nations Children's Fund issues their rankings on children's quality of life, that the United States is no longer listed in last place. I look forward to working with Sen. Smith and my colleagues to see that this legislation is not only passed by this body soon, but that it is signed into law.

By Mr. BAYH (for himself, Mr. COBURN, Mr. OBAMA, Mr. LEVIN, Mr. KERRY, Mr. CARPER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. SCHUMER, Ms. KLOBUCHAR, Mr. LIEBERMAN, Mr. BIDEN, Mr. BROWN, Ms. STABENOW, Mrs. CLINTON, Mr. LEAHY, and Mr. KENNEDY):

S. 601. A bill to amend the Internal Revenue Code of 1986 to require broker reporting of customer's basis in securities transactions, and for other purposes; to the Committee on Finance.

Mr. BAYH. Mr. President, today Senator TOM COBURN, Representatives RAHM EMANUEL and WALTER JONES and I, in the House of Representatives, are re-introducing bipartisan legislation to close the capital gains tax gap. The legislation, entitled the Simplification Through Additional Reporting Tax

(START) Act of 2007, will require brokerage houses and mutual fund companies to track and report cost basis information to their customers and the IRS. In the Senate, the legislation has 15 original co-sponsors: Senators COBURN, BIDEN, BROWN, CARPER, CLINTON, DURBIN, FEINSTEIN, KENNEDY, KERRY, LEAHY, LEVIN, LIEBERMAN, OBAMA, KLOBUCHAR, SCHUMER, and STABENOW. The House version has seven co-sponsors. The legislation is based upon a recommendation made by the National Taxpayer Advocate, the organization created as part of the 1998 IRS Restructuring and Reform Act whose explicit purpose is to make recommendations to Congress to simplify the tax code.

As you can see from the members that are supporting this proposal, addressing the issue of the tax gap is not a partisan issue. Taxpayers who pay the right amount each year should not be subsidizing those who don't. According to the National Taxpayer Advocate, Nina Olson, honest taxpayers are paying an additional \$2700 in taxes to subsidize dishonest taxpayers.

It is also an issue of fairness. Middle-class Americans cannot underpay their taxes because their employers submit wage information reports, called W-2s, to the IRS. If a factory worker in Kokomo, Indiana underreports his income, the IRS is going to know about it because his employer sent his wage report to the IRS. By contrast, taxpayers who rely on stocks and bonds for their income are on the honor system to report their income accurately because the IRS receives virtually no information on what taxpayers paid for their investment. A \$17 billion capital gains tax gap is ample proof that there are some taxpayers that are doing some Enron accounting when it comes to paying their capital gains taxes.

This is also an economic issue—we are failing to collect, at a minimum, \$345 billion in taxes that are legally owed each year. In light of our economic challenges—a national debt approaching \$9 trillion, the eve of the Baby Boomer retirement only a year away—Democrats and Republicans need to come together and address this issue as a first step toward solving our longer-term fiscal challenges. This bill is only a small part of the solution but hopefully this will pave the way for other practical solutions that not only close the tax gap but also simplify the tax code.

The START Act of 2007 requires brokerage houses and mutual fund companies to track and report the purchase price of a security, plus any adjustments, to their customers and the IRS. This simple change will allow taxpayers to have accurate information regarding their investments, saving them considerable time and effort when they file their taxes and have to figure out how much they owe each year in capital gains taxes. For the average taxpayer with capital gains, simply filling out the capital gains tax

form adds 12 hours to the tax return filing process—more than a full work day. According to a recent GAO report, over one-third of taxpayers with capital gains or losses are not paying the right amount in taxes.

The problem involves people who are cheating the system and underpaying the amount of capital gains taxes that they owe, but also involves honest taxpayers who are simply overwhelmed by the complexity of the tax code and make mistakes. A principal reason for the complexity involved in paying capital gains taxes is the need to obtain what is called “adjusted cost basis” information, a technical term for the purchase price of an investment, plus any necessary changes. This bill closes the loophole that dishonest taxpayers are using, but also offers a hand to taxpayers who spend hours simply trying to fill out the capital gains portion of their tax return.

The bill will also help the IRS enforce the law and close the capital gains loophole. For the first time, the IRS will have the ability to see both sides of the picture, the purchase price and the sell price of a security. For decades, the IRS has only had half the picture. The IRS receives information about the price of a security when it is sold, but doesn't receive any information about the purchase price of the security.

This loophole has resulted in the Federal Government being shortchanged by \$17 billion per year in capital gains taxes owed but not paid. With the passage of this bill, the capital gains reporting loophole will be eliminated.

I first introduced this proposal in the 109th Congress and, unfortunately, no action was taken on the bill. However, over the course of the past year, this proposal gained significant momentum, in part due to work done by the non-partisan General Accountability Office (GAO) and the Joint Committee on Taxation. Both of these organizations evaluated this proposal and made a recommendation to Congress that it be adopted.

There has also been significant activity in the Congress. Last year alone, Congress held 7 hearings on the tax gap and Sen. COBURN's Homeland Security subcommittee held one of those hearings that specifically focused on this proposal. During that hearing, IRS Commissioner Mark Everson recommended this approach. The proposal also has support from non-profit taxpayer groups, such as the Citizens for Tax Justice.

In addition to the bipartisan support our bill enjoys in the House and Senate, last week President Bush included this proposal in his budget submission. With the introduction of the President's proposal, the Securities Industry and Financial Markets Association, the preeminent association representing the securities and bond industry, publicly stated that the proposal was “very constructive.”

In conclusion, this should be an issue that honorable members from both sides of the aisle can agree needs to be addressed. Democrats and Republicans will fight endlessly about what tax rates should be, but I believe all members should agree on the principle that all taxpayers should pay what you owe. We should also all agree that we need to reduce our deficit, simplify the tax-filing process, and promote a fair and equitable tax system. The START Act of 2007 is intended to make progress on all of these goals. I hope it can start a civil conversation about ways to improve our tax system. I look forward to working with all interested parties to craft a workable proposal that provides some needed relief to our overburdened taxpayers.

Mr. OBAMA. Mr. President, I rise to speak in favor of a bill I am proud to introduce today with Senators BAYH and COBURN to help close the tax gap by improving the reporting of capital gains income. This bill requires brokerage firms and mutual fund companies to track and report the adjusted cost basis of their clients' stock, bond, and mutual fund investments.

This bill is a simple, commonsense solution to a serious problem. Many taxpayers have a hard enough time filing their taxes. One of the most complex parts of an individual's tax return is the schedule for capital gains income. And what makes capital gains particularly difficult is the challenge of figuring out the adjusted basis of a security that has been sold.

Many taxpayers lack the proper records or knowledge to calculate adjusted basis for a stock that has split or been exchanged as part of a company's merger or acquisition. And right now, the IRS does not have the ability to monitor the accuracy of taxpayer calculations. As a result, there is a clear risk of error or fraud. In some cases, taxpayers may end up paying too much in taxes. More often, they report too little income and thus pay too little in taxes.

In 2001, the IRS estimated that underreporting cost the Treasury \$11 billion annually. Today the loss is even greater.

Because the IRS fails to collect these funds, the rest of us have to pay higher taxes than we should. Most people pay their taxes honestly and follow the law to the best of their ability. But a small number of tax frauds—who often owe great amounts of taxes—cheat the system. And it's hard now for the IRS to stop them.

This bill makes it easier to stop these cases of fraud and it helps reduce the amount of Federal tax dollars owed that the IRS fails to collect each year. Brokerage firms and mutual fund companies will be required to keep track of a taxpayer's cost basis and to report that information to the IRS. This will make it easier for honest taxpayers to calculate their taxable capital gain, and harder for dishonest taxpayers to lie about it. Based on information from

the Taxpayer Advocate, reporting to the IRS can improve compliance of capital gains reporting from an estimated 50 percent today to 90 percent.

Fortunately, this new reporting requirement will not pose an undue burden to the financial firms affected. First, the firms will have plenty of time to put the necessary systems in place since the reporting requirement will not take effect until 2009, and then will only apply to securities acquired starting in 2009. Second, technology has made tracking by financial firms simple and efficient. More than 80 percent of all retail accounts already subscribe to a national reporting service for transferring basis information at a nominal cost per account. Finally, in cases where it is impossible to track basis, the Treasury Secretary and the IRS may develop regulations to require alternative information.

It is estimated that \$345 billion of Federal taxes goes uncollected each year. This bill doesn't solve that full problem, but it is a step in the right direction. It reduces the Federal deficit without raising taxes or cutting spending. It simplifies the tax filing process and reduces the chance of error or fraud. It applies what we know about the clear benefits of automatic reporting to the IRS—which is required now for wage income—to capital gains income as well.

This bill makes sense. It's good policy. And I urge my colleagues to join me in supporting it and in helping to improve our tax code.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 81—RECOGNIZING THE 45TH ANNIVERSARY OF JOHN HERSHEL GLENN, JR.'S HISTORIC ACHIEVEMENT IN BECOMING THE FIRST UNITED STATES ASTRONAUT TO ORBIT THE EARTH

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

S. RES. 81

Whereas John Herschel Glenn, Jr. was born on July 18, 1921, in Cambridge, Ohio, and grew up in New Concord, a small college town a few miles from the larger city of Zanesville, Ohio;

Whereas John Glenn attended New Concord High School and earned a Bachelor of Science degree in engineering from Muskingum College, which also awarded him an honorary Doctor of Science degree in engineering;

Whereas John Glenn enlisted in the Naval Aviation Cadet Program shortly after the attack on Pearl Harbor and was commissioned in the United States Marine Corps in 1943;

Whereas John Glenn served in combat in the South Pacific and also requested combat duty during the Korean conflict;

Whereas John Glenn was a dedicated military officer, flying 149 missions during 2 wars;

Whereas John Glenn received many honors for his military service, among them the Dis-

tinguished Flying Cross on 6 occasions, the Air Medal with 18 Clusters, the Asiatic-Pacific Campaign Medal, the American Campaign Medal, the World War II Victory Medal, the China Service Medal, the National Defense Service Medal, and the Korean Service Medal;

Whereas John Glenn served several years as a test pilot on Navy and Marine Corps jet fighters and attack aircraft;

Whereas, as a test pilot, John Glenn set a transcontinental speed record in 1957 by completing the first flight to average supersonic speeds from Los Angeles to New York;

Whereas John Glenn was a pioneer in the realm of space exploration and was selected in 1959 as one of the original 7 astronauts in the United States space program, entering the National Aeronautics and Space Administration's (NASA) Project Mercury;

Whereas John Glenn was assigned to the NASA Space Task Group at Langley Research Center in Hampton, Virginia;

Whereas, in 1962, the Space Task Group was moved to Houston, Texas, and became part of the NASA Manned Spacecraft Center;

Whereas, on February 20, 1962, John Glenn piloted the Mercury-Atlas 6 "Friendship 7" spacecraft on the first manned orbital mission of the United States;

Whereas, after launching from the Kennedy Space Center in Florida, John Glenn completed a 3-orbit mission around the planet, reaching an approximate maximum altitude of 162 statute miles and an approximate orbital velocity of 17,500 miles per hour;

Whereas John Glenn landed Friendship 7 approximately 5 hours later, 800 miles southeast of the Kennedy Space Center near Grand Turk Island;

Whereas, with that pioneering flight, John Glenn joined his colleagues Alan Shepard and Virgil Grissom in realizing the dream of space exploration and engaging the minds and imaginations of his and future generations in the vast potential of space exploration;

Whereas, after retiring from the space program, John Glenn continued his public service as a distinguished member of the Senate, in which he served for 24 years;

Whereas John Glenn has continued his public service through his work at the John Glenn Institute at Ohio State University, which was established to foster public involvement in the policy-making process, raise public awareness about key policy issues, and encourage continuous improvement in the management of public enterprise;

Whereas, in March 1999, Secretary of Education Richard W. Riley appointed John Glenn as Chair of the newly formed National Commission on Mathematics and Science Teaching for the 21st Century;

Whereas the Commission played a pivotal role in improving the quality of teaching in mathematics and science in the United States;

Whereas, in 1998, John Glenn returned to space after 36 years as a member of the crew of the space shuttle Discovery, serving as a payload specialist and as a subject for basic research on how weightlessness affects the body of an older person; and

Whereas, combined with his previous missions, John Glenn logged over 218 hours in space: Now, therefore, be it

Resolved, That the Senate—

(1) honors the 45th anniversary of John Herschel Glenn, Jr.'s landmark mission piloting the first manned orbital mission of the United States; and

(2) recognizes the profound importance of John Glenn's achievement as a catalyst to space exploration and scientific advancement in the United States.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 14, 2007, at 3 p.m., in closed session to receive a briefing on Iranian activities in Iraq.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 14, 2007, at 10 a.m. to conduct a hearing on "The Semiannual Monetary Policy Report to the Congress."

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, February 14, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to evaluate overseas sweatshop abuses, their impact on U.S. workers, and the need for anti-sweatshop legislation.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, February 14, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building, for an oversight hearing on the coast guard deepwater acquisition program.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, February 14, 2007 at 9:30 a.m. in SD-430.

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

COMMITTEE ON THE JUDICIARY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Security and Independence" for Wednesday, February 14, 2007 at 10 a.m. in Hart Senate Office Building Room 216.

Witness List

The Honorable Anthony M. Kennedy, Associate Justice, United States Supreme Court, Washington, DC.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, February 14, 2007, at 11:30 a.m., to conduct a hearing on Senate Committee Budget requests.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SANDERS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 14, 2007 at 2:30 p.m. to hold a closed hearing.

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

CONGRATULATING ILLINOIS STATE UNIVERSITY'S SESQUICENTENNIAL

Mr. OBAMA. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 53, and that the Senate then proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 53) congratulating Illinois State University as it marks its sesquicentennial.

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

Mr. OBAMA. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

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

The resolution (S. Res. 53) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 53

Whereas Illinois State University marks its sesquicentennial with a year-long celebration, beginning with Founders Day on February 15, 2007;

Whereas Illinois State University is the oldest public university in the State of Illinois;

Whereas Illinois State University has 34 academic departments and offers more than 160 programs of study in the College of Applied Science and Technology, the College of Arts and Sciences, the College of Business, the College of Education, the College of Fine Arts, and the Mennonite College of Nursing;

Whereas Illinois State University is 1 of the 10 largest producers of teachers in the

Nation, and nearly 1 in 7 Illinois teachers holds a degree from Illinois State University;

Whereas Milner Library at Illinois State University contains more than 3 million holdings and special collections;

Whereas Illinois State University is ranked nationally as one of the 100 "best values" in public higher education; and

Whereas Illinois State University participates in the American Democracy Project, an initiative that prepares students to engage in a competitive global society: Now, therefore, be it

Resolved, That the Senate congratulates Illinois State University as it marks its sesquicentennial.

AMENDING SENATE RESOLUTION 400 OF THE 94TH CONGRESS

Mr. OBAMA. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 16, S. Res. 50.

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

The legislative clerk read as follows:

A resolution (S. Res. 50) amending Senate Resolution 400 (94th Congress) to make amendments arising from the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 and to make other amendments.

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

Mr. OBAMA. Madam President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 50) was agreed to, as follows:

S. RES. 50

Resolved,

SECTION 1. AMENDMENTS TO SENATE RESOLUTION 400 (94TH CONGRESS) ARISING FROM ENACTMENT OF INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

Senate Resolution 400, agreed to May 19, 1976 (94th Congress), is amended—

(1) in section 3—

(A) in subsection (a)—

(i) by redesignating paragraphs (2), (3), and (4), as paragraphs (3), (4), and (5), respectively;

(ii) by striking paragraph (1) and inserting the following new paragraphs:

“(1) The Office of the Director of National Intelligence and the Director of National Intelligence.

“(2) The Central Intelligence Agency and the Director of the Central Intelligence Agency.”; and

(iii) in paragraph (5), as so redesignated—

(I) by redesignating subparagraphs (B) through (G) as subparagraphs (C) through (H), respectively;

(II) by striking subparagraph (A) and inserting the following new subparagraphs:

“(A) The Office of the Director of National Intelligence and the Director of National Intelligence.

“(B) The Central Intelligence Agency and the Director of the Central Intelligence Agency.”; and

(III) in subparagraph (H), as so redesignated—

(aa) by striking “clause (A), (B), or (C)” and inserting “clause (A), (B), (C), or (D)”;

and

(bb) by striking “clause (D), (E), or (F)” both places it appears and inserting “clause (E), (F), or (G)”;

(B) in subsection (b)(1), by striking “clause (1) or (4)(A)” and inserting “clause (1), (2), (5)(A), or (5)(B)”;

(2) in section 4(b), by inserting “the Director of National Intelligence,” before “the Director of the Central Intelligence Agency”;

(3) in section 6, by striking “the Director of Central Intelligence” both places it appears and inserting “the Director of National Intelligence”; and

(4) in section 12—

(A) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(B) by striking paragraph (1) and inserting the following new paragraphs:

“(1) The activities of the Office of the Director of National Intelligence and the Director of National Intelligence.

“(2) The activities of the Central Intelligence Agency and the Director of the Central Intelligence Agency.”.

SEC. 2. TECHNICAL AMENDMENTS TO SENATE RESOLUTION 400 (94TH CONGRESS) RELATING TO REDESIGNATION OF SELECT COMMITTEE ON STANDARDS AND CONDUCT AS SELECT COMMITTEE ON ETHICS.

Senate Resolution 400, agreed to May 19, 1976 (94th Congress), is amended—

(1) in section 6, by striking “the Select Committee on Standards and Conduct” and inserting “the Select Committee on Ethics”; and

(2) in section 8—

(A) in subsection (d), by striking “the Select Committee on Standards and Conduct” and inserting “the Select Committee on Ethics”; and

(B) in subsection (e), by striking “the Select Committee on Standards and Conduct” both places it appears and inserting “the Select Committee on Ethics”.

SEC. 3. TECHNICAL AMENDMENTS TO SENATE RESOLUTION 400 (94TH CONGRESS) RELATING TO REMOVING REFERENCE TO THE INTELLIGENCE DIVISION OF THE FEDERAL BUREAU OF INVESTIGATION.

Senate Resolution 400, agreed to May 19, 1976 (94th Congress), is amended by striking “, including all activities of the Intelligence Division” in—

(1) paragraph (5)(F) of section 3(a), as redesignated by section 1(1)(A)(i); and

(2) paragraph (7) of section 12, as redesignated by section 1(4)(A).

SEC. 4. TECHNICAL AMENDMENTS TO SENATE RESOLUTION 400 (94TH CONGRESS) RELATING TO REFERENCES TO SENATE RULES.

Senate Resolution 400, agreed to May 19, 1976 (94th Congress), is amended—

(1) in section 2(b), by striking “paragraph 6(f)” and inserting “paragraph 4(e)(1)”;

(2) in section 8(b)(5)—

(A) in the matter preceding subparagraph (A), by striking “section 133(f) of the Legislative Reorganization Act of 1946” and inserting “paragraph 5 of rule XVII of the Standing Rules of the Senate”; and

(B) in the flush text after subparagraph (C), by striking “section 133(f) of the Legislative Reorganization Act of 1946” and inserting “paragraph 5 of rule XVII of the Standing Rules of the Senate”.

SEC. 5. OTHER TECHNICAL AMENDMENTS TO SENATE RESOLUTION 400 (94TH CONGRESS).

Section 3(b)(3) of Senate Resolution 400, agreed to May 19, 1976 (94th Congress), is amended by striking “the session” and inserting “in session”.

ORDERS FOR THURSDAY,
FEBRUARY 15, 2007

Mr. OBAMA. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Thursday, February 15; that on Thursday, 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 until 10:20 a.m., with Senators permitted to speak therein and with the time equally divided and controlled between the two leaders or their designees; that at 10:20 a.m., the Senate proceed to executive session to consider Executive Calendar Nos. 24 and 26, that debate run concurrently until 10:30 a.m., with the time equally di-

vided and controlled between the chairman and ranking member of the Judiciary Committee or their designees; that at 10:30 a.m., the Senate proceed to vote on Executive Calendar No. 24, to be followed immediately by a vote on Executive Calendar No. 26; that upon conclusion of the votes, the motion to reconsider be laid upon the table and the President immediately notified of the Senate's action; that the Senate then resume legislative session and proceed to a period of morning business, Senator LEAHY to be recognized for up to 1 hour, to be followed by an hour under the control of the Republican leader or his designee, with Senators permitted to speak therein for up to 10 minutes.

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

ADJOURNMENT UNTIL 10:00 A.M.
TOMORROW

Mr. OBAMA. If there is no further business to come before the Senate today, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:05 p.m., adjourned until Thursday, February 15, 2007, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, February 14, 2007:

THE JUDICIARY

NORA BARRY FISCHER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.