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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BLANCHE L. LINCOLN, a Senator from the State of Arkansas.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Warren W. Watts of Tri-County Pastoral Counseling Services, Martinsburg, WV.

### PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Heavenly Spirit, eternal light of this world, who knows each of us and is with us always. As the Members of this Senate gather, may their hearts be open, their spirits willing, and their minds challenged by the business of this day.

We thank You, Lord, for the dedication shared by this elected body. While representing a variety of people from different professional settings, they all share a common goal of helping and guiding our people and this Nation we lovingly call the United States of America.

Heavenly Spirit, be for each Senator their strength, their armor and their shield in facing and overcoming the many challenges of operating an effective government.

Let these Senators serve with integrity and courage and bless each family and State represented. As our forefathers trusted in You, may this be the legacy of this Senate and of our great Nation. All that we have, all that we are, we owe to You, our God. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable BLANCHE L. LINCOLN, 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, March 6, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BLANCHE L. LINCOLN, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. LINCOLN 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, following my remarks and those of the Republican leader, the Senate will be in a period of morning business for 1 hour. The time will be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half, the Republicans controlling the final half.

Following morning business, the Senate will resume consideration of S. 2663, a bill to reform the Consumer Product Safety Commission. When the Senate resumes consideration of that measure, there will be 15 minutes for debate prior to a vote in relation to the Vitter amendment, amendment No. 4097. It relates to attorney's fees.

Senators should be prepared to vote sometime early this morning before 11 o'clock.

MEASURES PLACED ON THE CALENDAR—S. 2709, S. 2710, S. 2711, S. 2712, S. 2713, S. 2714, S. 2715, S. 2716, S. 2717, S. 2718, S. 2719, S. 2720, S. 2721, AND S. 2722

Mr. REID. Madam President, it is my understanding there are 14 bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for the second time.

The assistant legislative clerk read as follows:

A bill (S. 2709) to increase the criminal penalties for illegally reentering the United States and for other purposes.

A bill (S. 2710) to authorize the Department of Homeland Security to use an employer's failure to timely resolve discrepancies with the Social Security Administration after receiving a "no match" notice as evidence that the employer violated section 274A of the Immigration and Nationality Act.

A bill (S. 2711) to improve the enforcement of laws prohibiting the employment of unauthorized aliens and for other purposes.

A bill (S. 2712) to require the Secretary of Homeland Security to complete at least 700 miles of reinforced fencing along the Southwest border by December 31, 2010, and for other purposes.

A bill (S. 2713) to prohibit appropriated funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

A bill (S. 2714) to close the loophole that allowed the 9/11 hijackers to obtain credit cards from United States banks that financed their terrorist activities, to ensure that illegal immigrants cannot obtain credit cards to evade United States immigration laws, and for other purposes.

A bill (S. 2715) to amend title 4, United States Code, to declare English as the national language of the Government of the United States, and for other purposes.

A bill (S. 2716) to authorize the National Guard to provide support for the border control activities of the United States Customs and Border Protection of the Department of Homeland Security, and for other purposes.

A bill (S. 2717) to provide for enhanced Federal enforcement of, and State and local assistance in the enforcement of, the immigration laws of the United States, and for other purposes.

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



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S1661

A bill (S. 2718) to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

A bill (S. 2719) to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes.

A bill (S. 2720) to withhold Federal financial assistance from each country that denies or unreasonably delays the acceptance of nationals of such country who have been ordered removed from the United States and to prohibit the issuance of visas to nationals of such country.

A bill (S. 2721) to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes.

A bill (S. 2722) to prohibit aliens who are repeat drunk drivers from obtaining legal status or immigration benefits.

Mr. REID. Madam President, I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the calendar.

#### IMMIGRATION

Mr. REID. Madam President, we had the opportunity last year to debate, at great length, immigration. We spent weeks of Senate time on immigration. I appreciate the concern of those interested in moving those bills we reported. We knew it was coming. There was a big press fanfare that these bills were coming.

What we tried to do last year, and there was bipartisan support, we could not get 60 votes, but we had bipartisan support. We wanted to make sure our northern and southern borders were secured. That was where we directed our first attention with our legislation.

We also recognized that all over the country there are issues relating to the need for temporary workers. There are people who would say: Well, why would someone from Nevada be concerned about temporary workers?

Well, the Presiding Officer comes from a State where agriculture is big. But agriculture in certain parts of the State of Nevada is big. We are the largest producer of white onions in America; we produce the largest amounts of garlic, and, of course, huge amounts of alfalfa.

With corn being used so much as it is for the production of alternative fuel, alfalfa is becoming a very high-quality, very important product. So we need temporary workers in the farm communities throughout Nevada, but we also need them, on occasion, with our resort industry.

So, No. 1, secure our borders, north and south. No. 2, we need to take a look at guest workers, not in Nevada but the whole country. There is a need to take a look at them.

Thirdly, our legislation said what are we going to do with the 11 or 12 million people who are here who are undocumented? Our legislation directed toward that, was it amnesty? Of course not. But what it did was set up a process that people who were in the country who were undocumented could come out of the shadows. Would they go to the front of the line? Of course not. They would go way to the back of the line.

After having paid penalties and fines, learned English, stayed out of trouble, paid taxes, it seems quite fair, after some 13 years or 14 years, they would be able to have their status readjusted. It is important we do that. It is very clear we cannot deport 12 million people. I am not sure—maybe some want to do that, but I think, realistically, that is not part of what this country is about.

Finally, what we need to do is take a look at what we did in 1986; that is, we established a new setup for immigration, and it was where we would have employer sanctions; we shifted it from the Government to employers. So we had four basic things in our immigration legislation: Border security, temporary workers, path to legalization, and do something about employer sanctions that was more meaningful.

This was a good, strong piece of legislation. There were other things in that. But those were the four main parts. So I would hope this legislation, which was supported by the President, is legislation we could move forward on at some time.

Everyone has a right to offer whatever legislation they wish to offer. I acknowledge that. But I would think that rather than trying to piecemeal this legislation with little bits and pieces here, as everyone knows, if anything to do with immigration comes to the floor, other people who are concerned about certain aspects of border security—temporary workers, pathway to legalization, employer sanctions—would offer amendments.

The difficulty we have had getting bills to the floor and having legislation proceed has been very difficult. So I wanted everyone to know this legislation which was brought to the Senate today, and as I repeat, with great fanfare, big press events, if people want to do something about legislation on immigration, I do not think this is the right way to go. I hope the American public sees this for what it is.

#### RECOGNITION OF THE MINORITY LEADER

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

#### AMT

Mr. MCCONNELL. Madam President, for the last few days, I have come to the floor to propose a number of potential remedies Congress could employ to

address the current housing downturn; remedies aimed at helping those who are struggling most and at creating new opportunities for others.

In this economy, Congress certainly has a role to play. And that role is to help those in urgent need, while at the same time taking a longer view of the economy and its future strength.

Taxes are an area where Congress can clearly play a helpful or a harmful role. So the debate over the looming AMT tax, which is set to hit millions of middle-class Americans with an average tax hike of about \$2,000 this year, is extremely important.

Last year, at a time when there was less concern about the economy overall, both parties agreed that a tax which was never meant to hit the middle class should be blocked. More than 170,000 families in my State are in danger of being hit with the AMT tax this year.

Nearly 900,000 taxpayers in Florida are in danger of getting hit by it. It is about the same number in Texas and Illinois, and Massachusetts, and Pennsylvania. In Ohio, nearly 900,000 taxpayers are expected to get hit. And then there is New York and California. In New York, more than 3 million families are in danger of getting hit with the AMT this year, and in California nearly 4½ million families and individuals are in danger of being stuck with this tax.

Last year, Republicans insisted that if we were going to protect people from a tax they were never meant to pay in the first place, this meant not raising some other tax on them somewhere else. Senate Democrats came to share that view as well.

This year, Senate Democrats wisely opted in their budget resolution to take the same approach that prevailed last year: No new taxes, no new taxes to cover the AMT patch.

House Democrats, on the other hand, have opted for a different approach. They want to raise taxes by more than \$60 billion to pay for the AMT. And they want to do it by circumventing the legislative process. They should know from the outset that Senate Republicans will oppose this stealth and unfair tax hike, and we fully expect it will fail.

As the Chairman of the Budget Committee, Senator CONRAD, has said: Raising taxes to pay for the AMT is "not the will of the Senate."

Republicans stood strong for two basic principles last year when it came to the budget: The tax burden is already too high for working families and the businesses that create jobs in this country. And spending needs need to be kept in check to the President's top line.

We not only insisted on these principles, we fought for them. And on behalf of the American taxpayer, we prevailed. I have no doubt we will have similar success this year.

Republicans fought hard for fiscal discipline last year at a time when the

economy was not the central concern of the American people. At a time when it is the central concern of the American people, we cannot be talking about raising taxes by tens of billions of dollars. We need to be expanding the family budget, not the Federal budget. The House should know that in this economy, this is a principle Senate Republicans will defend aggressively.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. McCASKILL). Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

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

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

#### OBSTRUCTIONISM

Mr. SCHUMER. Madam President, today I am here to talk about the obstructionism across the aisle and how it is hurting our country, preventing progress, preventing change at a time when Americans demand change. This chart says it all: 73 Republican filibusters and counting.

The Republican Party, Leader McConnell, and others have pointed out that a handful of the filibusters may have been started by Democrats. We can look at the circumstances of those. Maybe those were done because there was no choice, because somebody else was delaying in another way. But let's say there were 10 of these that are Democratic. Then we will change this number from 73 to 63. It is still overwhelming. It is still the record.

The point we are making is very simple: This Republican minority, unable to put forward its own agenda, unable because they are not in sync with America, can only obstruct. If you had a single word to describe the tenor of the Republican minority this year and last year, this session of Congress thus far, it would be "obstruct." If you needed two words, it would be "obstruct, obstruct." If you needed a few more words, it would be "obstruct, obstruct, and then obstruct again; get in the way."

Admittedly, this body was designed, in the wisdom of the Founding Fathers, to be the cooling saucer. This body is supposed to take a careful look and slow things down. But there are times when history demands change. There are times when the minority has understood that, and even though they would modify the way change occurs, they don't stand in the way and just say no. This is one of those times.

Technology has changed our world. It is not the same world it was even 10 or 15 years ago.

Technology has created terrorism. Why? Small groups of bad people have been enabled by technology to strike at New York or London or Madrid and innocent civilians.

Technology has created one global labor market in so many different areas. It means the kids in the schools of New York or Arkansas or Missouri have to compete with the kids at schools in Berlin and Beijing and Bangor. It means that jobs are competing. It used to be New York State would compete with Connecticut and New Jersey and Pennsylvania and Missouri and Arkansas. Now we compete around the globe. That is technology, nothing else.

Technology has allowed us all to live longer. Praise God. The average life expectancy goes up and up and up. I have a Dad who is 84. He plays golf. Thirty years ago, a man 84 was rare, and when someone was 84, they were old and frail. My dad, who led a hard life—so happy he now has a nice, happy life—is active. He drives all around, argues with my mother about how far he can drive, and all of that.

We live longer, but that creates new strains on us as well. What about health care for our elderly people? The costs go up, and every one of us would give our right arm to see our mother or father have another good year of health, or husband or wife or child. It means pensions and what we do with later-life changes. It also means we live longer and things get stretched out. People get married later. They are not in a rush to get married and have a family. They find careers later. They experiment. In the day when you had to just get a job quickly—a lot of people don't do that anymore. So it has changed that.

Technology has even changed little things. Our parents felt very much in control of us. I would get home at 3 o'clock from grade school, and I would go out on my street to play. It was baby boom time. There were 50, 60 kids. We played all kinds of games and ran around. These days, more likely, the children stay home. They are on the Internet. Lord knows what they are seeing. It is a different world.

Technology has changed everything, and technology demands that the U.S. Government help people adjust to that technology so they can continue to have the great American life. That is what America is demanding—change. Look at the polls. They are unprece-

dented. How many people think our country, under George Bush's leadership, is moving in the right direction? A smaller and smaller percentage. How many people think we need significant change? A larger and larger percentage. We can argue about what that change should be, but change we must or our children and even ourselves in later years will not have the same good life we have today.

We on the Democratic side are seeking to bring about some of that change. Some of it is quite large—change the course of the war in Iraq, change our health care system, change our energy policy. Some of it is smaller but important.

What do we face from the other side? The word "no" and the word "no" again and the word "no" again. Using the Senate rules, which allow them to require 60 votes on even the smallest measures, they have slowed everything down. Again, the exact number is not the point; it is that they have set the record. Republican filibusters are rampant. A few of these are ours, many are theirs. They will get to 73 soon, I assure you.

Why do they do it? I will tell you why. I try to study history a little bit. I am hardly a Ph.D. in history, but I like to read about it, think about it. There are times when there is a paradigm shift in our politics. The year 1980 was one such time. Most of my colleagues on the other side of the aisle came in in that 1980 Ronald Reagan paradigm: strong security, shrink government, family values. Those were very attractive. Now the times have changed. The old way doesn't work. But their base—20 percent of the electorate but half, maybe more, of the Republican base—is stuck in that old world. So they have one foot in one camp. They see where the public is, but they can't move. Their base and their inability to break with that base have them paralyzed. So there is only one choice—obstruct, say no. When you can't say yes about anything, say no. That is what they have done—63, 65, 67, 68, 69. Again, we are busy calculating how many, but it is a whole lot, and it is a record.

Let me talk about one example, the housing crisis. Our economy is heading south. The numbers are not good. Unemployment is going up. Job creation is meager, anemic almost. The amount of income people have is declining, and expenses are going up. Just to continue to buy energy—oil, gas, heating oil—food, with prices that have gone through the roof because of energy in part, eats up all of most average families' extra income. So our economy is hurting.

What is at the bull's-eye of that economic downturn? It is housing, all kinds of problems. Again, the old philosophy, Reagan philosophy—don't regulate these new mortgage brokers—has led to a disaster. The banks were pretty regulated. They are not to blame in this crisis by and large, the initial

banks that made mortgages, the community banker, for instance, regulated by the Federal Government. But the mortgage brokers who are not affiliated with banks, unregulated, are clearly at the nub of this. They were unregulated, and that was the old philosophy on that side of the aisle—no regulation, let the buyer beware. Well, the buyer got hurt. But as we learned in economics, the person in the house next door, who is fully paid on his or her mortgage, got hurt because his or her housing values went down.

Now we even have a credit freeze because people so miscalculated—the great financial moguls so miscalculated the value of these mortgages, it has now cast into doubt the way we evaluate credit everywhere. The Port Authority of New York just paid 17 percent for a short-term bond. Everyone knows the Port Authority is going to pay it back—they have a great revenue stream—but still, people are worried.

So the only way we are going to get to turn this economy around is do some things with housing. We on the Democratic side proposed a modest package of five measures, many of which had bipartisan support—raising the mortgage revenue caps was proposed by President Bush—and every one of them was designed to be focused, not that expensive—some money but not a huge program, designed to bring support from the other side.

Then Senator REID went to the floor and said: There are good ideas from the other side of the aisle. Senator ISAKSON has a very interesting idea about a credit for first-time home buyers for a while to encourage people to buy homes and get this housing market going. Senator REID offered Senator MCCONNELL the opportunity—you offer your amendments, modify the housing package, and let's move forward.

Again, what did we get? I don't know what number it was: another block, another filibuster, another requirement that we are not going to let this go forward. We are either going to delay and delay and delay with countless amendments, irrelevant amendments, or we will not let you move forward on any of your amendments—either one fitting into this category of “filibuster.”

Why don't they join us? Here the economy is sinking, and yet we had one vote, I believe it was, on the other side of the aisle saying: Let's move forward and get a housing package.

We are willing to entertain your amendments—not amendments that have nothing to do with housing: the estate tax—you know, the old saws. Let's do that another time. We have done it before. I am sure we will do it again, probably on the budget that is coming up next week. But let's move forward on housing.

Senator REID was extremely generous in his offer. What was the answer? No. This chart, in other words, says: No.

Our country demands change. Housing is in crisis. The housing crisis has spread like ripples outward on a pond,

hurting—hurting—our economy, hurting it as a whole. Here we have a smart, well-designed, thoughtful, and not overly broad package of housing reforms, and instead of debating, the other side obstructs. Is it because there are few on that side of the aisle who say: No Government involvement, and they are able to exert their will on the whole Republican minority and say: Just stop it? Is it because most of the other side is scared of the Republican base that says: No Government involvement, let the economy sink?

We heard that from Herbert Hoover. We heard that from William McKinley. We have learned about the economy since those days. We have learned that smart government involvement, particularly when there is an economic downturn—people are hurting, jobs are not being created—is the right thing to do.

Again, we can debate what the right way to do it is. I am sure most on the other side would more prefer tax cuts. Some of us prefer some money for CDBG or mortgage counselors—some Government spending. But let's debate it, and let's come up with a result. And instead: No. Filibuster. Again, maybe it is No. 73, maybe it is No. 69, maybe it is No. 67. I don't know what number it is. They are busy calculating that upstairs. But it is a big two-letter number.

The only thing I can say, putting on my political hat—I will tell you, the public is demanding change. The times, they are a-changing. If you do not seek to make that change, you will be called accountable in November. I do not want that to happen. I want to see a good, robust election. I want to see Democrats pick up seats. But given the choice, I would much rather have us join together in constructive legislation and each get credit for it.

But that is not going to happen unless we have a change in attitude, unless we go back to the old ways when filibusters were used on issues of major import but not used routinely to block every single piece of legislation.

Let us hope the membership on the other side of the aisle will see the light. Let us hope they will see that mere obstructionism is not what the country wants. Let us hope they understand there is a demand for change out there in the country. And let us hope they will join with us in seeking that right degree of change with open debate, with discussion of relevant amendments, and moving forward to heal some of the economic wounds the country is now facing.

Madam President, I yield the floor.

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. SESSIONS. 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. SESSIONS. Madam President, I ask to be notified after 5 minutes.

The PRESIDING OFFICER. The Senator will be notified.

# IMMIGRATION

Mr. SESSIONS. Madam President, yesterday 12 Senators announced their intention to file 15 bills that would deal with the broken immigration system we have—15 responsible pieces of legislation that would be effective, in discrete, separate ways, to close some of the loopholes that are making our immigration system not work.

This is important. It is important for the Senate to undertake this. I believe we should follow through, in the wake of last year's defeat of the massive amnesty proposal, with what so many Members have promised: real reform and real enforcement and border security first. That was what we decided last summer, I think, by most observers. We decided that amnesty before enforcement was backwards, and we needed enforcement first. That is what we talked about, and that is what the vote indicated when there was a massive defeat of that comprehensive bill.

Now, the majority leader this morning, to my dismay, called that discussion yesterday fanfare. He said he hoped the American people can see what is going on here. Let's be frank about what is going on here. The majority leader, by those words, indicates to me he has no intention of moving forward with enforcement legislation. The leader of the Democrats in the Senate has indicated he does not want to go forward with it and that he is still in last year's and the year before's philosophy that the way to handle immigration is to refuse to pass anything that impacts positively enforcement until he is able to force through a massive amnesty.

I will not go into the details of that discussion last year, but it was honest and detailed and long. When the debate was over, the American people and this Senate voted it down. We rejected it because it will not work that way. We must have the enforcement first. There are so many loopholes out there.

It is disappointing. That is, frankly, where we are. Fourteen of his colleagues on the Democratic side voted to reject that plan. There were only 46 votes for it. You needed 60 to pass it. The suggestion that we are going to go back to a comprehensive plan such as that is not sound.

These bills that have been offered by a fine group of Senators are excellent, responsible pieces of legislation. They help control some of the problems we have. I am disappointed it looks as though we are going to have to work hard to force an opportunity to even get votes on some of these critically needed pieces of legislation.

Of the 15 bills that are in the package that was announced yesterday, over half of them have had prior votes in the Senate.

Senator DEMINT's fence completion bill, S. 2712, has been the subject of four votes. The fence completion bill—and we voted on it, voted on it, and it wins every time—but you look out here, and all we have is a broken virtual fence that will not work, and very few miles of fence, very little of the double border. It is not occurring.

Senator DOMENICI's bill, to keep the National Guard there longer, has been voted on twice.

My bill requiring mandatory minimums for those who enter the country illegally has been voted on twice. It is a pretty tough bill. Somebody said we introduced a tough package. It would require 10 days detention at a minimum if you come here illegally. How extreme is that? If you come back a second time, a longer period. My legislation would also establish new work-site enforcement measures. That has been voted on at least twice in the Senate.

Various forms of the Chambliss-Isakson bill, creating effective partnerships between law enforcement and the Federal Government in State and local agencies, has received numerous votes.

The PRESIDING OFFICER. The Senator has used 5 minutes. There are a number of other bills from Senator VITTER, Senator INHOFE, Senator LAMAR ALEXANDER, Senator ARLEN SPECTER—and I have his remarks, which I will submit for the RECORD, and all of these things we voted on, many of which passed and some of which were in last year's comprehensive bill.

I see my colleague is here, Senator ELIZABETH DOLE, who is so thoughtful on these issues and is a superb Senator and who has given a lot of time and interest in trying to do this thing right. I know she has a piece of legislation she would like to discuss.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mrs. DOLE. Madam President, in the time remaining in the 110th Congress, there is still much that can be done to address critical pieces of the massively complex immigration issue. As my good friend, the Senator from Alabama, who made such kind comments, has related, we are offering solutions to demonstrated problems—measures that have bipartisan appeal and broad public support.

I have introduced legislation which would repeal President Bill Clinton's Executive order requiring the Federal Government to provide services in languages other than English. It is impractical and fiscally irresponsible to provide services in the hundreds of languages spoken in the United States at an estimated cost of up to \$2 billion annually. My bill would also help ensure that Federal funds to local and State governments are not jeopardized because they provide English-only services. Moreover, proficiency in English should be encouraged, as it is required for citizenship and essential for maximizing opportunities in this country.

My other bill, the Safe Roads Enhancement Act of 2008, would amend the Immigration and Nationality Act to make a drunk driving conviction a deportable offense for illegal aliens. It also would classify a third drunk driving conviction as an aggravated felony and therefore a deportable offense for nationals of a foreign country.

In my State of North Carolina, there have been a number of fatal automobile accidents caused by an intoxicated person who was in the United States illegally. In several of these incidents, the illegal alien has a record of DWI but has been caught and released. For families, the pain of losing a loved one is compounded by the knowledge that the person responsible for these fatalities was not even in this country legally.

A tragic example occurred in Charlotte last spring when a man attempted to cross the street and was struck and killed by a drunk driver who then fled the scene. Fortunately, police were able to apprehend the driver, an illegal alien with a previous DWI conviction, before he could harm anyone else. Cases such as this are not isolated, and they are not specific to North Carolina. Across our Nation, similar senseless tragedies occur on roads and highways.

My bill would help ensure that undocumented aliens who have self-identified themselves by drunk driving are removed. Likewise, individuals who abuse their legal status in the United States by repeatedly breaking drunk driving laws would lose their privilege of living in our country. Sadly, as we have seen repeatedly, we sorely need to strengthen immigration laws with regard to drunk driving convictions.

Furthermore, our Government urgently needs to be laser-focused on removing undocumented aliens who are self-identifying themselves by committing other crimes, such as drug trafficking and gang-related activities. Most of us can agree that criminal aliens who are obviously here for the wrong reasons should be removed. If we are not safe in our own communities and in our own homes, then what else is going to matter?

I am very proud that as a result of my many months working with Federal officials and sheriffs across our 100 North Carolina counties, ours is the first State in the Nation to have a statewide partnership plan for sheriffs to coordinate with ICE, part of the U.S. Department of Homeland Security. This plan will ensure that all North Carolina sheriffs can readily access, if they choose, the tools such as 287(g) to identify and help process undocumented aliens who have self-identified themselves by committing crimes.

This plan is being implemented by the steering committee of North Carolina sheriffs and adopts a regional approach to ensure statewide access to 287(g) databases and other resources to determine the immigration status of apprehended individuals. The State is being audited as we speak. I welcome

the work of my colleagues from Georgia for their bill that recognizes that local law enforcement officers are on the front lines fighting crime in their communities, and it directs additional resources for these types of Federal partnerships that can help bring criminal alien problems under control.

The No. 1 lesson learned from the Senate's failed immigration bill is that Americans simply don't have confidence their Government is serious about securing our borders and enforcing our laws. Real action, real results on this front are long overdue. People don't want promises anymore, they want proof. We now have a chance to put the horse before the cart and enact the border security and enforcement policies that will bring about the political will and support to further address our broken immigration system. I urge my colleagues' support of this commonsense approach.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Madam President, I thank the Senator from North Carolina and the Senator from Alabama for their leadership on this immigration issue. Thanks for a few moments to speak on a bill that I will be offering related to the immigration debate that is called the Complete Fence Act.

Last year, I think we took on a noble task of trying to solve the immigration problem with one grand bill, but what we have learned in the Senate is that it is very difficult to focus on one issue and get a bill through without a lot of add-ons for special interests. We are certainly seeing it with the consumer product safety bill that we are debating now.

The House passed a bill that was bipartisan and unanimous and was supported by consumer groups as well as industry groups. It was a bill that was ready for us to take and pass and send to the President. But we in the Senate needed to add in a number of special interest provisions that have nothing to do with consumer product safety. We even discovered last night, as the bill was put into a managers' amendment, they had added some new things that apply to one State and things that have nothing to do—no germaneness—with consumer product safety that we have to deal with.

Certainly, that is what we ran into on the immigration issue. So much was added to the bill, it was like trying to swallow an apple when that apple needs to be eaten with a number of different bites.

That is what we are trying to do with this series of immigration bills which recognize that in order to have a real solution to the immigration problem in the country, we need to build a platform for reform one plank at a time. Even those who were pushing the comprehensive bill now realize we need to begin with border control and enforcement, the type of enforcement internally that the Senator from North

Carolina was talking about: a worker verification program so employers know who is legal and who is not. If we build this system that way, in a way the American people can trust, we can get to the point where America will trust us to develop new immigration policies, how to deal with those who are already here, and how to accept immigrants in the future who are needed for our economy.

But the very first step, as all of us have recognized, is to have border control. This body has passed several times legislation that would build a 700-mile fence along the border that would support our Border Patrol in stopping illegal immigrants. It is not just an issue of illegal immigrants themselves; it also involves drug trafficking, it involves human trafficking, and it also involves security from terrorists who might be smuggling weapons into this country. It is essential that we control our borders.

In 2006, Congress passed the Secure Fence Act which required 700 miles of fencing, and this is metal fencing—this is not virtual fencing; this is metal pedestrian fencing along the southwest border—and a deadline for 370 miles of this to be completed by the end of this year. At this point, only 167 miles of real metal fencing has been completed, but we have been assured by the Department of Homeland Security that they will meet their goal of 370 miles of fencing before the end of this year.

The bill I am introducing would set a deadline for 2010 for all 700 miles of pedestrian metal fencing to be completed. This is essential to move ahead with the immigration reform process so the American people will know we are serious about protecting the border and having a workable immigration system.

So I urge all of my colleagues to urge the Department of Homeland Security and comfort the American people with the fact that we are serious about completing this fence and to support the Complete Fence Act of 2008.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I rise today in support of a piece of legislation that my colleague from Georgia, Senator ISAKSON, and I have filed. I compliment my friends and colleagues from South Carolina, North Carolina, and Alabama for their leadership. I look forward to supporting their commonsense measures toward doing what we said we were going to do, which is secure the border.

The one thing we learned last year, as the Senator from North Carolina alluded to earlier, during the immigration reform debate is the American people don't have confidence in Congress that we are going to do what we say we are going to do when it comes to border security. There is good reason for that. Credibility on this issue is simply lacking, both with the administration, as well as with Congress. Now

we have an opportunity to come back and take a commonsense approach from a legislative perspective on truly securing the border. The legislation Senator ISAKSON and I are introducing does this.

A lot of people have said: Senator, why don't you just enforce the laws that are on the books today? Why don't you get local law enforcement officials involved in helping secure the border and in dealing with people who are here illegally?

Well, the fact is, local law enforcement officials have very little power when it comes to dealing with folks who are in violation of a Federal immigration law, particularly when it comes to being here illegally. So what our particular piece of legislation does is, it puts the tools in the hands of those folks who are going to have the primary contact and are more likely to have the initial contact with folks who are here illegally, and that is local law enforcement officials versus someone from ICE or any other part of the Federal Government from a law enforcement standpoint.

All of us remember that three of the 9/11 hijackers were stopped on routine traffic stops by local law enforcement officials. Unfortunately, those local law enforcement officials did not have the means whereby they could check to determine whether those individuals were in this country legally or illegally. If they would have had the input—not access but the input—by the Federal Government into the NCIC, which is the national identification tracking mechanism for vehicles and drivers of vehicles that is used nationwide, then those local law enforcement officials would have known and understood those individuals were here illegally. And if they would have had the tools otherwise given in this piece of legislation, they could have dealt with and detained those individuals.

So what we seek to do with this commonsense piece of legislation is to, first of all, clarify the authority that local governments have in the normal course of carrying out their duties to help enforce our immigration laws. Secondly, it will expand the National Crime Information Centers Immigration Violators File to include those individuals who are known to be here illegally, or known to be here legally, so they can be cross-referenced in an instant and not have to worry about getting incorrect information or making assumptions.

This piece of legislation expands the 287(g) program, which is a very popular program with our law enforcement officials. Three of my counties in Georgia are already utilizing this program. What it does is, the Federal Government steps in with a county anywhere in the country to provide the law enforcement officials in that county with training and instructions as to how to deal with folks who are found to be violating our immigration laws.

Lastly, it will compensate State and local entities for immigration-enforcement-related expenses.

Madam President, common sense is what we are asking for here when it comes to enforcing the border and providing our law enforcement officials with the tools necessary to assist in making sure our borders are secure.

With that, I look forward to working with my other colleagues on their particular pieces of legislation as we move forward to make sure we restore confidence with the American people when it comes to border security, and we will be able to truly say we have secured the border, and here is how we have done it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, I ask unanimous consent to be recognized to speak for up to 5 minutes.

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

Mr. VITTER. Madam President, I rise today to join several of my colleagues to continue to focus on the enormous problem facing our country of illegal immigration. I am proud to not only rise with these colleagues, some of whom have been on the floor this morning, but also to actively work with them on important enforcement and other measures that we can and must push forward this year to make significant improvements, to take significant strides in moving forward to solve the problem.

Yesterday, I announced, along with others, two things—first of all, the formation of a brand-new caucus in the Senate, which I organized. I am proud to say that now I believe the number is 12 Members have joined the caucus. It is the Border Security and Enforcement First Caucus. The purpose behind the group is exactly as the name implies: to push border security and enforcement first as the key, necessary first step in solving this enormous problem.

We have tried the other approach over and over for decades, and that is the so-called comprehensive approach. All that has yielded is gaps of time—3 to 5 years—and then there is a comprehensive approach that was tried and completely rejected by the American people. That approach has only led to failure because it doesn't jibe with what the American people know is the right approach, which is taking this in steps and starting with crucial enforcement, proving to them that Washington is going to do what it has never done before—have the political will and get real about enforcement.

Most recently, of course, the American people rejected that approach last July when they chimed in and had the Senate view its will to kill that last so-called comprehensive bill—a large amnesty bill with which they disagreed vehemently. So this is a new approach that can lead to progress, achievement, and success—enforcement first.



Also, yesterday a broad group of Senators introduced a package of bills that moves us in that direction. I have two bills in that package, which I will briefly mention.

The first bill would say that so-called sanctuary cities—local jurisdictions that set as official policy that they are not going to cooperate in any way with immigration enforcement and with our Federal immigration enforcement officials—will not get COPS funding. Instead, that COPS funding will go to the rest of the local jurisdictions in the country who do work with us in immigration enforcement.

The second amendment simply says that matricula consular cards issued by the Mexican Government to their citizens in this country—oftentimes, their citizens who are here illegally cannot be accepted by U.S. banks, to allow them to do things like open bank accounts and have credit cards. That is clearly a vehicle that is used now by millions of illegal aliens, allowing them to operate freely and effectively in this country. It should end for many reasons, security reasons and for enforcement reasons. My bill would do that.

Again, I am proud to join with a number of Senators in this important push toward enforcement first and the formation of our new caucus, the Border Security and Enforcement First Caucus, and in introducing this important package of bills, which we can move and pass this year.

I urge all of my colleagues to reject and defy the conventional wisdom that we cannot do significant things in a big election year. We can and we must because we face significant challenges, and certainly illegal immigration is near the top of that list.

I yield the floor.

THE PRESIDING OFFICER (Mr. CASEY). Who yields time?

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

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, I thank my colleague for talking about some of the legislation that was announced yesterday in a press conference—15 pieces of legislation, offered by 12 Senators, that they believe would help create a lawful system of immigration and that they would like to discuss and debate and vote on this year.

My friend, the Democratic leader, said he didn't like it, apparently because a number of those Senators gathered and announced at a press conference their ideas. He called that "great fanfare, a press event," with a little bit of a sniff, I think. And then he said these words: "I hope the American public sees it for what it is."

That kind of hurt my feelings. Can we not have a press conference to announce legislation that is going to improve America and talk about it? Is he suggesting that there is a nefarious plan afoot here? What is it that he is not happy about?

I just suggest that it was a revealing comment by the majority leader, with his inside-the-beltway hat on. What was revealed by that comment? He is suggesting that we should not bring it up because a lot of people in the media and the "masters of the universe," I call them, who want to control all this immigration and make it do what they want it to do—and they realize the American people do not agree with them, but they want to do it anyway. So I think it was a revealing comment when the majority leader said that something is afoot here. What he is concerned about is that these bills might actually be brought up, as Senator VITTER has announced, as a good piece of legislation—may actually be brought up and, heavens, they might be asked to vote on it with an election coming up; that it is unfair to ask the U.S. Senate to vote on legislation that the American people would like to see pass, that could help create lawfulness in the immigration system, with an election coming up. He hopes the American people "see it for what it is."

Well, if the fact that an election is coming up helps our colleagues to be more alert to the real need for reform, the real need to end unlawfulness in immigration, then so be it; maybe that is a good thing. I don't see anything wrong with asking a Senator, who is paid by the taxpayers of America a decent wage, a good wage, to vote on important pieces of legislation that the public cares about.

I suppose the majority leader, who would oppose, apparently, the legislation—or at least some of it—that we are talking about here would prefer that we wait until early next year, after the election, and he would have a better chance then of cobbling together the votes to kill the reforms that are needed. Maybe that is what he has in his mind. But we are entitled as Senators to have votes on bills. Hopefully, we will move forward with some good legislation that will work.

Mr. SPECTER. Mr. President, I seek recognition today to discuss the Accountability in Immigrant Repatriation Act of 2008, S. 2720.

This bill addresses the reality that aliens who have been ordered to be removed from this country are often released back onto U.S. streets due to the refusal of their home countries to repatriate them. Moreover, many of these aliens are criminals who have served time in our Federal, State, and local jails. As of February 11, 2008, eight countries—such as Vietnam, Jamaica, China, India, and Ethiopia—are refusing to repatriate a total of over 139,000 aliens. Over 18,000 of them are convicted criminals who have been released back into U.S. society. Sec-

retary Chertoff testified this week that his counterparts in Europe are facing similar problems repatriating dangerous aliens.

We must increase the pressure on foreign countries to take back the aliens that have been ordered deported. The Supreme Court in two cases—*Zadvydas v. Davis* and *Clark v. Martinez*—adopted a presumption that it is only reasonable to continue to detain aliens ordered to be deported for up to 6 months. So at the end of that time, if the home country steadfastly refuses to repatriate, we are forced to release them.

This is of obvious concern to the citizens of this country, who are put at risk by criminal aliens who are released. In Pennsylvania, there are 700 to 1,000 undocumented criminal aliens that could end up out on our streets if their home countries refuse to take them back when we try to deport them. The recidivism rate among this population is extremely high. Studies show that the average criminal illegal alien was rearrested an estimated six to eight times—most often for drug crimes, robbery and assault, and, to a lesser degree, for murder and sexual offenses. Moreover, not only does refusal to repatriate often put convicted criminals with no right to be here out on the street, but drawn-out repatriation negotiations divert scarce Federal resources away from identifying and deporting other criminal aliens.

Therefore, this bill imposes sanctions on countries that refuse to repatriate aliens who have been ordered deported. First, the bill requires the Department of Homeland Security to report to Congress every 90 days on the countries which refuse or inhibit repatriation. The receipt of this report automatically triggers denial of foreign aid as well as suspension of visa issuances to the listed non-cooperative countries. This will send a clear signal to those countries unwilling to take responsibility for their citizens that they will no longer benefit from U.S. largess—in the form of money and visas.

It also grants standing to enforce the bill to victims of crimes committed by nonrepatriated criminal aliens. Current law, which gives the administration discretion to deny visas to uncooperative countries, has been sorely underutilized. This bill eliminates such discretion.

Section 243(d) of the Immigration and Nationality Act directs the State Department not to issue visas to nationals of countries identified by the Attorney General—now the Secretary of Homeland Security—as countries that deny or delay repatriation. Congressional intent was clear, and the remedy was potent when applied against Guyana several years ago. However, the Congressional Research Service has not identified any other instance in which Homeland Security elected to issue the triggering notification to the State Department.

On February 15, I wrote letters to the Secretaries of State and Homeland Security as well as to the Attorney General to find out why this authority is seemingly unutilized. On March 4, I reiterated my concerns to Secretary Chertoff in person, when he testified before the Appropriations Subcommittee. He committed to working with us to find ways to extend the 6-month detention in appropriate cases rather than simply releasing all deportable aliens. This is a welcome step—one that will complement the bill I am introducing.

Foreign relations are complex and there is a need to balance competing interests; however, ensuring the public safety is a Government's primary duty and must be its first priority. Also, we must ensure that prolonged repatriation negotiations do not drain scarce resources. It makes little sense to continue admitting persons if we cannot be sure that their countries will take them back in the event they are ordered removed from this country. Similarly, it makes little sense to continue rewarding such countries with U.S. taxpayer dollars in the form of foreign aid.

This bill addresses the problem by imposing sanctions on non-repatriating countries that refuse to cooperate and take responsibility. I urge my colleagues to join me in supporting this bill.

I ask unanimous consent that the letters I referred to be printed in the RECORD.

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

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, February 15, 2008.

Hon. CONDOLLEEZA RICE,  
Secretary of State, Department of State,  
Washington, DC.

DEAR SECRETARY RICE: I am troubled that thousands of deportable aliens who have been convicted of crimes in the United States, sometimes violent crimes, remain in the United States because their native countries refuse to repatriate them. Moreover, most of these aliens are released back into the population, as extended detention is untenable due to a lack of resources and the Supreme Court's *Zadvydas* decision.

Many of these recalcitrant nations receive substantial U.S. aid, and their citizens are regularly issued U.S. visas. The Congress has already attempted to address this problem, in section 243(d) of the Immigration and Naturalization Act, and I am curious as to why it is not utilized to greater effect. According to the statute, upon notification from the Attorney General that a country denies or unreasonably delays repatriation (such notification is now provided by the Secretary of Homeland Security), the Secretary of State "shall" suspend visa issuances until notified by the Attorney General that the country has accepted the alien.

This tactic is potent in theory, and was successful in practice when applied against Guyana several years ago. While I appreciate that foreign relations is a delicate affair involving balancing numerous interests, surely public safety in the United States is a priority of the highest order. Not only does refusal to repatriate often put convicted crimi-

nals with no right to be here back on the street, but drawn out repatriation negotiations divert scarce federal resources away from identifying and deporting other criminal aliens—as many as 300,000 of whom were incarcerated in 2007 and will be released rather than deported at the conclusion of their sentences.

It seems incongruous for the United States to continue admitting the citizens of an uncooperative country that refuses to take back those who are convicted criminals. Why then are we not more aggressive in our use of section 243(d) to ensure prompt repatriation, particularly of criminal undocumented aliens? I would appreciate your views on the efficacy of this provision and any obstacles to its utilization.

I look forward to your response and your thoughts on this important issue. To aid the analysis, I would appreciate it if you could include a list of the notifications you have forwarded to the State Department pursuant to section 243(d) in the last 5 years, any actions upon them (e.g., suspension of non-immigrant visas), and whether they were ultimately successful in securing repatriation.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, February 15, 2008.

Hon. MICHAEL CHERTOFF,  
Department of Homeland Security,  
Washington, DC.

DEAR SECRETARY CHERTOFF: I am troubled that thousands of deportable aliens who have been convicted of crimes in the United States, sometimes violent crimes, remain in the United States because their native countries refuse to repatriate them. Moreover, most of these aliens are released back into the population, as extended detention is untenable due to a lack of resources and the Supreme Court's *Zadvydas* decision.

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In a related development, this week, DHS noticed a proposed rule to prohibit H-2A

visas for nationals of countries which refuse to repatriate. This is a welcome step, but why did DHS not instead dispense with time-consuming rulemaking, which ultimately will provide only limited leverage, and simply notify the State Department immediately of the non-cooperating countries?

I look forward to your response and your thoughts on this important issue. To aid the analysis, I would appreciate it if you could include a list of the notifications you have forwarded to the State Department pursuant to section 243(d) in the last 5 years, any actions upon them (e.g., suspension of non-immigrant visas), and whether they were ultimately successful in securing repatriation.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, February 15, 2008.

Hon. MICHAEL B. MUKASEY,  
Attorney General, Department of Justice,  
Washington, DC.

DEAR ATTORNEY GENERAL: I am troubled that thousands of deportable aliens who have been convicted of crimes in the United States, sometimes violent crimes, remain in the United States because their native countries refuse to repatriate them. Moreover, most of these aliens are released back into the population, as extended detention is untenable due to a lack of resources and the Supreme Court's *Zadvydas* decision.

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Sincerely,

ARLEN SPECTER.

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



The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### CONSUMER PRODUCT SAFETY

Mr. PRYOR. Mr. President, again today, we hope it is going to be a short day for the Senate. We hope we will be able to pass the Consumer Product Safety Commission Reform Act on which we have all worked so hard. I thank my colleagues for the fact that every single amendment that has been offered has been germane. That is great. The fact that everybody stayed focused on the subject matter has helped.

I know Senator STEVENS, who is on the floor now, will concur that it has been exemplary how Senators have conducted themselves on this bill. We thank everyone, all the Senators and the staff, for keeping the amendments germane. It is very important to getting this bill done this week.

The other good news is, our staffs burned the midnight oil last night, Democrats and Republicans. We have been putting together a managers' package, to give a quick status report on that. We think there are about 12 or so amendments in that managers' package right now that have been agreed to. It looks as if maybe we have around eight amendments that are pending. We are hoping we can work out some issues on some of those amendments. We understand there may be a small number of amendments still coming, but we have run our traps here, so to speak.

Again, the good news is we think we have a manageable number of amendments. We know we are going to have a vote in about 15 minutes. It will be on an amendment that is pending. Again, that is great. We will try to dispense with that amendment, however it comes out. Then we will move on to have further amendments throughout the day.

We are very encouraged. I thank Senator STEVENS for his leadership and his staff. They have been great. We appreciate their efforts to try to shepherd this bill through.

I do not want to make a prediction because I don't know and I don't pretend to know how this is going to turn out, but it appears to me that it is possible we could easily finish this bill today. It is possible—I don't want to jinx myself—but maybe even this afternoon. Instead of going into the late evening hours tonight, it is conceivable we might be able to finish it this afternoon if we work hard and stay on task.

I wanted to give the Senate an update. We look forward to the collegial spirit everyone has shown so far. We hope it continues today. I thank every-

body for their cooperation and assistance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding we are scheduled for a vote at 11 o'clock; is that correct?

The PRESIDING OFFICER. There will be 15 minutes of debate once the Senate lays down the bill.

Mr. INHOFE. I ask unanimous consent that I be recognized for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I do believe we have an agreement, Mr. President, to vote at a time certain. Does the Senator wish to postpone that vote?

Mr. INHOFE. I inquire of the Chair, is there a time certain for a vote?

#### CPSC REFORM ACT—RESUMED

Mr. STEVENS. Mr. President, I ask that the bill be laid before the Senate.

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 2663) to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

Pending:

Pryor amendment No. 4090, of a technical nature.

Feinstein amendment No. 4104, to prohibit the manufacture, sale, or distribution in commerce of certain children's products and child care articles that contain specified phthalates.

Cornyn amendment No. 4108, to provide appropriate procedures for individual actions by whistleblowers, to provide for the appropriate assessment of costs and expenses in whistleblower cases.

Vitter amendment No. 4097, to allow the prevailing party in certain civil actions related to consumer product safety rules to recover attorney fees.

Casey amendment No. 4109, to require the Consumer Product Safety Commission to study the use of formaldehyde in the manufacturing of textiles and apparel articles and to prescribe consumer product safety standards with respect to such articles.

Dorgan amendment No. 4122, to strike the provision allowing the Commission to certify a proprietary laboratory for third party testing.

Dorgan amendment No. 4098, to ban the importation of toys made by companies that have a persistent pattern of violating consumer product safety standards.

Cardin amendment No. 4103, to require the Consumer Product Safety Commission to develop training standards for product safety inspectors.

DeMint amendment No. 4124, to strike section 31, relating to garage door opener standards.

#### AMENDMENT NO. 4097

The PRESIDING OFFICER. There is now 15 minutes equally divided on the Vitter amendment.

Mr. STEVENS. Mr. President, under the circumstances now, I control 7½ minutes?

The PRESIDING OFFICER. The time is divided between Senators VITTER and PRYOR.

Mr. STEVENS. I will be pleased to yield that time to the Senator from Oklahoma. I only control half of the time.

Mr. INHOFE. I will postpone my remarks until after the vote.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise again today in strong support of my amendment No. 4097. My amendment is very simple and very straightforward and, in fact, it conforms to present law, as well as to provisions in the House bill, with regard to the awarding of reasonable costs and attorney's fees.

My amendment simply says that a judge can award reasonable costs and attorney's fees from the loser to the winner no matter which side wins and loses. So if an attorney general brings an action and prevails on that consumer product safety action, then it is in the judge's discretion to award costs and attorney's fees from the losing private party to the attorney general. But fairly, if the opposite happens, if the private party is vindicated, if the private party goes through this litigation, which is always significant, lengthy, and costly, and wins and is vindicated, then it is also within the discretion of the judge—it is not mandatory—it is within the discretion of the judge that the private party be awarded reasonable costs and attorney's fees from the losing side; in that case, the attorney general.

That, again, is essentially present law. It can go in either direction. It is up to the court. The words are a little different, but that is essentially the policy embodied by the House bill. I think that is even and that is fair. That does not create an undue push in either direction.

Unfortunately, the underlying bill, the bill before the Senate is very different. It says that only the attorney general in prevailing can get reasonable costs and attorney's fees. The private party, even if it goes through very lengthy, very protracted, and very expensive litigation and is completely vindicated, can never get reasonable costs and attorney's fees, even if the judge thinks that is appropriate.

I think that is wrong. I think it is imbalanced and unfair. It is very important that we act to promote consumer safety. It is very important that we pass some of the measures in this bill and many of the measures in the House bill which I supported as an alternative. In doing that, we need to not make certain problems worse, and one of the problems that has existed is a clog of activity before the Consumer Product Safety Commission and also in the courts.

I feel this underlying provision in the Senate bill, which is all in one direction, could make that clog worse, could

encourage lawsuits which are not thought through, and could encourage frivolous lawsuits. That adds to the workload of the courts and potentially the Consumer Product Safety Commission. We want to encourage lawsuits which are needed—not frivolous ones, ones which are fully thought through. The Vitter amendment will establish the even playing field that will encourage that rather than encourage lawsuits which have very dubious merits and could be frivolous.

It is very reasonable, common sense to say that we are going to leave this all up to the discretion of the court, nothing is mandatory, but the court can award reasonable costs and attorney's fees to either side that prevails and not only in one direction, so that a private party who is completely vindicated after a long, expensive, and protracted litigation, can never, even if the judge thinks it is appropriate, be awarded reasonable costs and attorney's fees.

I urge all of my colleagues to accept this very reasonable approach, the policy of which is embodied in both present law and the House bill, and reject creating the imbalance which I think would only clog our system with lawsuits of very questionable merit.

I yield back the remainder of my time.

THE PRESIDING OFFICER. The Senator from Arkansas.

MR. PRYOR. Mr. President, we think—we are not sure—that the chairman of the Senate Judiciary Committee may be on his way. I know he has a hearing and some other pending business. I know he feels strongly about this amendment.

I rise, in his absence, in opposition to the Vitter amendment. I understand the rationale and the reasons Senator VITTER is offering for this amendment. In fact, when I saw this amendment, I hearkened back to my days in law school. This is a classic moot court competition exercise on who should pay the attorney's fees. The classic English system is that the loser pays, but the American system has been different. It has been different since the founding of our Republic. It has been a bedrock of the American judicial system for well over 200 years that each side pays their own attorney's fees.

There are a lot of reasons for that system. I don't have to go into the history of it. Again, this is a first-year law school topic. I do think it is important in this specific instance that the Senate not break with American jurisprudence, not break with American tradition, and not change this law. It is very important for several reasons. One is, in this case, if the loser has to pay the attorney's fees, we know who the loser is, don't we? It is the State taxpayers. It is not the Federal taxpayers. It is the State taxpayers, our people. Our people will have to pay these attorney's fees.

When you have a matter as important as the public safety and welfare of

the people of your State, the attorney general should be allowed to pursue getting these dangerous products off the shelves, keeping their States safe for their people without having to be concerned about this change in the American legal system that Senator VITTER is recommending.

The other point we all need to remember is that there is something in the world of civil litigation called rule 11. Rule 11 is not only under the Federal Rules of Civil Procedure, but it is in almost every single State's rules of civil procedure I am aware of—maybe every State. I hate to say that without knowing exactly. I am sure it is in the vast majority of States. Rule 11 allows judges to penalize a lawyer for bringing a frivolous lawsuit. That is a very important balanced standard and balanced process, that the legal system has to make sure that no one brings a frivolous lawsuit, but most of all the attorney general.

We also have to remember, as we said yesterday, these attorneys general are not like some lawyer off the street. These are, by and large, elected officials. Mr. President, 42 or 44 State attorneys general are elected by the very same people who elect us. There are a handful who are appointed by a Governor, I think one or two by a legislature, and one by a State supreme court. Regardless, the vast majority are elected by the very same people who elect us. So let's allow the State attorneys general to have the discretion in their States to try to keep their States safe and free of dangerous products.

In closing, there is a compelling interest that these State attorneys general have the ability to get these dangerous products off the shelves. We have seen this, we have talked with a lot of people about this, and we all know that the Consumer Product Safety Commission is overworked. They work hard to do these recalls. Sometimes they take a long time to do them, but, nonetheless, they work very hard to do these recalls. It is beneficial for the whole system to allow the State attorneys general to get these dangerous products out of the marketplace in their States. With all due respect to the CPSC, they do not have the resources to do this, they do not have the people to do this, and they are focused on other issues. They are looking at present-day concerns, not what they dealt with yesterday.

It is very important that we have a strong attorney general enforcement mechanism. I would hate to see it weakened by changing this long-standing American rule of law. I ask all my colleagues to oppose the Vitter amendment.

MR. PRESIDENT, I yield the floor.

MR. LEAHY. Mr. President, Senator VITTER has submitted an amendment to the Consumer Product Safety Commission, CPSC, Reform Act that would discourage State attorneys general from bringing enforcement actions

against those who violate consumer product safety regulations. This amendment goes even further than the Cornyn amendment that we voted on last night to gut the enforcement provisions in the bill. The Pryor-Stevens legislation wisely gives State attorneys general the power to protect their citizens from harmful products by pursuing such litigation. We should not gut that important enforcement power by adding a threat that could shift enforcement costs to taxpayers.

Senator VITTER's amendment would allow the prevailing party in a civil action to recover costs and attorney's fees. This means that the taxpayers would bear the costs and attorney's fees of corporations sued by a State attorney general if the suit is unsuccessful. Absent evidence that State attorneys general are pursuing frivolous litigation against corporations, this amendment is not only unnecessary, but it presents a departure from our established legal system. The measure would have a chilling effect on State attorneys general who would like to pursue possible violations of consumer product safety regulations but may fear incurring the legal costs of doing so.

The purpose of the CPSC Reform Act is to ensure that American consumers have access to the safest products. By allowing State attorneys general to bring enforcement actions against corporations that violate consumer safety laws, States are able to pursue those who threaten the safety of consumers, even when Federal regulators fail to do so. However, Senator VITTER's amendment would tie the hands of State attorneys general by making them choose between enforcing the law and potentially burdening the taxpayers with corporations' legal fees or doing nothing when faced with products that have the potential to harm consumers.

I will oppose this amendment because it discourages enforcement of consumer product safety measures.

MR. FEINGOLD. Mr. President, the amendment offered by the Senator from Louisiana would permit parties sued by State attorneys general under authority of this bill to recover attorneys' fees and costs if they are successful. This amendment would undermine the purpose of giving those State officers that authority. We want their help in protecting the citizens of their States. To create the specter of a large cost to the taxpayer if a case is unsuccessful will only deter aggressive enforcement action.

There are, of course, situations where litigants against the government are given the chance to collect attorneys' fees if they prevail in a lawsuit. As both a State legislator in Wisconsin and a U.S. Senator I have supported legislation like the Equal Access to Justice Act, "EAJA", which gives this right to small businesses and individuals of modest means. I have even introduced a bill in several previous Congresses to amend EAJA to make it easier to collect attorneys' fees.

That EAJA statute, however, applies to a limited class of individuals and small businesses. Whether or not we should extend EAJA to apply in those cases where State attorneys general are acting on behalf of the Federal Government, we certainly should not impose a broader rule on the Attorneys General than we currently apply to Federal agencies. For these reasons, I oppose the Vitter amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I ask unanimous consent, since I have yielded back my time, to have 30 additional seconds to clarify my point, and then I will ask for the yeas and nays.

The PRESIDING OFFICER. The Senator is recognized.

Mr. VITTER. Mr. President, I have one very quick point of clarification. My amendment does not mandate that the loser pays in every case. That would be a significant departure from tradition in American law. My amendment does not do that. My amendment gives the judge discretion to decide if the loser pays, only in both directions, not just in favor of the direction of the attorney general, as the underlying bill does. That is a very simple clarification. It is not a mandatory "loser pays" rule.

Mr. President, I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. PRYOR. Reserving the right to object—

The PRESIDING OFFICER. At this time, there is not a sufficient second.

Mr. PRYOR. I yield back the remainder of my time. I move to table the Vitter amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 56, nays 39, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—56

Akaka	Cantwell	Dorgan
Baucus	Cardin	Durbin
Bayh	Carper	Feingold
Biden	Casey	Feinstein
Bingaman	Cochran	Harkin
Boxer	Conrad	Inouye
Brown	Dodd	Johnson

Kennedy	Menendez	Schumer
Kerry	Mikulski	Smith
Klobuchar	Murkowski	Snowe
Kohl	Murray	Specter
Landrieu	Nelson (FL)	Stabenow
Lautenberg	Nelson (NE)	Stevens
Leahy	Pryor	Tester
Levin	Reed	Warner
Lieberman	Reid	Webb
Lincoln	Rockefeller	Whitehouse
Martinez	Salazar	Wyden
McCaskill	Sanders	

NAYS—39

Alexander	Cornyn	Inhofe
Allard	Craig	Isakson
Barrasso	Crapo	Kyl
Bennett	DeMint	Lugar
Bond	Dole	McConnell
Brownback	Domenici	Roberts
Bunning	Ensign	Sessions
Burr	Enzi	Shelby
Chambliss	Graham	Sununu
Coburn	Grassley	Thune
Coleman	Gregg	Vitter
Collins	Hatch	Voinovich
Corker	Hutchison	Wicker

NOT VOTING—5

Byrd	Hagel	Obama
Clinton	McCain	

The motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. PRYOR. Mr. President, 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. INHOFE. 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. INHOFE. Mr. President, I ask unanimous consent that I be recognized for up to 10 minutes to speak as in morning business.

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

IMMIGRATION

Mr. INHOFE. Mr. President, we have gone through a lot of activity and a lot of anguish on the floor concerning the immigration bills. There was a comprehensive immigration bill that did not work. It was something some people thought would be a good idea and, frankly, I opposed it.

But there is something that is happening right now that is a very good idea. There are 15 of us in the Senate who have taken different elements of concern having to do with illegal immigration, areas of specialty, if you will. It happens that 15 of us had a news conference yesterday, wherein we talked about approaching this differently—each one having his or her own legislation, and then you can support other legislation as you see fit.

It happens that there will be 15 bills that will be introduced. I will have one of those, and I will be supporting 14 of the other 15, or 13 of the other 14. So I think the way we are approaching this is good.

My area of specialty, that comes as no surprise, is in making English the national language. We have been talk-

ing about this for a long time. The approach we are talking about is a very simple approach. It is something that is popular.

I have had this on the floor of the Senate twice. In 2006, it was amendment No. 4064. It passed the Senate by a vote of 62 to 35. Again, in 2007, the support was even greater. That was amendment No. 1151. It passed—that was last year—by a vote of 64 to 33. So it is something that clearly is popular.

Let me explain the problem we have. One of the last things that was done in the Clinton administration was Executive Order 13166. This was an effort to make anyone who is receiving any kind of Government services to have the documentation in any language of his or her choice. It could be Swahili, it could be French, it could be any other language.

Now, the effort to make English the national language is not purely symbolic, as some of my colleagues might believe; rather, it will have a tangible impact.

After Executive Order No. 13166, there has been a high burden on Government agencies to provide translations for documents for services in virtually every language.

The cost is tremendous. It is quite a range. The U.S. Office of Management and Budget estimated the cost of providing these services to be between \$1 and \$2 billion each year.

The cost is not the only drawback of the entitlements of Executive Order No. 13166. It ultimately enables immigrants to avoid learning English which, regretfully, hurts their chances of effective assimilation into American culture. Historically, one of America's greatest attributes is the unity provided by having a language that is commonly used throughout the country. It is important for new legal immigrants to learn this language so they might communicate and achieve success.

As President Bush said in one of his messages, learning English "allows newcomers to go from picking crops to opening a grocery [store] . . . from cleaning offices to running offices . . . from a life of low-paying jobs to a diploma, a career, and a home of their own."

I can't think of any issue we have had before the Senate during the time I have been here that is more popular than this. A 2006 Zogby poll found that 84 percent of Americans, including 71 percent of Hispanics, believe English should be the national language of government operations. According to a 2002 Kaiser Foundation survey, 91 percent of foreign-born Latino immigrants agreed that learning English is essential to success. We have polling data going all the way back to 1996. In each case, 84 to 90 percent of the American people want this to take place.

I ask unanimous consent that these polls be printed in the RECORD.

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

## NATIONAL ENGLISH AMENDMENT POLLS

All types of pollsters of all groups, liberal and conservative, immigrant and non-immigrant, with all wordings show consistently high levels of support for making English the official language of the United States:

(1) An April 2007 McLaughlin & Associates poll showed 80% of all Americans indicated that they would support a proposal to make English the official language.

(2) A December 2006 Zogby International poll showed that 92% of Americans believe that preserving English as our language is vital to maintaining our unity.

(3) A June 2006 Rasmussen Reports poll showed that making English the nation's official language is favored by 85% of Americans; this figure includes 92% of Republicans, 79% of Democrats, and 86% of those not affiliated with either major political party.

(4) A March 2006 Zogby International Poll showed 84% of likely voters support making English the official language of government operations with common-sense exceptions.

(5) A 2004 Zogby poll showed 92% of Republicans, 76% of Democrats and 76% of Independents favor making English the official language.

(6) In 2000, Public Opinion Strategies showed 84% favored English as the official language with only 12% opposed and 4% not sure.

(7) A 1996 national survey by Luntz Research asked, "Do you think English should be made the Official Language of the United States?" 86% of Americans supported making English the official language with only 12% opposed and 2% not sure.

Latino immigrants support the concept of Official English:

(1) An April 2007 McLaughlin & Associates poll showed that 80% of all Americans, including 62% of Latinos, would support a proposal to make English the official language.

(2) A March 2006 Zogby poll found that 84% of Americans, including 71% of Hispanics, believe English should be the official language of government operations.

(3) My favorite poll is this one: In 2004 the National Council of LaRaza found that 97% strongly (86.4%) or somewhat (10.9%) agreed that "The ability to speak English is important to succeed in this country."

Mr. INHOFE. People need to understand the significance. When I brought this up before, there were three objections. They were really absurd. It is almost laughable. One was, we will have to change all the State flags because some of them have other languages.

This has nothing to do with that. This merely says it is not an entitlement. It has nothing to do with State flags.

Another Member said: Inhofe, you will not be able to speak Spanish on the Senate floor. I have given several speeches in Spanish on the Senate floor. I will not go into why that is good. It has been very helpful. This has nothing to do with that.

Another said: You will have the blood of Hispanics on your hands.

I said: How is that going to happen?

They said: There are some strong currents down there in the Potomac, and we would not have "no swimming" signs in Spanish, so they wouldn't be able to read those. So they will go in there and drown.

If we look back historically, we see that many Presidents had things to say about this matter, dating all the way

back to Theodore Roosevelt, and as recently as a statement by Hillary Clinton in her campaign in Iowa in 2007, less than a year ago, where she said: "You're going to have to learn English."

This one goes back to 1916:

Let us say to the immigrant not that we hope [they] will learn English, but that [they have] to learn English.

Theodore Roosevelt was clear on this.

Bill Clinton said in 1999 in his State of the Union message:

We have a responsibility to make [our new immigrants] welcome here, and they have the responsibility to enter the mainstream of American life. That means learning English and learning about our democratic system of government.

So everyone is in agreement. I don't know of anyone, nor any past President, who doesn't believe we are doing a great disservice by not helping our immigrants learn the English language.

We will continue to promote this bill until it passes into law. It should be one of the easiest of the 15 bills that are going to approach the problem of illegal immigrants. It is my intention to continue.

One of the interesting things about this is, there are 52 countries throughout the world who have English as their national language, including Ghana in West Africa. All of these countries have it except us.

The bill is very simple. I can tell in one sentence what it does:

Unless specifically provided by statute, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English.

This is the law of some 52 countries around the world, almost everywhere except in the United States. It would save ultimately somewhere between \$1 and \$2 billion. And there are the other logical reasons for doing this. We will be pursuing this as 1 of the 15 efforts to have not a comprehensive bill, but to address the problem of illegal immigration. I look around and I see others who have good programs too.

The Senator from Arizona, Mr. KYL, has one that would utilize electronic evidence for employers so employers don't find themselves breaking the law as would have been the case on the previous bill. There are others wanting to finish the bridge. We will have 15 bills that we will be introducing or we have already introduced. If we can get all 15, that would pretty much resolve the problem. But it does afford the opportunity for any Member of this body to object to any area of interest in terms of these 15 bills.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent to proceed as in morning business for up to 15 minutes.

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

## IMMIGRATION REFORM

Mr. SPECTER. Mr. President, I have sought recognition to follow the comments made by the distinguished Senator from Oklahoma concerning a group of Senators who met yesterday with a variety of proposals on immigration reform. One of those proposals was mine, S. 2720. This bill seeks to deal with a very serious public safety problem where illegal aliens who have been convicted of crimes of violence are permitted to walk free on the streets of America where their native country will not accept them for deportation.

This is the factual situation where the matter arises. A person is charged, for example, with aggravated robbery, serves 10 years in jail, is released from jail on the service of a maximum sentence, then is turned over to authorities from the immigration service for deportation. Then the efforts to deport the individual are not successful because his native country will not take him or her back. Under court rulings, the maximum that person can be held in detention is 180 days. That means after the service of the sentence, after being detained for 180 days, that person is then back on the streets of America where the statistics show a very high degree of recidivism or repeat offenses.

The legislation I am introducing would put pressure on native countries to take back for deportation their citizens under circumstances where they now refuse to do so by denying to those countries visas for their people who want to come to visit the United States.

There are currently some discretionary provisions on the books which, simply stated, have not worked. This would mandate that procedure. That kind of pressure is calculated to at least ameliorate the situation.

The second provision of the bill provides that foreign aid would be conditioned on countries accepting back their native citizens under the circumstances which I have just described. The United States has a tremendous foreign aid program where allocations are made for a variety of what we consider to be in our national interest or in humanitarian interest. Here again we have a potentially effective tool for dealing with countries who refuse to accept back their own citizens where they have been ordered deported by the United States.

In analyzing the problem further, no matter what we do under these circumstances, it is not possible to compel all foreign countries to accept their nationals back when they are subject to deportation. We are currently examining the possibilities of having some additional detention. Candidly, it is difficult to structure consistent with constitutional rights, which apply to these individuals, and consistent with due process of law. There are some provisions, for example, when someone is

arrested on a charge to be held in preventative detention, where there is reason to believe that individual will flee. So the presumption of innocence still applies, and detention can be held for a relatively brief period of time.

We are also looking at some possible alternatives under sexual predators, where some legislation has been passed, where even after the completion of a full sentence there is a form of civil commitment. We are examining the ramifications of that kind of legislation to be sure it comports with due process and with constitutional protections.

#### AMENDMENTS NOS. 4094 AND 4097

While I have the floor, I will comment about the vote we just had on the Vitter amendment and the vote we had yesterday on the Cornyn amendment. Both amendments raise similar issues.

The amendment offered by the Senator from Texas, Mr. CORNYN, would bar attorneys general from retaining outside counsel on a contingency fee basis. The amendment offered by the Senator from Louisiana, Mr. VITTER, would impose costs on State attorneys general who lose cases brought under the pending legislation. Both amendments have similar elements. I believe the underlying reason Senator CORNYN has advocated for his amendment is not sufficient for such a broad legislative change. Senator CORNYN's amendment arises from a case in Texas where the attorney general went to Federal prison for corruption when hiring a friend on a contingency fee basis. It may be that the Senator from Texas has a valid point. He served as the attorney general for the State of Texas and has considerable experience in the field.

I have had some experience as a prosecuting attorney myself with similar kinds of discretion. It is my view that before we undertake such a fundamental change in procedure, there ought to be some extensive consideration and deliberation.

The Senate is, by reputation, the world's greatest deliberative body. For those who may inadvertently be watching on C-SPAN, a short statement of the legislative process is in order. The way we function on legislation is that a Member has an idea and puts it in a bill and files it. The bill is then referred to a committee. In this case, legislation involving courts and attorneys would be referred to the Judiciary Committee. The Judiciary Committee holds hearings and hears from witnesses who are experienced in the field: attorneys general, defense lawyers, lawyers who have been retained by attorneys general, judges, and scholars. We listen at length, and we ask the witnesses questions.

Unfortunately, you can't see all of those hearings live because they are preempted. However, maybe you can see it on rerun on C-SPAN 3. But those are hearings which provide some basis for a judgment as to what should be done in the Senate.

The amendment offered by the Senator from Texas was not referred to committee. I think it is a matter which ought to be considered and analyzed. Under Senate procedure, any Senator may offer an amendment to the bill which he or she chooses. There is a brief time for argument—it could not have been more than several hours yesterday. I was involved in other matters and could not come to the floor. Following debate, a vote is called. The first time many of us in this body consider the issue is when we are en route from our offices to the Chamber to vote.

For those of you who watch C-SPAN2, you will notice that in the course of a 15-minute vote—which is extended by custom to 20 minutes, and sometimes beyond—most of the Senators do not arrive here until late in the process. Those watching will notice a big huddle by each desk. You may wonder, what is going on? Well, what is going on is that the Senator walks in the Chamber and takes a look at a yellow or white pad with a one-paragraph description of the bill or amendment.

There is some hasty discussion, sometimes by the proponent of the bill and sometimes by the opponent of the bill. There is hardly what you call deliberation and not what you have when the legislative process is followed. When the legislative process is followed the bill is introduced. Following introduction, there are hearings on the bill and there is what we call a markup. For example, at the Judiciary Committee markup, there have to be at least 10 of 19 members present in order to vote the bill out of committee. At the markup there is an opportunity for discussion, analysis, and even modification of the bill.

After consideration by the committee, the bill comes to the Senate floor with a committee report. The committee report describes the bill. Senators have a chance to read the committee report or, to be more candid, staff has a chance to read the committee report. It is not physically possible to read all the committee reports and all the materials that come across a Senator's desk—it just cannot be done. But at least you have a staffer who writes you a memorandum highlighting the essential points and have a chance to question the staffer. You then come to the floor on the debate with some notice about what the debate is about.

It seems to me on matters of importance that we ought to go through full Senate procedure. It is my view that Congress has to be very careful in what we do by way of mandates to the States. We also need to be careful when telling the States how to run their business and by telling attorneys general what is best for their State. There are some offices of attorneys general in the United States which are not elaborately staffed.

When I was DA of Philadelphia, I had 170 attorneys. I don't know how many

attorneys general have limited staffs, nor do I understand their workload or their backlog. There is no reason for me to get involved in the business of state attorneys general. State attorneys general are elected by the people of their State or appointed under State constitutional provisions. It is up to them to make a decision as to how they run their offices. As a basic matter of federalism, we should leave it up to the state attorneys general. We ought to consider the most serious problems of national import. We cannot get into the details of all the State attorneys general offices.

The Senator from Texas talks about creative ways for lawyers to structure contingency fee agreements. Perhaps the amendment of the Senator from Texas would be improved if the attorney general had to go to court to get judicial approval to hire outside counsel on a contingency fee basis. At this time, the attorney general would inform the court of his office's resources and his reasons for needing to enter into a contingency fee contract. This would allow the matter to be decided on a case-by-case basis.

Now, moving to the amendment by the Senator from Louisiana, Mr. VITTER. There is an effort to have the losing party pay for the costs of litigation and costs of reasonable attorneys' fees. It is designed—as the brief one paragraph said—to avoid frivolous lawsuits. I think it is a very good idea to avoid frivolous lawsuits.

The existing rules in Federal court provide for the handling of frivolous lawsuits by imposing costs on the losing party. Following a motion by the party who is being sued, the judge determines whether to dismiss the case under Rule 11 of the Federal Rules of Civil Procedure.

Senator VITTER wants to impose a blanket rule, where in every case, the loser pays. It may be that the United States ought to go to the British system, which is a "loser pays" system. However, that would be a very drastic change in our court procedure. It is even possible that we ought to go to a "loser pays" system in the conditions contemplated under the pending legislation. But that would be a very material change if we were to make that sort of a shift at this time.

Again, we ought to be following the regular Senate procedures. Let Senator VITTER introduce the bill. Let it be referred to the Judiciary Committee. There will be hearings and thorough analysis. Following hearings, there will be a markup and the bill will come to the floor with a committee report. The appropriate deliberation would take place.

If Senator VITTER's amendment were to be adopted, perhaps it ought to be modified on a discretionary basis. The court could impose costs on the losing party if the judge determines that the case is frivolous.

You might have a meritorious case with a very close question. That is

what we do in America with our differences of views between parties. Different sides are presented in court and a determination is made. There is a necessity for a lot of room.

The Senate wisely defeated both of these amendments. On their surface, there is a great deal to commend Senator CORNYN's amendment to eliminate contingency fee arrangements. There is the situation where the Texas State Attorney General went to jail for corruption. Of course, it is more than contingency fees in that case. People who read an abbreviated statement in the newspapers might think the Senate made a mistake in rejecting the Cornyn amendment. We need to examine the issue closer.

Here again, on the surface, you might think the amendment by Senator VITTER has merit to impose costs on the losing party. After all, if they lost, why shouldn't they pay for it? But you have to go beyond that and examine the issue further.

I am prepared to consider both amendments. I am prepared to consider the ideas of my colleagues in the Senate. But I want to do that in the course of the legislative process, where we follow regular order: a bill is introduced, goes to committee, the committee has hearings, the committee hears witnesses, the committee sits down with a majority of its members, and the bill comes to the floor with a committee report.

I know the votes have already been cast on the amendments I have spoken about, but I thought it might be useful to take the floor and give the public a fuller understanding of what we do in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I am here today to talk about the bill that is pending on the floor. I am very pleased this bill is advancing, the Consumer Product Safety Commission bill, that involves so many important provisions.

But in my State, I will tell you this: We are very focused on the provision dealing with the toxic toys. I can tell you, after being in the Senate for only a year, it is truly an inspiration to see we were able to get a bill through our committee—thanks to the leadership of Senator PRYOR and Senator INOUE and Senator STEVENS—and get it to the floor.

The reason it is so important in our State is we had a little boy who died, a 4-year-old boy who swallowed a charm that was given to him with a pair of tennis shoes. He did not die from choking on the charm. He did not die from his airway being blocked. He died when the lead went into his bloodstream day after day after day. When that charm was tested, it was 99 percent lead. It was from China. His own blood, when he died, had three times the normal amount of lead.

It is a very sad story. But it is some solace to the people in our State that

after only being here a year, and as a member of the Commerce Committee, I was able to work to make sure we have a Federal lead standard in this bill. It is rewarding, indeed, that it looks like today we may be completing our work.

I say to the Presiding Officer, I know you have seen this in Ohio. We have seen toy after toy recalled in this country. In fact, 29 million toys—look at this chart—were recalled in 2007 alone. Look at this: This is a calendar of the various dates with the various toys that were recalled in the year 2007 and into January and February of 2008.

We saw the Thomas the Trains that were recalled. We saw Dora the Explorer, we saw SpongeBob SquarePants being recalled—these toys that are so near and dear to people's hearts. You get a sense of it with the calendar, but this list is an actual documentation of all the toys that have been recalled in the last year and 3 months.

You have things such as necklaces, Rachael Rose Kidz rings. You have the trains, the Cub Scout badges, ugly teeth that you put in your mouth for Halloween, of course, the Aqua Dots that morphed into the date rape drug. You can go on and on and on.

I think it is stunning at this time in our history we would still have something such as this happening. I think many people thought in the 1970s—when we got our act together in this country about consumer protection and we strengthened the laws and we realized kids were dying from problems, with everything from cribs to dangerous toys, to flammable pajamas—this country got its act together.

Well, look what happened instead. We have seen a record number of imports coming in from other countries that do not have the safety standards we do.

This was brought home to us—and it was more than toy recalls and numbers—when a few days ago Senator PRYOR and I met with the families of two children who almost died from toxic toys.

The first is Jacob—or Jack, as his family knows him. His mother Shelby came from Arkansas to the Capitol. She told her story in a way I will never do justice to—a very touching story—where she talked about the fear she had on this day. It was a normal day. Any parent can imagine this. You start out. You are in the kitchen. It was October 30, 2007. Jack was 20 months old at the time.

What happened was, his older sister had these Aqua Dots that you put in water and they transform into an animal or something like that. He swallowed some of them. All of a sudden, this little boy was standing there, throwing up and stumbling around. She immediately took him to Arkansas Children's Hospital, where he was treated by a doctor, Dr. Jaeger.

Suddenly, this little boy, Jacob—Jack—went into a coma. They had no idea what caused it. Kids swallow things, as we know, all the time. They will swallow a penny. They will swal-

low something. It is not a good thing, but they do not immediately go into a coma. He was in a coma for about 6 hours. They thought they were going to lose him because no one could figure out what happened.

Well, she said, just like this, he came out of the coma and he was fine. The doctor was in shock. The doctor said if he had not been there, he would not have even believed it had happened.

So they got him home. No one figured out what happened. She got on the Web site herself—the mom did—trying to figure out what was in Aqua Dots. She called the company. Everyone was trying to figure it out.

Finally, they did some testing in the next few days, and they found out the coating that was put on these particular Aqua Dots metabolized into a chemical compound known as the date rape drug. As a former prosecutor, I can tell you we have handled cases involving date rape drugs. This is not a little thing. These are used to knock people out for hours so crimes can occur, and they take vulnerable victims and try to put them to sleep. That is what happened with these Aqua Dots.

These simple little toys—that are supposed to be pet pals—morphed into a date rape drug right in this little boy's stomach. So she came and told us this story.

On November 7, Spin Master—the company that makes Aqua Dots—recalled the product. The chemical that is in these little beads could cause children—they figured out—to become comatose, develop respiratory depression or have seizures. Luckily, this little boy survived. This is what we were dealing with.

Then, another family came and talked to Senator PRYOR and me. This is Colton, also a little boy. He is a little older than Jacob. Their family lives in Oregon. The mom told us this story:

In 2003, when Colton was only 4 years old, he swallowed a little trinket they had gotten out of a gumball machine. It was later determined—they couldn't figure out why he was so sick. He was having trouble. He was not himself. They took him to the doctor. They figured out he swallowed this lead. They got the toy out of him, but they figured out later that this toy was 39 percent lead. His lead levels—this little boy, Colton—at the time were considered fatal, but he survived. This led, actually, to the recall of 150 million pieces of gumball machine jewelry.

Now, this is not that different from the story I told you about Jarnell. This mom told me when we met earlier in the week that when she heard about Jarnell, it all came back to her. She spent the last 2 years trying to be an advocate, all by herself—Colton's mom—to get something done on this, and then imagine how she felt when she read that this little boy, Jarnell, in Indianapolis had died from exactly the same kind of charm, these lead charms;



something like that went into his system. The one Jarnell had was 99 percent lead. Luckily for little Colton, the piece he had was only 39 percent lead. But now, even today, Colton's lead levels, even when he is much older, are at 17. They are not where they should be, and they are constantly on alert for what might go wrong. If he has a growth spurt or if he breaks his bones, his lead levels will increase, and they don't know the effect that will have. We all know it is very dangerous, the brain damage in children and other things it does.

The other thing about these charms—and we are very focused on little kids swallowing them, but the other thing about them is that necklaces can also affect teenage girls because they put these necklaces on, and then they are sitting in class or they are with their friends, and they chew on them. I have seen little girls actually do this—teenage girls. They are cheaper jewelry charms, and they start to chew on them. Well, in January 2007, 114,000 necklaces were recalled because the pendants contained high levels of lead, these kinds of pendants that continue to be recalled throughout this year.

Another example: In February of 2007, almost 300,000 Rachael Rose rings, which were worn by very young kids who wanted to try on a ring and have a ring on, were recalled.

In June of 2007, we had the Thomas & Friends, which was the first batch of 1.5 million recalls. This story is one that is worth noting. The Presiding Officer will be interested in this one.

These were toys that were manufactured and painted in China. The RC2 Company, when they found out about it, called for a recall. They were very embarrassed about the safety record. They appropriately apologized to their customers, saying they would make every effort to ensure this wouldn't happen again, and to help encourage customer loyalty and to prompt customers to return the trains, they actually said: You know what, we will give you a bonus gift. We are going to replace the toys, and we will send you a bonus gift if you send in your toys that have been recalled. So all of these parents sent in their recalled toys. As you can imagine, they are trying to figure out which toy is recalled and which isn't. Is it the caboose or the boxcar? They end up sending it back to get this bonus gift. Guess what. This bonus gift backfired in a big way. It was discovered that 2,000 of these bonus gift items contained lead paint levels 4 times higher than legally allowed, leaving the parents of these toddlers to deal with what we call the double recall.

Then, in August 2007, almost 1 million Sesame Street and Dora the Explorer toys were recalled by Fisher-Price. In October 2007, 1,600,000 Cub Scout badges were recalled for extremely high lead levels. Just this last Halloween, just a few days before Halloween, 43,000 Ugly Teeth toys were re-

called that kids put in their mouths for Halloween.

This is just what I call the "greatest hit list." There were over 9 million toys recalled by hundreds of different companies in 2007, with a total of 27 million toys recalled.

Yet we have known about this danger for 30 years. That is what is so shocking about this. As we advance in this country with technology, with BlackBerry's and cell phones, it is unbelievable that we would be stepping back. The science is clear. It is an undisputed fact that lead poisons children. It should not have taken us this long to take lead out of the hands of our children, out of their mouths.

It is the Consumer Product Safety Commission's job to do this. When they started seeing all of these imports coming in, they should have done something. They should have come to Congress and said: We think we see a problem here. We are going to need more people. We are going to need more toy inspectors. It was Congress that had to take the lead to get this moving. The burden should not fall on parents or kids to tell if a toy train is coated with lead paint. Who is going to be able to figure that out? You figure that if you buy a toy from a reputable store, it is going to be OK. I think it is shocking for most parents when they realize there has never been a mandatory ban on lead in kids' toys in this country—never. Until this legislation, there has never been a mandatory ban.

In response to a series of letters I wrote to Chairwoman Nord in August about the dangers of lead in children's products, the Chairwoman responded on September 11. In this letter, Chairwoman Nord acknowledged that:

The CPSC does not have the authority to ban lead in all children's products without considering exposures and risks on a product-by-product basis.

Chairwoman Nord went on to say that were the CPSC—the Consumer Product Safety Commission—to attempt banning lead in all children's products:

It would likely take several years and millions of dollars in staff and other resources.

This response makes it clear that Congress cannot wait for the Consumer Product Safety Commission to act. They have had years. They have known this was increasing, these imports and what was going on for years, and they didn't act. That is why we need this bill. According to them, to give them the benefit of the doubt, they didn't have the tools or the resources to do their job. Now, it would have been nice if they had come earlier than this year to act, but they didn't have the tools on the books. So that is what this bill is about.

To talk a little bit more about the specifics, this legislation effectively bans lead in all children's products by classifying lead as a banned hazardous substance under the Federal Hazardous Substance Act. This was a part of the bill that incorporates the bill we wrote

out of our office. The reason I, of course, was so focused on this was because of the fact that this little boy died in our State.

The bill sets a ceiling for a trace level of allowable lead at .03 percent of the total weight of a part of children's products, or 300 parts per million. Some States across the country have put these in because of inaction by the Federal Government. Some are set at .04. California has .04 for toys and .02 for jewelry. We decided the best way to do this is to set it at .03 for the first year, a year after the bill takes effect, and then, actually within a few years, go down to .01 because the science supports that we should be able to get it down to .01 percent of the total weight of kids' toys for lead. The idea is that, in fact, as some of the pediatrician groups believe, we can do this and we can maybe go lower than that, to trace levels of lead, and we allow the Consumer Product Safety Commission to do a rulemaking so that if they would like, and the science supports it, they can actually go down to zero or go lower if they would like. But these are trace levels of lead that are actually more aggressive than you see in some of the States.

The legislation also sets an even lower threshold for paint. Under this bill, the allowable level of lead paint would drop immediately to 90 parts per million. This lower threshold is critical because science has shown that as children put products in their mouths, it is the painted coatings which are the most easily accessible to kids. Every parent of a toddler knows this to be true. On these lead-tainted Thomas trains, you can always see, on the ones I have seen that have been brought into my office by parents who are worried, those little teeth marks of kids who are chewing on these toys.

I will tell my colleagues that people say: Well, what is the Consumer Product Safety Commission doing now? They have a voluntary standard at .06. So the standard is higher. The key is that it is voluntary, so they have to call and negotiate with the companies if they want to do a recall. A lot of our retailers in Minnesota, including Target and Toys "R" Us, have been very frustrated by this because they are negotiating with the manufacturer, so it is not clear. They want to get the products off their shelves, but they haven't been recalled yet. So this makes it much simpler because it is a mandatory Federal lead standard.

The other part of the bill that came out of a bill we drafted and which is very important to me—and I think it comes from being a mom, and it is practical—is making it easier when there is a recall to be able to identify the toys.

Now, when I talk to my friends, they say: What am I supposed to do? I hear about this recall. I go to the Consumer Product Safety Commission Web site. I can't tell which caboose, which train. Is it the boxcars? Is it the caboose?

Which brunette Barbie? Which blond Barbie?

Big surprise: They don't keep the packaging. I don't think anyone but my mother-in-law keeps packaging for toys, because she saves everything.

What our bill does is basically says the batch numbers, when practical, should be on the toys. They won't be on Pick-Up Sticks, obviously, but they can be on the foot of a Barbie or on the bottom of these little toys which actually say on the bottom "caboose" or "boxcar," and there can be a batch number. So it will be easier for parents to identify which toy they can get out of their kid's box.

We also have put in this bill a requirement that the numbers be on the actual packaging. Even though parents will throw the packaging away, we think that is important because the mom-and-pop retail stores, the little retail stores, and also the Internet—people will still have the packaging. So Target, Toys "R" Us, and Wal-Mart are going to be able to put into their computer system when a toy is recalled immediately so you can't sell it through the line. That is not as easy for smaller stores. It may not be as easy for a little drugstore or grocery store and also certainly not easy for people buying on eBay or selling on eBay. So we also require that the batch numbers be on the packaging.

As we all know, the Consumer Product Safety Commission's last authorization expired in 1992, and its statutes have not been updated since 1990. That is why what Senator PRYOR has done as the chair of the consumer subcommittee—and I am proud to be a member of that subcommittee and to have worked with him on this bill—is so significant.

You think about how the marketplace has changed in these 16 years and what we have seen in the growth for imports from countries that don't have our same standards. Yet, at the same time, the Commission is a shadow of its former self. Although the number of imports has tripled—tripled—in recent years and the number of recalls, as I noted earlier, has been increasing by the millions, the number of Commission staff and inspectors at the Consumer Product Safety Commission has dropped by more than half, falling from a high in 1980—as my colleagues can see right here—falling from a high of 978 to 393 today. Look at that change. Maybe that wouldn't have mattered if we suddenly had fewer toys in this country, maybe if we had a third of the imports coming in. In fact, we have seen a tripling of imports from countries that do not have the same safety standards as we do. In total, the Consumer Product Safety Commission has only about 100 field investigators and compliance personnel nationwide.

What this legislation does—and we already started, actually, back in December, where we gave the Consumer Product Safety Commission, through our omnibus budget bill, some funds to

hire more inspectors—this legislation more than doubles the Consumer Product Safety Commission's budget so that they can get those toy inspectors on board.

This bill provides some needed help to increase the inspection, the research, and regulation staff. It puts 50 more staff at U.S. ports of entry in the next 2 years. Some were announced just yesterday as a result of the work of this Congress.

Not only does this bill give the necessary funding and staff to the Consumer Product Safety Commission, but it gives the Commission the ability to enforce violations of consumer product safety laws. This bill finally makes it criminal—criminal—to sell recalled products.

We have seen too many headlines this year to sit around and think this problem is going to solve itself. As a Senator, I feel strongly that it is important to take this step to protect the safety of our children. When I think about that little 4-year-old boy's parents back in Minnesota and I think about the children all over this country who have been hurt and the parents who have lost sleep just trying to figure out if what they are doing is right or what are they going to buy their kids for Christmas or what are they going to do about this problem—they shouldn't be thinking about those things in this day and age. We can beef up this agency that has been languishing for years. We can put the rules in place and make it easier for them to do their jobs.

So this isn't just a matter of banning lead in children's toys. This bill is a matter of implementing consumer safety laws and regulations. It is a matter of protecting kids from more harmful products. It is a matter of helping parents to understand what to do when something has been recalled. It is a matter of keeping customers informed and safe when purchasing products in the United States. And it is a matter of bringing the CPSC back into the 21st century. As I said, all of the toys were overseen by a guy named Bob, with a back office full of toys. He would be dropping them to see what happened and what didn't. He is retired now.

We are moving into the next century. This is a matter of getting serious about consumer safety. We have to say Congress cares about the families in this country. People get mad about the Congress because it takes so long to get things done. This is a bread-and-butter bill, about helping families.

With the bipartisan help of our Senate colleagues, we can pass this meaningful bill that gives the CPSC the tools they need to do their job, and it also sets clear and unequivocal standards of what is safe and what is not in this country.

The current system has been broken by years of neglect, by an agency that hasn't told the truth about its problems, and by an administration that has closed its eyes to what has been

going on. This Congress can fix this. The Consumer Product Safety Commission Reform Act represents some of the most sweeping reforms we have seen in 16 years for consumer safety.

The Wall Street Journal said:

The Consumer Product Safety Act is the most significant consumer safety legislation in a generation.

We can pass this legislation today, Madam President.

I yield the floor.

THE PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, I ask unanimous consent that I be recognized for up to 10 minutes in morning business.

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

#### THE PATH ACT

Mr. INHOFE. Madam President, about an hour ago, I was presenting a bill that we had introduced as part of 15 bills to resolve the illegal immigration problem. It is one that I have done many times before, which is making English the official language, or national language, for the United States. I think it is one that has enjoyed a great deal of popularity. It has passed this body before by almost a 2-to-1 margin, in 2006 and in 2007.

At the conclusion of my presentation on this legislation, I neglected to ask that a copy of the bill, S. 2715, be printed in the RECORD following my remarks. I will soon ask that it be printed in the RECORD.

Madam President, I am joined by several colleagues, including Senators COCHRAN, WICKER, DOMENICI, SHELBY, and others, in introducing the Preserving Access to Hospice Act, a bill to ensure that America's terminally ill seniors have access to hospice care by providing immediate relief for hospices that are impacted by the Medicare hospice cap, through the establishment of a moratorium on the calculation and collection of the hospice cap for fiscal 2006, 2007, and 2008, and the authorization of a MedPAC study on the cap issue.

My fellow Oklahoman in the House of Representatives, JOHN SULLIVAN, today introduced the same companion bill on the House side.

Because of a flawed law, the Federal Government is requiring hospices to repay the Centers for Medicare and Medicaid Services, CMS, for serving eligible patients in prior years. Many small family and community-owned hospices will be forced to close, patients will lose access to hospice care, and local jobs will be lost. In Oklahoma especially, hospice care companies of all sizes service a large number of Oklahomans.

In 1982, Congress initiated hospice as a Medicare benefit for terminally ill patients. In the 1980s and 1990s, Congress worked to broaden hospice coverage to ensure each eligible beneficiary has access to unlimited days of hospice care, regardless of their diagnosis.

Medicare pays hospice a flat fee per patient per day regardless of the actual cost. The hospice is then responsible for all costs related to the care of its patient until their death, regardless of how long they remain under their care. However, under the hospice Medicare benefit, Medicare caps the number of days they will pay per patient. Hospices cannot manage this cap without rationing access of care to these terminally ill patients who elect the hospice benefit for however long they remain eligible.

I have to say at this time that some of the best spent money in this type of care is the hospices.

At the end of the care, CMS has been recalculating how much they have paid the hospice per patient and what the eligible cap days were for each patient. This is something done after the patient has already received care. If they paid the hospice more than was allowed under the cap, the hospice is required to repay Medicare. Therefore, hospices are being contacted by CMS and asked to repay millions of dollars used to care for these dying patients. In 1999, very few hospices were hitting the cap because Medicare had strict restrictions on who was eligible for the benefits. As the eligibility and longevity has increased, hospices started to go over the cap.

In 2005, 41 percent of the hospices providing care in my State of Oklahoma received letters from CMS demanding repayment. Obviously, the recalculation is unfair and will result in patients being denied hospice care, and many Oklahoma hospices are going bankrupt. As Congress and CMS examine this issue, temporary relief is needed so that the patients can continue to have access to hospice care and hospice providers do not face bankruptcy. My legislation provides immediate relief for impacted hospices by establishing a moratorium on the calculation and collection of the hospice cap for fiscal years 2006, 2007, and 2008, and authorizing a MedPAC study to determine the best way to address this hospice cap issue.

I have been working since early 2007 to help small community hospices in Oklahoma as they face repayment letters from CMS for millions of dollars. Without a moratorium, these Oklahoma hospices, as well as hospices in numerous other States, will be unable to meet demands for repayment. As a result, hospices will be forced to close and discharge significant numbers of terminally ill patients, possibly into more expensive care.

So I ask you to join me in supporting this legislation that will protect our terminally ill seniors' access to hospice care.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2715

*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 "National Language Act of 2008".

#### SEC. 2. AMENDMENT TO TITLE 4.

Title 4, United States Code, is amended by adding at the end the following:

#### "CHAPTER 6—LANGUAGE OF THE GOVERNMENT

"Sec.

"161. Declaration of national language.

"162. Preserving and enhancing the role of the national language.

"163. Use of language other than English.

#### "§ 161. Declaration of national language

"English shall be the national language of the Government of the United States.

#### "§ 162. Preserving and enhancing the role of the national language

"(a) IN GENERAL.—The Government of the United States shall preserve and enhance the role of English as the national language of the United States of America.

"(b) EXCEPTION.—Unless specifically provided by statute, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. If an exception is made with respect to the use of a language other than English, the exception does not create a legal entitlement to additional services in that language or any language other than English.

"(c) FORMS.—If any form is issued by the Federal Government in a language other than English (or such form is completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.

#### "§ 163. Use of language other than English

"Nothing in this chapter shall prohibit the use of a language other than English."

#### SEC. 3. CONFORMING AMENDMENT.

The table of chapters for title 4, United States Code, is amended by adding at the end the following new item:

"6. Language of the Government ..... 161".

Mr. INHOFE. 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. BROWN. 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. BROWN. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

#### ORAL HEALTH

Mr. BROWN. Madam President, around this time last year, we heard the news story of Deamonte Driver. He was a 12-year-old living in Prince George's County, MD, a short driving distance from this building.

Deamonte had a toothache. His family was poor and they didn't have health insurance. They could not afford to pay out of pocket for dental care. Although in the past they had Med-

icaid coverage, it was nearly impossible, as it is in most places—Missouri, Ohio, Arkansas, and most places—to find a dentist who took Medicaid patients. The infection from Deamonte's tooth spread to his brain. His family took him to the hospital, only to find out that his Medicaid coverage had lapsed because the paperwork to confirm eligibility was mailed to a homeless shelter where the family had spent some time. Deamonte died after surgery, after 2 weeks in the hospital and \$200,000 in medical bills.

Deamonte's death was tragic and needless and that is unconscionable. Families across the country were shocked by this story.

This story illustrates what is wrong with our health care system. Several years ago in Cleveland, an 11-year-old girl was missing. She had disappeared for some time. When they discovered her body, they could not check her dental records because she had never been to a dentist. It took some time to identify who she was.

The story of the girl in Cleveland and the story of Deamonte in Prince George's County, MD, illustrates what is wrong with our health care system. It also provides a map for how we can make it better.

This week, with a Congressman from Maryland, I am introducing the Deamonte Driver Dental Care Access Improvement Act. The goal of the bill is simple: to increase access to dental care for the underserved in our country and to tackle access problems for dental care from multiple angles.

This bill strengthens our system of care by providing grants to community health centers—they give terrific care in communities that are underserved all over the country—so they can expand the dental services they provide—not all of them do at this point—including mobile dentistry and teledentistry services.

The bill also provides grants to create dental health professionals whose mission is to work with communities to provide care for the underserved. People who are not dentists get some training, significant training, so they can help dentists and dental hygienists do their job.

To create incentives for dentists, the bill provides tax credits to dentists who serve Medicaid, the Children's Health Insurance Program, and uninsured populations.

The bill invests also in prevention. Half of the battle will be to increase dental health promotion activities among families.

Other provisions address maternal health and Medicaid reimbursement.

In Ohio, dental care is the No. 1 unmet health care need among children, unequivocally. In the last year, as I have traveled around the State, I held 85 roundtables where I sat down with 20 or 25 people from the community and asked them questions about their community and what we can do together in this community with the Senate office. I have done it in about 55

counties. I hear stories about how families are struggling with dental problems. A lot of these stories are similar to that of Deamonte Driver.

Recently, I learned about the story of Tyler Panko, a 5-year-old with autism who lives in rural Ohio. His father is self-employed. He took Tyler to four dentists to try to get care for his son who suffered from debilitating tooth decay and poor weight gain. No dentist within a 100-mile radius would accept Tyler as a patient due to his medical condition and Medicaid coverage.

Tyler was ultimately referred to the Ohio State College of Dentistry where he was treated under general anesthesia due to the severity of his disease.

Tyler's parents were so distraught about their son's well-being that they wanted to stay in Columbus the night before the surgery so as to not miss the appointment. They live in a trailer in rural Ohio. They could not afford both transportation and lodging, so the pediatric dentistry faculty at OSU College of Dentistry covered the family's lodging costs.

Since then, Tyler has been eating, gaining weight, and no longer wakes up crying, holding his mouth. Imagine that. The parents of a child cannot do anything for their child, and the child wakes up crying at night holding his mouth.

Tyler's story ended well. But how many other children and adults in my State and around the country are suffering from lack of dental care.

Yet it is typically overlooked when policymakers turn to the issue of health care access. People often think of health care in terms of the physical body from the neck down, and they overlook the importance of dental health.

It is almost as if including dental health in the health care debate is a luxury or an afterthought, a minor concern that doesn't merit our time. It is a foolish, and sometimes even deadly, misperception.

Addressing dental care also helps our workforce.

It is not obvious to most of us in most of our lives most of the time, but dental health is an indicator of socioeconomic status in our society. Those with beautiful teeth, those who have had the luxury of braces, those who have gone to regular dental appointments because their families can afford it or their families have dental insurance can have the confidence of smiling at a potential employer at a job interview.

For people with missing teeth, many of them at amazingly young ages, or crooked teeth or other problems related to the lack of access to dental care, their economic struggle shows, and it causes them to be treated differently from those who can go to the dentist regularly.

Again, think about a job interview: You are 24 years old; you are looking for a job; you have bad teeth; you know

how that makes everything much harder.

People with painful dental problems are also more likely to miss school and later on miss work. We need to remove barriers to care for every American. We need to address the entrenched racial and economic disparities that exist in dental health. I want to keep families from relying on emergency rooms for dental care. There is simply no reason for that to happen. I want people to know how to prevent cavities and gum disease. I want to find ways to encourage dentists to accept Medicaid and CHIP and uninsured people. I don't want anyone to be held back from their ambitions because of their dental problems.

I hope my colleagues will help me in reaching these goals by supporting this bill. I thank the senior Senator from Mississippi, Mr. COCHRAN, for his cosponsorship of this bill. It is bipartisan. It is legislation whose time has come. It is legislation for those whom we pretty often ignore in this Chamber.

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. PRYOR. 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. PRYOR. Madam President, I wish to give my colleagues a sense of where we are on the bill. Generally, we have good news. I mentioned an hour or so ago, maybe 2 hours ago, the fact that Senator STEVENS and his staff and my staff have worked through a series of amendments. There are 12 or more amendments in a managers' package. There is language that is being worked on now to maybe add more to the managers' package. Various Senators on both sides of the aisle have had constructive amendments, and all amendments have been germane. That is great news. We thank all Senators and their staffs for keeping every single amendment germane. That is very constructive and very positive.

At the moment, we are waiting on some language on some amendments that maybe can be agreed to further without rollcall votes. We would love to set up some rollcall votes at some point in the next few hours.

As I said earlier, I do not want to say this and regret it, but the way things are going, certainly this has the feel that we could possibly finish this bill this afternoon rather than this evening. If we have to work into the night or even into tomorrow, we will do that. Given the cooperative spirit and the nature of the amendments and the collegiality of Senators on this legislation, I think we can definitely finish today. As I said, I know a lot of Senators who would love to be able to wrap this up and get out of here earlier than they expected. That would be great news if we could pull that off. We are working very hard for that result.

Again, I thank the staff of all the Senators who have been working on these amendments with us. I thank the Senators because it has been a very productive week and a very constructive process.

I wish to talk about one of the issues that is outstanding. We may have a vote on it later today. We don't know yet. It is a whistleblower provision. I wish to inform my colleagues of the goal we had of writing into the bill whistleblower protection. We want to make sure that when people come across a safety violation and they tell the Consumer Product Safety Commission about it, they not be punished for doing the right thing.

We tried to find a balance in this issue. This provision has changed quite a bit throughout the course of the life of this bill. We have to remember there is a compelling Government interest in the public's safety and welfare. So we are trying to find that balance. We are certainly trying to protect the public's safety and welfare. We want to keep these dangerous products out of the stream of commerce, but at the same time, we have heard the concerns and the objections mostly by the business community.

Let me say this about whistleblower protection: I know this has been a source of much debate and many votes in the Senate over the last several Congresses. I remind my colleagues that whistleblower protection is not a novel idea. This is not a new concept. We actually see whistleblower protection in many Federal laws this Congress has passed.

Since the year 2000, Congress has passed several whistleblower laws that have been very similar to what we have drafted in S. 2663, including Air 21, for airline workers; Sarbanes-Oxley, for employees of publicly traded corporations; the Pipeline Safety Act, for oil pipeline employees; the Energy Policy Act, for nuclear workers; the Implementing Recommendations of the 9/11 Commission Act, for railroad and public transportation workers; and even as recently as this year in the Defense Authorization Act.

We have drafted our provision based on existing law. The Surface Transportation Assistance Act is the model we use to try to extend whistleblower protection under narrow circumstances in this act.

I will give a few examples. I will limit it to two real-life examples. In 2002, a product designer for a lighting manufacturer was fired after he informed management about the dangerous conditions of certain lighting products, and he refused to violate the law by passing the products on to the customers before they were thoroughly tested. That person did not have any recourse when he was terminated by his company.

We understand, we are very sensitive to a company's desire to have employees who can follow instructions and can be productive, but at the same

time, there is a compelling public interest in the fact that we are talking about the safety of our citizens in this country.

Another example from 1995: An employee of a wire and cable company reported there was a shipment of defective wire. He reported that to a customer because he was concerned the wire would be used in fire alarms in hotels, residences, and high-rise buildings. The employee refused the company's directive to ignore the problems with that wire, and he was fired.

Not to get into the details of that case, but we see that whistleblower protection, if we build in the right parameters, might make sense. What we did through this process is we tried to listen to the business community's concern. There has been a myth floating out there that if this law passes, then a business will never be able to fire a disruptive employee. That is not true. Certainly, we are trying to find that balance. Whistleblower protections would not protect an employee who is going to be fired anyway. It would not protect a disruptive employee who is not a good employee. The employee has the burden of proof of establishing a *prima facie* showing. They have to make a *prima facie* case that they were terminated because they had told the CPSC about a problem. The employer has an affirmative defense of showing they would have done the same thing with this employee regardless of the fact that he or she informed the CPSC of a violation.

Also, there is a provision in the bill that if the employee files a frivolous claim and tries to hide behind this whistleblower protection, that employee may have to pay up to a \$1,000 penalty throughout the course of the whistleblower process.

We have tried to listen to the concerns of the business community. We are trying to get the proper information to the CPSC to make sure that if there is a problem out there, it is brought to their attention as early as possible. And if an employee wants to do the right thing, with these safeguards built in place, he or she will not be terminated because they are trying to make sure these products are safe in the U.S. marketplace.

Senator STEVENS has walked into the Chamber. So far the news today has been good. We are disposing of matters. We encourage any Senator who wants to come down and speak on their amendment or any Senator who wants a vote to please let us know. So far it has been a very constructive process. I thank all my colleagues for their spirit of cooperation today.

I yield the floor.

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

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

AMENDMENT NO. 4132

Mr. BROWN. Madam President, I ask unanimous consent to call up amendment No. 4132 and to set it aside.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Hearing no objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN], for himself and Mr. CASEY, proposes an amendment numbered 4132.

The amendment is as follows:

(Purpose: To authorize the temporary refusal of admission into the customs territory of the United States of consumer products manufactured by companies that have violated consumer product safety rules)

On page 103, after line 12, add the following:

**SEC. 40. TEMPORARY REFUSAL OF ADMISSION INTO CUSTOMS TERRITORY OF THE UNITED STATES OF CONSUMER PRODUCTS MANUFACTURED BY COMPANIES THAT HAVE VIOLATED CONSUMER PRODUCT SAFETY RULES.**

(a) IN GENERAL.—Section 17 (15 U.S.C. 2066), as amended by section 38(e) of this Act, is amended by adding at the end the following:

“(j) TEMPORARY REFUSAL OF ADMISSION.—

“(1) IN GENERAL.—A consumer product offered for importation into the customs territory of the United States (as defined in general note 2 of the Harmonized Tariff Schedule of the United States) may be refused admission into such customs territory until the Commission makes a determination of admissibility under paragraph (2)(A) with respect to such product if—

“(A) such product is manufactured by a manufacturer that has, in the previous 18 months—

“(i) violated a consumer product safety rule; or

“(ii) manufactured a product that has been the subject of an order under section 15(d); or

“(B) is offered for importation into such customs territory by a manufacturer, distributor, shipper, or retailer that has, in the previous 18 months—

“(i) offered for importation into such customs territory a product that was refused under subsection (a) with respect to any of paragraphs (1) through (4); or

“(ii) imported into such customs territory a product that has been the subject of an order under section 15(d).

“(2) DETERMINATION OF ADMISSIBILITY.—

“(A) IN GENERAL.—The Commission makes a determination of admissibility under this subparagraph with respect to a consumer product that has been refused under paragraph (1) if the Commission finds that the consumer product is in compliance with all applicable consumer product safety rules.

“(B) REQUEST FOR DETERMINATION OF ADMISSIBILITY.—

“(i) IN GENERAL.—An interested party may submit a request to the Commission for a determination of admissibility under subparagraph (A) with respect to a consumer product that has been refused under paragraph (1).

“(ii) SUPPORTING EVIDENCE.—A request submitted under clause (i) shall be accompanied by evidence that the consumer product is in compliance with all applicable consumer product safety rules.

“(iii) ACTIONS.—Not later than 90 days after submission of a request under clause (i)

with respect to a consumer product, the Commission shall take action on such request. Such action may include—

“(I) making a determination of admissibility under subparagraph (A) with respect to such consumer product; or

“(II) requesting information from the manufacturer, distributor, shipper, or retailer of such consumer product.

“(iv) FAILURE TO ACT.—If the Commission does not take action on a request under clause (iii) with respect to a consumer product on or before the date that is 90 days after the date of the submission of such request under clause (i), a determination of admissibility under subparagraph (A) with respect to such consumer product shall be deemed to have been made by the Commission on the 91st day after the date of such submission.

“(3) COMPLIANCE WITH TRADE AGREEMENTS.—The Commission shall ensure that a refusal to admit into the customs territory of the United States a consumer product under this subsection is done in a manner consistent with bilateral, regional, and multilateral trade agreements and the rights and obligations of the United States.”.

(b) RULEMAKING.—

(1) NOTICE.—Not later than 90 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall issue a notice of proposed rulemaking with respect to the regulations required by paragraph (2).

(2) REGULATIONS.—Not later than 120 days after the date of the publication of notice under paragraph (1), the Consumer Product Safety Commission shall prescribe regulations to carry out the provisions of the amendment made by subsection (a).

(c) CONSULTATION WITH SECRETARY OF HOMELAND SECURITY.—The Consumer Product Safety Commission shall consult with the Secretary of Homeland Security in carrying out the provisions of this section and the amendment made by subsection (a).

Mr. BROWN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. 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. PRYOR. Madam President, I ask unanimous consent that Senator WICKER be recognized at 2 p.m. today to speak for up to 20 minutes as in morning business.

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

Mr. PRYOR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. WICKER. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 20 minutes.

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

Under the previous order, the Senator from Mississippi is recognized for

up to 20 minutes for his maiden Senate speech.

#### REBUILDING THE MISSISSIPPI GULF COAST

Mr. WICKER. Mr. President, as I address the Senate for the first time today, I could not be prouder of the people I represent. From the northeast Mississippi hills and De Soto County suburbs, down through the Delta, and from metro Jackson, across to east central Mississippi, and down through the Piney Woods, from southwest Mississippi to the Gulf of Mexico, my native State of Mississippi is on the move, having added over 50,000 jobs in the past 4 years. But we are also in the process of recovering from the most devastating natural disaster ever to hit North America—Hurricane Katrina. With its nearly 30-foot storm surge, its winds of over 125 miles per hour, and an eye that stretched the entire coastline of Mississippi, Hurricane Katrina reshaped not just the landscape of our Gulf Coast; Katrina reshaped how our public officials must approach every quality of life issue in our State, be it housing, insurance, economic development, education, health care, or public safety.

While there are a number of issues, accomplishments and challenges facing my constituents, today I will speak about the most pressing issue facing my State, the rebuilding and renewal of the Mississippi Gulf Coast and the ongoing need for this Congress to follow through until recovery is indeed a reality.

Steady progress has been made, but great challenges remain that cannot be overcome without a partnership from the Federal Government. Continued Federal resources are needed before our State can truly recover.

For most citizens on the Mississippi Gulf Coast, Katrina is not just one issue; it is virtually every issue.

Every Mississippian remembers what they were doing on August 29, 2005. My wife, Gayle, and I were at home in Tupelo, in the path of a storm that would cause damage 300 miles inland and in the path of thousands of Mississippians and Louisianans fleeing Katrina. Like citizens across the country, we joined our community in opening arenas and churches, preparing Red Cross shelters and organizing gifts of clothing and supplies. Our family and friends were among the foot soldiers in the army of compassion that responded to the devastation in south Mississippi.

Days after Katrina's landfall, Gayle and I had the opportunity to deliver an 18-wheeler full of supplies to Jackson County. What we saw was indescribable to those who had seen the coverage only on television. Tens of thousands of homes obliterated. Businesses and schools destroyed with no trace of previous existence. Bridges wiped away, cutting cities off from one another. And an eerie silence because of the lack of electricity for hundreds of miles.

The Federal Government's response to this disaster has come under an im-

mense amount of criticism, much of which is justified. But it would be irresponsible for us to ignore what went right.

The night of the storm, Coast Guard helicopter crews saved hundreds of my fellow Mississippians.

Katrina generated twice as much debris as any hurricane in history, but it was picked up in half the time.

Our school superintendents, principals, teachers, and parents led the effort to get every one of Mississippi's public schools open as quickly as possible.

Our business community responded, reopening shops, restaurants, and manufacturing plants so our people could get back to work.

And our citizen volunteers and the faith community shined. Mr. President, 500,000 volunteers have offered help to Mississippi since Katrina, and that number continues to climb.

Over the last 2½ years, a lot of progress has been made. South Mississippi is not just recovering; south Mississippi is on its way to building back from the worst natural disaster in American history bigger and better than ever before.

As a Member of the other body, I was glad to be a part of the team that worked to produce much needed appropriations and economic development incentives for our State and others impacted by Hurricane Katrina. Our governor, Haley Barbour, our senior Senator, THAD COCHRAN, my predecessor in this body, Senator Trent Lott, and our entire congressional delegation—Republican and Democrat—were a part of this effort. Katrina was not a partisan storm and in Mississippi, we are working in a bipartisan way to rebuild our communities.

On behalf of a grateful State, I thank the Senate for its support of our rebuilding efforts. In return, Senators—and the taxpayers—deserve a report on our progress.

Housing is still being rebuilt, as evidenced by the shrinking number of families in FEMA-provided temporary housing.

The CDC recently announced that those still living in FEMA trailers could be exposed to formaldehyde levels 40 times the normal level. This news only serves to underscore the fact that while FEMA trailers were necessary immediately following the storm, we must redouble our efforts to move the remaining citizens from them.

The State of Mississippi is deploying "Mississippi cottages," which are real homes built to HUD standards that are free of formaldehyde contamination.

It is imperative that FEMA work with the State of Mississippi to purchase and deploy Mississippi cottages for all individuals along the gulf coast who live in FEMA trailers.

We are also rebuilding our infrastructure. The bridges connecting Bay St. Louis to Pass Christian, and Biloxi to Ocean Springs have been rebuilt, lit-

erally and spiritually reconnecting communities to one another.

The GO Zone economic development incentives have been an essential boost to our job creation initiatives. Our State's largest employer, Northrop Grumman, has made great progress and is working to get back to pre-Katrina employment levels; Chevron has announced an expansion of its refinery in Pascagoula; PSL has announced its first plant in North America in Hancock County where they will manufacture steel pipe; and Trinity Yachts has a new facility in Gulfport.

Much has been done, but there is much left to do.

Chairman Donald Powell, the Federal coordinator for the Office of Gulf Coast Rebuilding, acknowledged these challenges last week when he announced he was stepping down. He said it would be "some time before the area recovered."

I say this to my colleagues in the Senate: Katrina is not over. There are tall hurdles still to overcome. And there is more the U.S. Congress must do.

The most urgent issue facing the Mississippi Gulf Coast is insurance. If you can't insure it, you can't build it or finance it. The rising cost of insurance cripples the efforts of small businesses, increases the cost of home ownership, and drives rental rates beyond affordability.

This is not just an issue for Mississippi. From Bar Harbor, ME, to Brownsville, TX, millions of Americans live near the coastline, in the path of a future hurricane. For many years, insurance companies have refused to offer insurance protection for water damage caused by hurricanes; this led to the creation of the National Flood Insurance Program, which is up for reauthorization soon. After Katrina, the most important question for a homeowner or a small business person was "wind or water?"

Wind versus water. That is the debate which still occurs today in courtrooms on the Mississippi Gulf Coast between insurance companies and storm victims.

This debate is what necessitated the multibillion-dollar supplemental appropriations package this body approved after Katrina, and unless Congress changes the law, the wind versus water debate will result in a multibillion-dollar supplemental appropriations package after the next big hurricane—wherever it may land.

Even worse, since Katrina, it is also common practice for insurance companies to not offer wind insurance at a rate that is even close to affordable. This is driving more and more homeowners and business owners into a State-sponsored wind pool, which acts as an insurer of last resort. But this is not a reasonable long-term solution, because too much risk is being placed in a too small of a pool.

The best solution available is to allow homeowners to purchase wind



and flood insurance coverage in the same policy.

This will not only help the storm victims so they can know their hurricane damage will be covered; it also will protect the U.S. taxpayer. The American people are the most generous in the world, and their elected representatives will continue to respond to natural disasters, whether it is a hurricane on the east coast or an earthquake in California, with supplemental disaster appropriations packages. But the size of these packages will be smaller if more people have insurance.

As a Member of the House, I voted for Congressman GENE TAYLOR's multi-peril insurance legislation when it passed last September. I am committed to achieving the same success here in the Senate.

Another key initiative we must focus on in order for the gulf coast to continue rebuilding is the extension of tax provisions included in the GO Zone legislation. I mentioned earlier the boost this legislation has given the gulf coast, and I want to ensure this body that it has provided much-needed help.

However, in order for the legislation to be fully utilized by families and small businesses who have not yet been able to begin rebuilding, these important tax provisions should be extended.

Other issues remain, especially at Katrina's "Ground Zero." Hancock County, and the cities of Pass Christian and Long Beach in Harrison County, bore a direct hit from Katrina, and their issues are not the same as the rest of the gulf coast.

With their property tax base decimated, basic government operations are still run out of trailers. Hancock County has no jail, an essential part of maintaining public safety. Mayors, supervisors, and other community leaders now are forced to completely rethink their economic development and planning strategies because the new FEMA flood plain maps will make rebuilding next-to-impossible in many areas.

Ground Zero needs extra help. In many cases, Congress has provided the necessary resources, but the Federal Government's current rules and regulations do not recognize the reality on the ground. The Federal Government needs to be flexible, and if it can't or won't, Congress needs to step in. At some point, as Chairman Powell stated, "commonsense has to come to the fore."

My Senate office has been in existence for only a few weeks, but we are already at work trying to help constituents wade through the bureaucratic process to receive the permits from Federal agencies, such as the U.S. Army Corps of Engineers, that are necessary to rebuild.

This is, obviously, not the first time the Federal Government redtape has needlessly caused real problems, and it will not be the last. But that does not make the problems any easier, particularly when people are hurting. For ex-

ample, affordable housing initiatives developed by the State are being delayed needlessly because Congress has refused to give the U.S. Department of Housing and Urban Development the authority to waive environmental regulations which require an archaeological dig for remnants on each piece of property, property that already had a home on it before Katrina. Such redtape does not make sense.

In this case and in others like it, Congress and the Federal Government's bureaucracy needs to get out of the way so the States, cities, and counties can use the resources already provided to them. But there are other cases where this Congress needs to provide more resources.

Off the coast of Mississippi lies a chain of barrier islands and coastal wetlands which provide a first line of defense against the storm surge of a hurricane. According to the Corps of Engineers, a storm surge is reduced by 1 foot for every 1 acre of wetland. Without the barrier islands, the storm surges would be 8 to 12 feet high.

Hurricanes such as Katrina and Camille before it, two of the most powerful storms ever recorded, have caused significant damage to Mississippi's natural defense systems. If they are not restored, this problem will only get worse, putting more people and property at risk during future storms.

Gulf coast ecosystems are also threatened. The barrier islands and wetlands provide a natural regulator of salinity levels, which is vital for shellfish and other marine life to have a vibrant habitat.

I do not hail from Louisiana, but I strongly support the restoration of levees in New Orleans. These levees are necessary for the restoration and protection of a great American city. Our barrier islands provide the same purpose to the Mississippi gulf coast as the levees do to New Orleans.

In the coming months, I look forward to working with my colleagues in the gulf region to provide the funding necessary to restore the natural habitats that protect not just the environment and its ecosystems but also protect our citizens who are in harm's way.

Through the leadership of many in this body today, the Congress has stepped up to the plate and time and again provided assistance to the people of the Gulf States after Katrina. It is appreciated, but I must simply remind my fellow Senators that we are not finished. We should celebrate our progress but keep our eyes on the work that needs to be done. When there is a clear and compelling case for additional Federal involvement, I will be persistent in making that case. The people of the Mississippi gulf coast, who have demonstrated such untiring resilience and strength over the last 2½ years, deserve no less.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, I wish to take a moment to commend

our new Senator from Mississippi for what we typically refer to around here as his maiden speech. He obviously has chosen a topic that is at the top of the list of concerns for the people of Mississippi and addressed them very effectively.

I also wish to say not only to the Senator from Mississippi but to his constituents, what a spectacular start he has gotten off to in the Senate. He is an active and an aggressive member of both the Armed Services Committee, which is important to his State, and the Commerce Committee as well.

I commend him for that outstanding speech today and thank him for all he is doing for the people of Mississippi.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I join the leader in commending my colleague for an excellent statement about the challenges faced by our State of Mississippi in the aftermath of Hurricane Katrina. There could be no greater need of any State than to confront the realities of the challenge we face to rebuild and recover fully from Hurricane Katrina.

We have had a tremendous amount of support from the Federal level. We have the approval of appropriations bills, seeing the leaders of both Houses—the House and the Senate—coming together, joining with the administration in crafting a recovery package of changes in laws, as well as the appropriation of funds that will help speed the recovery. But it has been very frustrating to see how long it has taken to truly get back on the road to foreseeable recovery. Many of the communities are still without Federal, State, and county services that existed before the hurricane.

Although every effort is being made to overcome these challenges, the path ahead is filled with many new challenges. I am very confident that the presence in the Senate of my friend ROGER WICKER will help us identify and succeed in meeting this enormous challenge. I congratulate him on his remarks and thank him for his strong effort in meeting this very important challenge our State faces.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. 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. PRYOR. Mr. President, I join my colleagues in welcoming officially the new Senator from Mississippi and thank him for his service in the House and his service in the Senate. Certainly, it was great to hear his maiden speech today.

One of the aspects that is so true about the Senate is every Senator can

make a difference. That is one of the challenges I think all 100 of us carry with us every day—to go out there and make a positive difference for this country and for the world.

I welcome Senator WICKER to the Senate.

Mr. President, I will give a very brief status report on the consumer product safety bill. Right now, we have been working through amendments all day. There have been several agreements. The managers' package is growing, which is good news. We are hopeful that we can have just a few amendments to be voted on and then have final passage. We do not have an agreement on that, but we are trying to reach an agreement right now. I wanted to alert Senators and their staffs that we would love to wrap this up, again, this afternoon. If we have to go into this evening, we can. But the sense right now on the floor, in talking with everyone who has been on the floor, Senators and staff who have been working through amendments, working through issues, we are still hopeful we can finish this bill this afternoon. We hope that is good news for Senators.

We, once again, encourage any Senator who wants to come to the Chamber and speak on this bill to try to come down as soon as they can because hopefully we will get to final passage this afternoon at some point.

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

The PRESIDING OFFICER (Mr. NELSON of Nebraska.) Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I want to again inform Senate colleagues and staff on the Hill that we are making great progress. I know we have been in a quorum call for some time, but the truth is, we have been making very steady and solid progress.

We are hoping to get this bill to final passage this afternoon. There are a couple of amendments that we are still working through. We would love to reach an agreement with both sides to have a specific time to start a series of votes to get us out of here this afternoon. Again, for all of the staff and the Senators who are watching, now is the time, if you want to make one last pitch for either an amendment or a change in something, because everybody has been working very hard today and this week to get this done.

So we do not have anything locked in, but certainly we would love to start this last series of votes sooner rather than later. I have talked with several Senators and they have worked very hard. They would love to see us wrap this up as quickly as possible. I think we are very close to doing that.

Again, we are talking cloakroom to cloakroom, manager to manager, staff

to staff, trying to get the last details worked out. So we are very hopeful we will have good news very shortly. We are very proud of the work that all of the Senators and staff have done to get us to this point on this important piece of legislation.

I yield the floor, and 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.

Ms. KLOBUCHAR. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### AMENDMENT NO. 4130

Ms. KLOBUCHAR. Mr. Chairman, I rise today in support of the Nelson-Snowe-Klobuchar amendment to S. 2636. I commend the good work of my colleague, Senator NELSON, that we have done on the bill as a whole, with Senator PRYOR's leadership. The three of us as members of the Consumer Subcommittee have worked together to make this as strong a bill as possible. I especially applaud Senator NELSON's efforts to make sure the strong third party testing requirements were included in this bill.

As we have seen over and over again in the past year with the issuance of each new recall, independent testing plays a critical role in ensuring that the products on our shores and in our stores are safe. So I commend Senator NELSON for his good work in making sure independent third party testing will now be done using a more systematic approach under the bill.

The amendment we are sponsoring that will be brought to the Senate floor today would further strengthen the Consumer Product Safety Commission Reform Act by addressing very real dangers that infants and toddlers face with durable goods. To clarify, when you hear the words "durable goods," what does that mean in a mom's or parent's or kid's life?

Well, durable goods are nursery products that are those products that no new parent can go without: cribs, car seats and strollers and high chairs, the most basic of all children's products.

Unfortunately, what we have seen in recent years, in this past year in particular, is that these nursery products are leading to the most severe and the greatest number of product-related injuries for children.

In 2007, 48 percent, almost half, of nursery product recalls were initiated because the use of the product has led to some type of child injury or even death.

According to the Consumer Product Safety Commission, an estimated 64,000 children, 64,000 children under the age of 5 were treated in emergency rooms across the country for injuries associated with nursery products in 2003, at a cost of \$2.5 billion. That is \$2.5 billion.

This figure has certainly risen over the last 5 years. And even more trag-

ically, more than 50 children under the age of 5 have died since that time in incidents associated with nursery products.

I would like to take a moment and talk about one of the too many children who died tragically as a result of a defective crib, and that is 16-month-old Daniel Keysar. In May of 1998, little Danny was strangled to death in his licensed childcare facility when a Playskool Travel-Lite portable crib collapsed trapping his neck in the V of the rail.

Danny was the fifth child to die while sleeping in the Playskool Travel-Lite crib from 1990 to 1997. More than 1.5 million portable cribs with similar dangerous designs were manufactured. A total of 16 children have been killed by this type of crib. This is just a crib, a crib that you would put up in your house, and that many children have died in. And while these cribs were all eventually recalled, in 2007, we saw the largest recall of cribs in our Nation's history. You can see right here this is one of the more than 1 million cribs that were recalled last year; 1 million cribs recalled in 2007.

But these cribs never should have been brought to the market in the first place. It is not just cribs. Last year, when recalling the Evenflo Embrace infant car seat, the Consumer Product Safety Commission revealed that 160 infants were injured as a result of using this product. Many of these injuries were quite severe, ranging from skull fractures to concussions to lacerations.

Let me be clear: 160 babies were seriously hurt by a product that their parents bought for the sole intention of keeping them safe. That is why you get a car seat. I still remember. My daughter is 12, and I would never admit she had ever been in a car seat, but we all buy car seats to keep our kids safe. Just to think, for 160 households, it was the car seat that injured their baby. It is clear we must strengthen our safety standards and make them stronger for nursery products. Right now the safety of the Nation's nursery products depends on a system of voluntary standards. And while voluntary standards are a good first step, we have seen over and over again that they are not enough. The amendment Senators NELSON, SNOWE, and I are offering would direct the CPSC to evaluate and revamp these safety standards and give them the force of law. It is telling the CPSC, you have to do your job. Revamp these standards and make them better.

This amendment directs the CPSC to work with consumer groups, child product manufacturers and engineers and safety experts to examine and assess the effectiveness of our current system of voluntary safety standards for nursery products. We had voluntary guidelines for lead and look where that got us. The amendment then directs the CPSC to issue regulations aimed at reducing injuries and deaths from these kinds of nursery products.

This amendment is not controversial. Strengthening safety standards for nursery products is a winning proposition for everyone. This language was included in the House-passed bill by an overwhelming majority. It is my understanding that this amendment will be adopted in the manager's package. I thank Senators PRYOR and STEVENS for accepting this amendment.

I thank the Senate for their support for the amendment I offered with Senator MENENDEZ to ban industry trade travel. Industries the Consumer Product Safety Commission is supposed to be regulating should not be paying for Consumer Product Safety Commission personnel to fly all around the world. I was glad we had bipartisan support for our amendment. We look forward to working on this bill through the day and getting this bill passed. It is incredibly important, the most sweeping consumer product safety reform in 16 years.

Mrs. BOXER. Mr. President, I rise to speak about an amendment to this bill that would ban certain uses of a chemical that poses serious health risks to the lungs of consumers and workers.

In recent years, scientific evidence has mounted that this chemical, called diacetyl, seriously harms the lungs of workers in the factories making microwave popcorn. It causes an awful disease called "popcorn lung" in which the tissue inside of the lungs gets clogged with scar tissue and inflammation, leaving the victims struggling to breathe. There is now evidence that it also may pose risks to consumers.

According to the Centers for Disease Control and Prevention, or CDC, the effects of popcorn lung include:

POPCORN LUNG  
(Bronchiolitis Obliterans)

The main respiratory symptoms experienced by workers affected by bronchiolitis obliterans include cough (usually without phlegm), wheezing, and worsening shortness of breath on exertion.

The severity of the lung symptoms can range from only a mild cough to severe cough and shortness of breath on exertion. These symptoms typically do not improve when the worker goes home at the end of the workday or on weekends or vacations.

Usually these symptoms are gradual in onset and progressive, but severe symptoms can occur suddenly.

Some workers may experience fever, night sweats, and weight loss.

Before arriving at a final diagnosis, doctors of affected workers initially thought that the symptoms might be due to asthma, chronic bronchitis, emphysema, pneumonia, or smoking.

Last year, Dr. Cecile Rose, the head of environmental and occupational health sciences at National Jewish Medical and Research Center, one of the most respected lung disease hospitals in the country, wrote to the Consumer Product Safety Commission, the Food and Drug Administration, EPA, and the Occupational Safety and Health Administration regarding the possible risk of popcorn lung for heavy consumers of microwave popcorn as well as for workers.

Dr. Rose informed the agencies that she had a patient "with significant lung disease whose clinical findings are similar to those described in affected [popcorn lung] workers, but whose only inhalational exposure is as a heavy, daily consumer of butter flavored microwave popcorn."

Dr. Rose concluded that while we "cannot be sure" that heavy inhalation exposure to butter-flavored microwave popcorn caused the patient's popcorn lung, "we have no other plausible explanation."

This report by Dr. Rose, a leading lung disease expert, caused a stir in the health community and the public because previously the concern had been focused primarily on the workers, not consumers.

Many of the major manufacturers of microwave popcorn have responded. According to published accounts, four of the leading makers and sellers of microwave popcorn—Con Agra, General Mills, American Pop Corn Company, and Pop Weaver—have said they will stop using diacetyl in their microwave popcorn. Their brands include Jolly Time, Orville Redenbacher, Pop Secret, Act II, and Pop Weaver.

However, there is no enforceable requirement that these or other popcorn makers stop using this chemical in their butter flavoring.

My amendment would simply level the playing field for all microwave popcorn makers, including importers and small manufacturers, by banning the intentional addition of diacetyl to microwave popcorn.

I urge my colleagues to support my amendment, in order to protect Americans from this unnecessary risk. We should be able to regularly enjoy the simple pleasure of watching movies at home and eating a bag of popcorn without having to worry about whether we are harming our lungs.

I ask unanimous consent to have a letter in support of this amendment printed in the RECORD.

MARCH 5, 2008.

Hon. BARBARA BOXER,  
*Hart Senate Office Building,*  
*Washington, DC.*

DEAR SENATOR BOXER: The undersigned consumer organizations write in support of your amendment to the Consumer Product Safety Commission Reform Act bill, S. 2663, to ban the use of the butter-flavoring chemical diacetyl in the production of microwave popcorn.

Our groups believe that both workers and consumers should be protected from harmful and even deadly exposure to diacetyl, a chemical found in thousands of food products containing added flavorings, including microwave butter-flavored popcorn.

Exposure to airborne diacetyl has been linked to the disease bronchiolitis obliterans, also known as "popcorn lung." Problems with diacetyl first surfaced in 2000. Eight years later workers have become ill and died from exposure to this chemical. Last fall, the first case of a consumer contracting "popcorn lung" surfaced. This man developed lung disease after making microwave popcorn multiple times every day for a number of years. Further testing indicated that levels of airborne diacetyl in his home

were comparable to levels found in microwave popcorn facilities where workers were diagnosed with "popcorn lung." Diacetyl clearly poses a serious health hazard and must be banned.

We understand that several leading manufacturers of microwave popcorn have voluntarily pledged to discontinue the use of diacetyl in their popcorn production. While we are supportive of these actions, it is essential that Congress act more formally to ensure that the comprehensive elimination of the use of this chemical happens immediately. Your amendment would accomplish this by making the ban on diacetyl in all microwave popcorn mandatory for all manufacturers.

Thank you for your support for this important amendment.

Sincerely,

SALLY GREENBERG,  
*Executive Director,*  
*National Consumers*  
*League.*

EDMUND MIERZWINSKI,  
*Consumer Program Director,*  
*U.S. Public Interest Research*  
*Group.*

RACHEL WEINTRAUB,  
*Director of Product Safety and Senior Counsel,*  
*Consumer Federation of America.*

ELLEN BLOOM,  
*Director, Federal Policy,*  
*Consumers Union.*

AMI GADHIA,  
*Policy Counsel, Consumers Union.*

Mr. INOUE. Mr. President, I wish today to support S. 2663, the Consumer Product Safety Commission Reform Act. The leadership of Senators PRYOR and STEVENS in negotiating this bipartisan compromise bill allows the legislation before the Senate today to move an important but beleaguered agency in the right direction. S. 2663 authorizes the appropriate level of resources and provides the new authorities necessary for the agency to do the job it was created to do: protect consumers.

Mr. President, today the CPSC is broken. It is broken from years of neglect coupled with growth in volume and complexity of products and from a dysfunctional commission. Year after year, this agency is subjected to budget cuts and forced attrition of personnel. Today, it has less than half the budget and half the staff it had in its inaugural year of 1973. As a result, the CPSC is no longer properly equipped to carry out its essential mission of monitoring the marketplace and enforcing product safety standards. Making matters even more difficult, the number of products under its jurisdiction has grown exponentially in size and complexity.

The commission is responsible for the safety of more than 15,000 products, including everything from infant cribs to computer components. Most of these products are safe. However, those that are not safe can be deadly. Each year, more than 28,000 Americans die and an additional 33 million are injured by

consumer products. To say these numbers are much too high is an understatement. We must have an effective CPSC, one with increased funding, staff, and authority, to reduce these losses.

This bill addresses the weaknesses of our Nation's product safety system in several ways, but I would like to highlight some of the essential changes. S. 2663 puts the responsibilities of product safety squarely on the Government's shoulders. First, the act authorizes needed resources over a 7-year period to provide the agency the manpower and the technology it needs to police a complex global marketplace. The act would restore the CPSC to a full complement of five commissioners to maintain continuity and to avoid the losses of quorum that have plagued the agency in recent years.

To help buttress the resources needed to monitor the market and keep consumers safe, the act would authorize State attorneys general to bring civil actions to seek injunctive relief for clear violations of statutes enforced by the CPSC. Creating a joint enforcement relationship with the States has proven to be successful in the area of consumer protection, and this collaboration would provide the CPSC a partner to protect American families in a meaningful way.

S. 2663 also would require manufacturers to use independent labs to test children's products and to certify their compliance with mandatory safety standards, including the mandatory toy safety standard established in the act. This new toy standard would provide the CPSC and industry with a fast, flexible way to address emerging hazards. It will serve to protect children from dangers such as strangulation, intestinal perforation, or blockage hazards.

While new authority and regulatory structure is needed for this agency, providing accurate and up-to-date information about product hazards to Americans would allow consumers to help themselves and make better decisions about the products they buy. In order to help consumers, S. 2663 would create a database of information from nonindustry sources, such as hospitals, childcare providers, public safety agencies, as well as consumer reports about product hazards collected by the CPSC itself. This database would provide consumers with potentially lifesaving information, in an organized fashion, which would better equip them to assess product safety risks and hazards.

Finally, this legislation would allow the CPSC to share product information with governments around the world. Since our economy is global, faulty products do not just end up in our homes but in homes around the world. By reaching out to and coordinating with other countries, the ability of the CPSC to interdict and keep unsafe products off of store shelves would be improved.

Mr. President, unfortunately, some Members in this Chamber believe that

regardless of the dire picture supporters of this bill have painted as it relates to the lack of resources and existing authorities, last year's "summer of recalls" proves that the commission is working just fine.

These members may cite statistics showing that in 2007, the agency announced 231 children's product recalls, of which 58 were toys. They will point out that last year set a record for the most toy recalls in a single year. However, anyone who understands the agency and the work that it does will know that in fact, this statistic is further evidence of the need to reform the CPSC.

Specifically, the slow nature of the current recall process left more than 46 million recalled items in the stream of commerce, including millions of toys sitting on store shelves, waiting to be sold to unsuspecting parents. I think it is safe to say that in the opinion of parents, this is a system failure. Unfortunately, the prospects for 2008 look much the same.

The agency has already announced 40 voluntary toy recalls. At this pace, the number of recalls announced this year will surpass all records. However, these recalls are voluntary, not mandatory.

Further, many of the recalls were not the result of a proactive agency; rather, they were the response of a reactive agency to an investigation conducted by members of the press. That is not how Government should work.

S. 2663 reflects a good bipartisan compromise led by Senators PRYOR and STEVENS. Children are dying and suffering grievous injuries because of unsafe products. This bipartisan bill is a good step forward in our effort to keep harmful products off of store shelves.

For America's families, and especially for America's children, I urge my colleagues to support this meaningful consumer safety legislation.

Mr. LEVIN. Mr. President, I am pleased to support S. 2662, the Consumer Product Safety Commission Reform Act. The reforms that this bill makes to the Consumer Product Safety Commission are long overdue.

S. 2663 takes important steps to shore up a weak and ineffective Consumer Products Safety Commission, CPSC. As a grandfather and consumer, I am appalled at the lack of resources and enforcement authority of the CPSC and its inability to adequately protect our children, our food supply, and the general public from harmful or contaminated products.

We can and should be doing much more to protect the American consumer. As was recently underscored by the alarming number of children's products with high lead content, contaminated pet food, and defective imported tires, there are a lot of cracks in the systems that were supposed to be watching out for consumers.

We need to know our children's and grandchildren's toys are safe. We need to know that the food we import is not tainted with harmful chemicals. We

need to know the products we buy will not harm us or our children. I believe it is the Government's basic responsibility to protect the public.

Those who work for the companies that make these products may often be in a position to detect and prevent serious problems or injuries before they occur. I am pleased that this bill includes important protections for corporate whistleblowers that will encourage employees to come forward about violations and defective products without the fear of retaliation by their employer.

Many of the defective and contaminated products are imported. Even with its current limited resources and reach, CPSC recalled approximately 150 tainted products from China in 2007, including tires, toys, baby cribs, candles, bicycles, remote controls, hair dryers, and lamps. Imagine how many more contaminated or defective products are slipping through the cracks and reaching American consumers without being detected.

We are being deluged by cheap imports from China and elsewhere. We should at least be making sure the products we import are not contaminated or dangerous. In this vein, last summer I wrote to President Bush requesting that his administration investigate dangerous products that have been imported from China. We need to strengthen our agencies and laws so that products that do not meet our health and safety standards are stopped at our borders. To do this we need to give the CPSC the necessary tools and resources, including more manpower to adequately inspect imports.

Like most of my colleagues, I was shocked by CPSC Acting Chair Nancy Nord's claims that no additional funding was needed for her agency. To me this claim implied there was no desire by this administration to do more to protect American consumers. That is absurd given the recent and alarming incidents of contaminated products reaching consumers. The Senate's consideration of S. 2663 and the House passage of a similar bill is proof that Congress strongly disagrees with this point of view and will make the legislative changes needed to give the CPSC the necessary tools to improve on its past poor performance and reassure consumers that there will be more oversight of the marketplace in the future.

This bill will increase overall funding for the CPSC by 50 percent over 7 years, increase CPSC staffing to at least 500 employees over the next 5 years, streamline product safety rule-making procedures, ban lead in children's products and require certification and labeling, increase inspection of imported products so we are not allowing recalled or banned products to cross our borders, increase penalties for violating our product safety laws, strengthen and improve recall procedures, and ban the sale of recalled products.

The legislation has the support of the following, among others: Thomas H. Moore, Consumer Product Safety Commissioner; Alliance for Patient Safety; American Academy of Pediatrics; American Association of Law Libraries; American Association of University Professors, AZ Conference; American Library Association; Circumpolar Conservation Union; Coalition for Civil Rights and Democratic Liberties; Consumers Union; Consumer Federation of America; Doctors for Open Government; DoorTech Industries, Inc.; Ethics in Government Group, EGG; Federation of American Scientists; Federal Employees Against Discrimination; Focus On Indiana; Fund for Constitutional Government; Georgians for Open Government; Government Accountability Project; HALT, Inc.—An Organization of Americans for Legal Reform; Health Integrity Project; Information Trust; Integrity International; Kids in Danger; Liberty Coalition; National Consumers League; National Association of State Fire Marshals; National Employment Lawyers Association; National Judicial Conduct and Disability Law Project, Inc.; National Research Center for Women & Families; National Whistleblower Center; No Fear Coalition; OMB Watch; OpenTheGovernment.org; Parentadvocates.org; Patrick Henry Center; Project on Government Oversight; Public Citizen; Public Employees for Environmental Responsibility; Sustainable Energy and Economy Network; Taxpayers Against Fraud; the 3.5.7 Commission; the New Grady Coalition; the Semmelweis Society International, SSI; the Student Health Integrity Project, SHIP; Truckers Justice Center; Union of Concerned Scientists; U.S. Bill of Rights Foundation; U.S. Public Interest Research Group; and Whistleblowers USA.

I support this bipartisan legislation and I hope that it will quickly become law.

Mr. KOHL. Mr. President, I rise today to talk about the bill to reform the Consumer Product Safety Commission, CPSC. Over the last 7 years, the Bush administration has weakened the CPSC by cutting its budget and staff. In fact, the CPSC has hired just one full-time product tester since 2001. This led to fewer inspectors and more toxic toys and products on store shelves. This is unacceptable.

The CPSC legislation that passed the Senate today provides much needed resources and enforcement powers to the CPSC so that more staff can be hired and oversight can be more vigorous. The CPSC legislation creates a consumer database for recalled products so that consumers can learn about potentially unsafe products without waiting for a public recall that can take months. Further, this bill would create new safeguards on lead in toys and other products and require mandatory independent testing of goods before they go to market.

This bill also prohibits CPSC Commissioners and staff members from ac-

cepting trips paid for by industries and lobbyists with business before the Commission. Taken together, CPSC legislation will improve our product safety system and ensure that children's toys, household appliances, and other consumer products that contain lead will never reach consumers.

Ms. SNOWE. Mr. President, I rise today to speak on my amendment to the Consumer Products Safety Commission, CPSC, bill that the full Senate is now debating. I applaud the steadfast efforts and leadership of Chairman INOUE, Ranking Member STEVENS, and Senator PRYOR in moving this critically vital bill to the Senate floor and to passage—and for including my amendment by unanimous consent as part of this bill.

My amendment would perfect this bipartisan measure by ensuring that the CPSC fully considers potential small business impacts when it establishes through a rulemaking, as it is required to do under the bill, criteria for imposition of penalties. As ranking member of the Senate Committee on Small Business and Entrepreneurship, I have long worked to ensure that the Federal Government takes measures and precautions to protect the interests and viability of small businesses, while at the same time rigorously enforcing our Nation's consumer protection laws.

Under the bill that we are now considering, the maximum civil penalties for violations would be increased from \$8,000 to \$250,000 for individual violations; and up to \$20 million for aggregate violations. Within 1 year after enactment, the Commission would establish, through a Federal rulemaking, the criteria for imposition of civil penalties.

Mr. President, my amendment would make clear that the Commission consider the size of a small business when establishing a penalty criteria through a rulemaking. My staff has discussed this issue with the Commission, which has raised an issue with Section 16(c)—“Civil Penalty Criteria”—of the bill. This section does not specifically reference the size of a small business as a criteria.

The Commission's attorneys suggested that a minor change—adding the word “additional”—would resolve ambiguity to ensure that the Commission considers the size of a small business—as it is required to do under section 20 of the Consumer Product Safety Act. This would help to ensure that this new penalty provision remains consistent in how the Commission factors in small business size in proportion to penalties.

My amendment would also ensure that the Commission appropriately considers, during its rulemaking, “how to mitigate undue adverse economic impacts on small businesses.” I firmly believe that requiring the Commission to consider undue adverse economic impacts when establishing the new penalty criteria, would help to ensure that small businesses can remain via-

ble while at the same time increasing penalties for violations under the act—a win-win.

In closing, my amendment would help to ensure the continued viability and competitiveness of our Nation's small businesses—while protecting the strong regulatory enforcement included in this bill.

Mr. President, I request unanimous consent that the text of my remarks be included in the CONGRESSIONAL RECORD.

Thank you, Mr. President. I yield the floor.

Mr. SCHUMER. Mr. President, I am proud to be a cosponsor of S. 2663, the CPSC Reform Act, and I would like to thank Chairman INOUE and Vice Chairman STEVENS for their leadership on this important and groundbreaking bill. I also want to thank Senator PRYOR for his extraordinary work in crafting this outstanding bill which has strong bipartisan support.

The CPSC Reform Act will provide the Consumer Product Safety Commission with the authority and resources it needs to be more effective in its critical mission to protect consumers. Quite frankly, the current product safety system is broken, and the CPSC is in desperate need of reform. Too many unsafe goods are reaching the shores of the United States. Too many dangerous products are finding their way into the hands of American consumers, and all too often, young children.

It seems that over the past year, nearly every week we have had to frantically pull Chinese and other imported goods off store shelves as we learn of each new tainted product. The bottom line is that our safeguards are failing and we need to act fast to fix them. We worry about our kids when they are in class, when they are walking or driving home alone, even when they surfing the Internet. We should not have to worry that the toys they play with might be hazardous to their health or even fatal. From children's costume jewelry to toy trains, these recalls call in to question our ability to keep dangerous toys out of the hands of our kids.

For years, CPSC has been starved of funding and plagued by budget and personnel cuts. As a result, the effectiveness of the CPSC has been severely undermined and the agency, despite its efforts, has been unable to keep up with globalization of the marketplace. This bill will reverse those trends and give the CPSC the budget and the tools it desperately needs to again become an effective force for consumer protection. These important tools include \$40 million to upgrade CPSC's laboratories and 50 additional personnel to inspect goods at U.S. ports and overseas product facilities. The bill will also give consumers better access to vital safety information by creating a searchable database that has information including reports of injuries, illness, and death related to the use of consumer products.

It is essential that we take strong steps to protect all consumers, but especially our children. This bipartisan bill takes a tough approach to cracking down tainted products and seeks to restore America's faith in the mechanisms we have in place to safeguard our kids against these dangerous products. First, the bill prohibits importing untested children's products. Second, it also requires tracking labels for children's products that will help parents tie safety recalls and alerts to their prior purchases. Third, the bill prohibits the sale of recalled products so that as parents and consumers, we don't continue to see these hazardous products on the shelves. Finally, this legislation bans all children's products containing lead.

The CPSC must do a better job of getting hazardous products off the shelves and out of consumers' reach, and these provisions will give the CPSC the tools to do just that. It is essential that manufacturers, importers, and retailers do their part to ensure product safety and keep tainted products out of the market. This bill seeks to hold companies accountable by increasing criminal and civil penalties for those who knowingly and willingly violate product safety laws. It also gives State attorneys general the power to crack down on companies by enforcing Federal safety standards and provides them with the authority to get dangerous products off the shelf. Furthermore, the bill gives protection to whistleblowers so that employees who identify dangerous products along the supply chain can come forward with vital health and safety information without fear of reprisal.

As you can see, these are important commonsense solutions that will keep consumers informed and safe from dangerous products. Passage of this bill is vital if we hope to rebuild, reform, and revitalize the CPSC and restore America's faith in the agency's ability to protect consumers and their children from unsafe products. I urge my colleagues to support this critical legislation that restores the CPSC and gives it the much needed authority to put an end to the alarming trend in tainted products faced by this country in recent months.

#### PROPOSITION 65

Mrs. BOXER. Mr. President, over 20 years ago, the people of California enacted a landmark ballot measure known as proposition 65. Proposition 65 prohibits exposures to chemicals like lead that are known to cause cancer or reproductive harm without a clear and reasonable warning. Proposition 65 enforcement actions by the State and by private attorney generals have played a crucial role in reducing childhood exposure to harmful chemicals, such as lead. For example, the California attorney general recently brought a proposition 65 case arising from unsafe levels of lead in children's toys. It is my understanding that nothing in this bill is intended to preempt or otherwise di-

minish the protections of proposition 65. I would like to ask the distinguished Senator from Arkansas and lead author of this legislation: is my understanding correct?

Mr. PRYOR. Yes, it is. Compliance with proposition 65's warning requirements would only complement the CPSC Reform Act.

Mrs. BOXER. Is it the intent of this bill or the rules promulgated there under by the Consumer Product Safety Commission to preempt proposition 65?

Mr. PRYOR. No. First, the CPSC Reform Act bans lead in children's products beyond trace amounts. Under section 22, any children's product that contains lead "shall be treated as a banned hazardous substance under the Federal Hazardous Substances Act." While the Commission is directed to examine whether it is possible to lower the trace levels permitted under the bill, no action is required with respect to labeling requirements that might inadvertently trigger a preemption of proposition 65. It is the intent of the CPSC Reform Act to get rid of lead from children's products, not to inadvertently preempt a consumer-friendly and valuable law such as proposition 65.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. I ask unanimous consent that Senator KERRY be added as a cosponsor to the Feinstein amendment No. 4104.

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

Mr. PRYOR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MENENDEZ. Madam President, I rise to support the legislation we are debating. I congratulate the distinguished Senator from Arkansas who has led this effort and has done so with such aplomb on a bill that will, I hope, pass on a strong bipartisan vote later today because it is a bill America needs. Americans don't need to be convinced that we need stronger protections to keep dangerous products from entering our homes.

Abigail Hartung, a 13-month old girl from New Jersey whose crib collapsed on her one night, doesn't need to be convinced. Her parents who awoke to the terrifying sound of a child in screaming pain do not need to be convinced either.

I know even many of my colleagues who do not like Government intervention on the other side of the aisle do not need to be convinced the meager measures we have in place to protect consumers from hazardous products are not enough.

That is why I rise today in strong support of the Consumer Product Safety Commission Reform Act. It is long past time for us to act.

Madam President, 2007 was a disastrous year for product safety. There was a record number of safety recalls. Over 400 different products had to be pulled, and more than half—more than half—of those 400 products were for children. That adds up to an astonishing number of dangerous items—almost 46 million items.

Now, we saw toxic toys shipped in from China laced with lead paint that could cause permanent neurological damage or death. We saw car seats dump out the kids who sat in them. We saw beads that contained a chemical that could put children into a coma if swallowed.

Too often, the recalls were too late. Last year, recalled products killed 6 children, they injured 657 more, and they destroyed the confidence of the entire Nation.

So the question is, can they trust the Consumer Product Safety Commission as it exists today? I think the answer to that is no.

Issues of product safety are not going away by themselves. In January, there was a recall of toys with magnets that could cause fatal intestinal blockages if swallowed. Last month, we had a scare about children's sketchbooks coated with potentially fatal—fatal—levels of lead paint.

When dangerous products keep getting introduced, when 46 million items so unsafe that they have to be recalled are allowed to reach consumers' hands in 1 year, we have to believe those are not 46 million coincidences. We have to think there is at least one Government watchdog agency that is falling far short of what it needs to be. That agency is the Consumer Product Safety Commission.

Now, sadly, the Consumer Product Safety Commission is nothing more than a hollow shell at this point. We talked about those 46 million unsafe products recalled last year. If you had a robust commission, as the bill will provide for, with all of the pertinent powers and resources, then we should not see that reality.

Years of budget and personnel cuts have left it badly equipped for the job we are counting on it to do. Poor leadership and unethical behavior have undermined what little power and authority the Commission has.

No watchdog can effectively regulate if they cozy up to the industry they are supposed to be regulating. That is why I am proud the Senate agreed to the amendment the Presiding Officer, Senator KLOBUCHAR, and I offered to prohibit members of the Consumer Product Safety Commission from accepting travel paid for the industries they regulate.

It seemed to us—and I am so glad an overwhelming vote of the Senate said the same—how is it that you can accept such travel paid for by the very



entities you seek to regulate, who, in that travel, ultimately are trying to influence you so that those regulations are not as prescriptive and as onerous as they need to be in pursuit of the interests of consumers?

It was a great first step. Now we have to finish the job.

It is time to reform the Consumer Product Safety Commission so it can strongly enforce safety standards, prevent deadly imports from entering our Nation's borders, and restore confidence to parents that it is OK to do something as simple as give a toy to their child.

Again, let me thank my distinguished colleague, Senator PRYOR, for his tremendous leadership on this issue. And right by his side has been Chairman INOUE and Ranking Member STEVENS, along with Senator COLLINS, and many Senators from both sides of the aisle.

The effort to keep consumers safe should be a truly bipartisan effort. I am confident the bill we have before us is going to win some very broad-based support.

Here is what the bill finally does.

First, it gives the Consumer Product Safety Commission the resources it needs to do its job, boosting its budget, and expanding its staff.

Second, when it has the staff and resources it needs, the Commission is going to have a greater presence at our Nation's ports. For the Senator from New Jersey, which has the Port of Elizabeth in Newark, the megaport of the east coast that sees the incredible amount, the billions of tons that come through from all over the world, I understand very clearly how this element is so critically important—to stop deadly imports from coming in and enforce a comprehensive ban of lead in children's products.

Children's products will have to be independently tested and verified to be safe. Toys will have tracking labels, so if there is a problem, we will know who is responsible.

The bill gets tough on violators. Not only does it ban the sale of recalled products, it makes sure companies face the possibility of real financial consequences if they break the law, so they don't simply see the fines for hawking dangerous products to our families as another cost of doing business.

Right now, I am sure there are those companies that say: Well, that is fine. I will just bring this in because I am going to make more than the consequence of a fine. That is fundamentally wrong.

The bill protects employees who report violations of safety standards so people will not be afraid to come forward with information that could save lives.

Not only will employees be better able to speak out, consumers will be better able to speak out and listen to each other. For the first time, the bill would create an online product safety

database, so we do not have to wait until tragedy strikes close to home to hear about safety concerns other consumers have already discovered.

So if I know about that crib, and I go on line, and I put it on, and now another family looks and says: Let me figure this out, let me find out if this is the type of product that has any problems, and they see that information, it is a warning and preventive measure that is powerful because information is powerful. This bill will give that information to consumers in our country.

Those are just a few of the specifics. But the bottom line is, this bill is about keeping our children safe and bringing us all a little peace of mind.

When a parent puts a toy in the hands of a child, it is a beautiful moment—a moment we should never allow to be undermined by fear. If we take action today, if we sign this pledge, to look out for American families as conscientiously as we should, then we will be helping to see to it that nothing takes the joy of that moment away.

So I urge strong support of the measure.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Madam President, I come to the floor this afternoon to first speak to my support for the Consumer Product Safety Commission bill which is before us. I want to also honor my colleague from Arkansas, who has led these efforts on behalf of the Commerce Committee in the Senate. He understands from his background as the attorney general for the State of Arkansas that it is important to protect consumers.

Attorneys general are known across the country for their role in serving as protectors of the people. This legislation is in fact a "protector of the people" because what it will do is it will allow us to deal with those unsafe products that are finding their way into the homes of Americans, into the hands of children, and into the hands of all Americans in a way sometimes today which is unsafe.

There are many stories that have been untold about young people who have been victimized by a lack of oversight with respect to all these imports that are coming in at levels we have never seen before, from places such as China and other places around the world, which are causing significant damage to young people.

Last year alone, 27,000 Americans died because of some illness that was related to an unsafe product. That is 27,000 Americans who lost their lives. Yet when we look at CPSC today, the Commission which is in charge of enforcing consumer protection standards and measures to protect Americans, there is one inspector on the job to get this all done on behalf of 300 million Americans.

I think that is woefully inadequate. It is an inadequacy which this Senate

and this Congress has a responsibility to address.

In my own home State of Colorado, there was a young man by the name of Tegan Leisy. Tegan is only 4 years old. But because of a defective toy that was brought into his household, he ended up going to the doctor with a pain in his stomach. Three days later, it was discovered there were six magnets that had come off this toy which had got into his intestines and had created a problem, which required his intestines to be torn apart in order for the young man to undergo the operation.

So we need to make sure we have the right consumer protection standards. We need to make sure we have the ability to enforce those standards. The CPSC legislation which is before us will allow us to do that. So I strongly urge my colleagues to vote in support of this legislation when, hopefully, we get to it in the next several minutes. It is important for us as Americans. It is imperative for us to make sure we are protecting the consumers of our country.

Madam President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

#### HOUSING CRISIS

Mr. SALAZAR. Madam President, I come to the floor today to address the issue of our economy and the need for us in Washington, DC, to understand the pain that Americans are feeling across the board, especially when it comes to the issue of housing.

Last week, Majority Leader REID brought to the Senate floor the 2008 Foreclosure Prevention Act, which was filibustered on this floor. It should not have been because the pain that people are feeling across America with respect to this housing crisis is a pain that goes across all of America. It is not a Democrat or a Republican or an Independent issue. The housing crisis is a problem which is creating pain for a lot of people in our country.

I want to demonstrate how, in my view, this is an issue that ought to continue to be at the top of the totem poll for us to consider in the Senate and for the Congress to act upon and for the President and the executive branch to show leadership in addressing this problem.

This is a chart I have in the Chamber which we have brought to the Senate floor on other occasions, which indicates what Moody's sees as the possible future outcome with respect to what is happening with this unprecedented housing downturn. This unprecedented housing downturn is the worst the United States of America has seen since the Great Depression.

We look at the first graph on this chart, which shows that housing prices are expected to decline by almost 16 percent. That amount of decline is not just related to those homes that are going into foreclosure. They are related to homes in neighborhoods where

we are seeing this foreclosure crisis spread across the country. It is kind of like a disease; it hits one home, and all of a sudden it creates a major downturn in terms of the value of homes throughout that neighborhood, throughout that block, and throughout those communities.

Now, when we talk about this as being a foreclosure issue, it is an issue that creates pain for those families who are being forced out of their homes because they cannot afford to make mortgage payments, but it is a pain that spreads to all of American households, as we see this huge decline in American values.

Another figure, another metric that demonstrates the extent of this problem: When you look at housing starts, housing starts are projected to go down, with a 60-percent decline in housing starts, with no end in sight. The economists cannot even predict how far down we will go in housing starts before we hit the trough of this problem.

When you compare that to other housing crises which we have had in the past—in the 1980s and the 1990s and last year—we are looking at a problem which is much more extensive, much more prolonged, much deeper than we ever had. So that, from my point of view, at the national level, shows we ought to be doing a lot more to address this issue.

Today, in some of the television and newspaper reports we are seeing around the country—we have one out of CNN where they are reporting that foreclosures have hit an all-time high. The report says over 900,000 households are now in foreclosure, which is up 71 percent from a year ago, according to this news article. There are 900,000 households in foreclosure, up 71 percent from a year ago.

According to this, it also says that it represents over 2 percent of all mortgages. That is a higher rate of mortgages in foreclosure than at any time in the 36-year history of the reports provided by the Mortgage Bankers Association. There is no end in sight to the problem we are seeing. These problems we are seeing with respect to foreclosures hitting an all-time high are especially acute in States such as the States of Florida and California, Nevada, Arizona, Ohio, and Michigan.

In addition to what is happening with these high levels of foreclosures is that we also know we have these declining home values, and we end up seeing a tremendous slip in the amount of home equity people have in their homes. According to the Federal Reserve, homeowners' debt on their houses exceeds their equity for the first time since 1945. For the first time since 1945, homeowners' debt on their houses exceeds their equity.

Now, in my State of Colorado, when I try to bring this back home to the 5 million people whom I represent in the Senate every day, I see the same problem we are seeing all across the coun-

try. Between this time in 2008 and next year, 2009, there is a projection from the Center for Responsible Lending that we will see almost 50,000 homes in foreclosure. That is 49,923 homes in foreclosure in the State of Colorado.

As I have said before, it is not just the pain that is felt by people who are losing their homes through foreclosure; it also is the spillover effect that occurs when you have massive foreclosures taking place in my State. The spillover effect means that surrounding home values will decline in 748,000 homes. Almost half the homes in the State of Colorado are going to see a significant decline in their value, because we are going to have about 50,000 homes that are going to go into foreclosure in the years 2007 and 2008. As my colleagues see, when you have that kind of decline in individual home values and you aggregate those home values, there is a huge decline in the aggregate equity people will have in their homes throughout my State of Colorado—some \$3.2 billion.

Those are the facts. Those are the facts. There ought to be a wake-up call, it seems to me, not only to the White House but also to the Congress, that we need to move forward with legislation that addresses this issue.

Senator REID came to the floor of the Senate a week, 10 days, ago and set forth the components of the Mortgage Foreclosure Prevention Act, and it was based on the input he had from the chairs of many committees, including Senator LEAHY and Senator BAUCUS and others who have jurisdiction over these issues. I think he put his finger on the right button. He put his finger on the button that is of great concern to the people of America, and that is what is happening with the housing crisis today.

I am hopeful as we move forward to do our work in the Senate, as we are doing it so well today on consumer protection, we are then able soon to pivot back to addressing the housing crisis we face here in America today.

Madam 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.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. 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. DOMENICI. I ask unanimous consent that I be permitted to speak for 5 minutes as in morning business.

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

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2730 are located in today's RECORD under "Statements on Introduced bills and Joint Resolutions.")

Mr. DOMENICI. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, it has come to my attention that the Senator from Minnesota who sits in the chair right now was very kind in her comments a few minutes ago about one of the additions to this overall consumer products bill that this Senator had a little hand in. We are going to add another, because it is my understanding that we now have it accepted on both sides—it is in the managers' package—another major component of the bill to address the fact—and this is surprising. Last year, we had the largest crib recall in history—almost 1 million baby cribs—because three infant deaths were noted in the recall announcement. After the announcement, even more came to light.

Most of us would be shocked to learn that most of the safety guidelines for durable infant and toddler products are not set by the Consumer Product Safety Commission, but they are only voluntary standards that are set by manufacturers making the products. So, for example, full-sized cribs, half-sized cribs, rattles, and bottles are the only infant and toddler products that have required safety standards.

Well, it is time to change that. Happily, we are going to change that right here with this bill. Through the kind of comments made by the Presiding Officer, and thanks to the chairman of our subcommittee, the Senator from Arkansas, it has been included in the managers' package. What it requires is that all infant and toddler durable products be tested and certified according to mandatory safety standards before they are put out on the market.

I thank Senator OLYMPIA SNOWE of Maine. She has come on as a cosponsor of this amendment. The minute she saw this, she said: I want to be a part of that. Because infant and durable products subject to this requirement include such a wide array of products such as cribs, toddler beds, high chairs, booster chairs, hook-on chairs, bath seats, gates, play yards, stationary activity centers, child carriers, strollers, walkers, swings, bassinets, cradles—all things that when we buy them, we assume they have been checked for safety. Yet it has been up to the manufacturers to check for the safety.

What we are going to do in this bill when it becomes law, it is going to be as a result of safety guidelines that they are going to have to conform to independent testing. Standards would be established through a consensus process involving the Consumer Product Safety Commission, consumer groups, juvenile product manufacturers, and experts in the field. The standards will be promulgated on a rolling basis, with no less than two sets of durable product rules per year. This timeframe would allow for input by all of the interested parties.

It is time to put a stop to these senseless deaths from unsafe products such as unsafe cribs. I am very grateful

that the managers of this legislation have now included this as a part of the bill.

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. DURBIN. 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. DURBIN. Madam President, I know we are in the midst of considering the Consumer Product Safety Commission Reauthorization Act. I thank Senator PRYOR, Senator COLLINS, Senator STEVENS, Senator INOUE, and so many others for their efforts to bring us to this point. We hope to pass it very soon this afternoon. We are waiting for a little paperwork to be finished.

I am going to use this opportunity to speak as in morning business, and I ask unanimous consent to do so.

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

#### PEACE IN SUDAN

Mr. DURBIN. Madam President, I rise at this moment to discuss a resolution that the Senate enacted last night by unanimous consent relating to the situation in Darfur. Darfur is a region of Sudan that has been in the newspaper for years because of the genocide that has been sadly unfolding in that part of the world.

I introduced this resolution because I think we have reached a critical point where we must act to stop this genocide in Sudan. I am proud that 40 Senators from both sides agree it is time to say "no more."

For more than 4 years, the world has watched this humanitarian crisis unfold—thousands have been murdered, tortured, raped, and displaced. Thousands more are languishing in refugee camps.

Leaders from around the world—including President Bush, Prime Minister Gordon Brown, U.N. Secretary General Ban Ki-moon, former U.N. Secretary General Kofi Annan, former President Jimmy Carter, Bangladesh microfinance champion Muhammed Yunus, and Archbishop Desmond Tutu—have all called for an end to this violence.

Here at home—and it has been gratifying as I traveled around my State to find this—thousands of people, including many high school and college students, are well aware of this genocide. Church leaders and other activists have helped raise awareness of the horrible human suffering that has occurred in Darfur. Senators on both sides of the aisle have spoken out passionately about this crisis.

Last year, the U.N. Security Council voted to deploy a historic peacekeeping mission to Darfur, but that was last year. Under significant international pressure, the Sudanese Government

agreed at that time to the deployment. The 26,000-member U.N. African Union peacekeeping force is to be deployed to Darfur to halt the violence and create conditions for peace and a long-term political settlement.

There was speculation about whether we can get the peacekeeping force in place before the end of last year. Sadly, despite all of the promises of last year, the Sudanese Government has done everything they can to stop the deployment of the peacekeeping force. It has brazenly obstructed this full deployment. I will give you an example: Sudan's leaders balked at the deployment of non-African forces. Last month, government forces in Sudan actually fired upon a peacekeeping convoy.

In recent months, the regime has even appointed notorious figures who were knowingly complicit in this genocide in Darfur—including two accused of war crimes—to senior government positions. It is almost a brazen defiance to the rest of the world that Sudan, on one hand, would agree to a peacekeeping force, and on the other hand, shoot at those who come and try to bring peace to their country, and then exalt to the highest levels some of the worst characters in their country.

Many of you have seen the article on the front page of last Sunday's New York Times about the latest devastating violence in Sudan. This isn't yesterday's genocide or yesterday's moral challenge; this challenge goes on today. The article in the New York Times highlighted how the Sudanese Government continues to defy the international community and murder its own people.

I am going to show you an aerial photograph that appeared in the New York Times, which shows the torched Sudanese village of Suleia. Government forces and allied militias burned the village only a few weeks ago. As you can see, there is nothing left. I don't know if a long view of this, for those observing it, will do it justice. But those who have flown over the area say it looks like cigarette burns across the landscape. Each of these so-called cigarette burns reflects a fire that was lit to a small thatch hut where people were living, people who were forced out, some who were captured, tortured, mutilated, and raped, and some who were taken away. Many had to run away, leaving behind this blighted landscape as a stark reminder that despite all of the speeches and resolutions and all of the determination, genocide in Darfur continues, sadly, to this day.

Witnesses said militiamen in that town laid waste to the town, burning huts, pillaging shops, carrying off any loot they could find, and shooting anyone who stood in their way—men, women, or children.

The attack included aerial bombing and Sudanese Government army ground forces. That the Sudanese Government has returned to these brutal coordinated attacks shows its utter

contempt for the international community and its own people.

Rich Williamson is an attorney in Chicago who has served in a capacity with the Department of State in previous years and now has taken the place of Andrew Natzios as a special envoy to deal with this situation in Darfur. We certainly have different political views, but when he came to visit my office, we found that we are of the same mind about this particular crisis and the need for an urgent response to the Sudanese Government. We cannot allow Darfur to slide back into the horrible situation that we know took place over the last several years.

While much of the world's attention has been on Darfur, the comprehensive peace agreement between north and south Sudan has also become increasingly at risk. This agreement, signed in 2005 with the strong support of the United States, brought an end to two decades of civil war between north and south Sudan that had left 2 million dead. Yet the government in Khartoum appears to be backing away from its commitment to this agreement and instead preparing once again for war.

Remember what fuels this war: Oil fuels this war—oil sold by the Sudanese to the Chinese, to the Indians, and to a handful of other nationalized oil companies. It is the profit of those sales that is fueling this war that is killing so many innocent people.

We cannot allow the agreement to bring peace in Sudan to be undermined, and we cannot ignore what is happening again in Darfur. It is time to bring an end to this violence and time to set conditions for a long-term peace. I salute Senator BIDEN for leading a resolution last month calling on the President to immediately address any equipment shortcomings with the peacekeeping force. I completely agree with Senator BIDEN. The White House must not allow a modest shortage of equipment to prolong the suffering in Darfur.

Last night, the Senate passed my resolution, with the support of 40 Senators from both sides of the aisle, to call for an immediate halt to this violence and a commitment from both sides to participate in a new round of peace talks.

The resolution also calls upon the Government of Sudan to facilitate the immediate and unfettered deployment of the U.N.-African Union peacekeeping force, including any and all non-African peacekeepers. Sudan and Khartoum gave their agreement last year. They must be held to their promise. It calls upon the diverse rebel movements to set aside their difference and start to work together in order to better represent the people of Darfur. It condemns any action by any party—government or rebel—that undermines or delays the peace process. It calls upon the Government of Sudan to enable humanitarian organizations to have full unfettered access to populations in need, and it calls upon all parties to

the comprehensive peace agreement between north and south Sudan to support and respect all terms of the agreement.

We have allowed the genocide in Darfur to continue for too long. We have allowed a brutal regime to repeatedly obstruct and ignore the international community. It is time, once and for all, to bring an end to this violence in Sudan.

It was my high honor to serve as the successor to Paul Simon, from Illinois, who served in this body for 12 years. He was my closest friend in politics and my mentor, and he helped me along to win this Senate seat and to represent this great State. Paul Simon was at a critical place at that moment in history. He was chairman of the African Subcommittee of the Foreign Relations Committee when the genocide in Rwanda broke out. His ranking Republican member was Jim Jeffords of Vermont. The two of them, when they noted what was happening in Rwanda, decided to step up and try to persuade the Clinton administration to send even a small peacekeeping force in to stop the killing in Rwanda. They reached out directly to the President, as well as the Secretary of State and other officials in the Clinton administration, with no results. The net impact, of course, was we did nothing and 800,000 people died.

I was in Rwanda a year or two ago with Senator BROWNBACK. We stayed at the hotel made famous by the movie "Hotel Rwanda." Don Cheadle played the actor's role of the hero, the manager who stepped up and saved so many innocent lives by making his hotel a refuge. We stayed in that same hotel. I was haunted walking through the hallways and corridors of that almost-empty hotel. I think of the thousands of people who wondered if they were going to be attacked or killed as they waited there, hoping the genocide would end.

At the end of the day, after weeks of bloodshed, over 800,000 people were murdered in the streets of Rwanda—in innocent people murdered simply because of their tribal affiliation.

President Clinton did many good things, and he now reflects on his service and said this is one thing he did not do well; he could have done better. He has returned to Africa and visited Rwanda and has said as much. I think it is courageous of him to make that admission and to realize a little effort could have made a difference.

How many speeches have we heard in this Chamber and in this town about Darfur, over and over again. Yet the simple reality is, despite all the speeches by the President, by Senators, by Members of Congress, little or nothing has been done. This genocide has unfolded on our watch. When we are critical of previous generations for not doing enough during the Nazi Holocaust or during some of the other horrendous events that occurred around the world—certainly the Rwanda geno-

cide—we say: How could they have been blind to the reality of what is happening here?

We still cannot be blinded to the reality of what is happening in Darfur, and each of us, either by our church groups or schools or Members of Congress making a statement on the floor or calling in the appropriate ambassadors or calling in the U.N. General Secretary, have to urge them to take action now to bring an end to this genocide.

I wish to make certain this Senate is on record, and I thank all those who helped last night to pass this resolution, but it is not enough, and it will not be enough until we make significant strides to end this bloodshed in Darfur.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, in response to the widely publicized product recalls of last year, the Congress appropriated \$80 million for fiscal year 2008 to the Consumer Product Safety Commission, which was an increase of 28 percent. The CPSC was instructed to use the additional money to increase staff, workspace, and information technology resources. In December, the House of Representatives passed the Consumer Product Safety Modernization Act, H.R. 4040, by an overwhelming vote of 407 to 0. It seems like that would have been a reasonable place to start. In fact, during this debate, a number of us voted in favor of Senator DEMINT's amendment to completely substitute the bill we are now considering with the House-passed bill. H.R. 4040 incrementally increases CPSC's budget to \$100 million for fiscal year 2011, requires third-party and pre-market testing of many children's product for lead and other hazards, and creates new lead standards for products.

However, instead of focusing on product safety, we are now focusing on legislation seeming to simply benefit lawyers. Lawyers who, under this legislation, would have higher civil penalties and new punitive damages to pursue in whistleblower claims.

The bill also allows State attorneys general to file lawsuits and enforce rules against manufacturers, conceivably creating 50 different standards of product safety laws; in other words, lawsuits as far as the eye can see. In fact, this week, a Wall Street Journal editorial referred to the Senate bill as "Lawyers 'R' Us."

We have tried to amend this bill and improve the problematic aspects of it, and have achieved very few positive changes. I will miss the vote on final passage. However, since I would be opposing it anyway, it would make no difference in the outcome.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, once again, I hope I have good news. I am

hoping the next time I address the Senate on this microphone that we will be asking unanimous consent for votes or a vote, maybe in this case, on final passage.

I again alert Hill staff and Senators that we are very close. I thank all my colleagues. I could go through a long list. While I have just a moment while they are literally wrapping up the final i's and t's on this document, I thank Senator STEVENS for his great leadership in helping shepherd this bill through; Senator INOUE, of course, for his leadership and what he brings to the table and how he runs his committee is fantastic; Senator COLLINS—I mentioned her yesterday—came in at a critical time and made the bill better; Senator BILL NELSON of Florida who spoke a few moments ago—Senator BILL NELSON in some ways started this whole process. He filed a bill over the summer—June, July, September, I am not quite sure. He filed a bill about third-party testing for toys. We had already been working on a bill. He went ahead and put his bill out there publicly and spurred a lot of interest. And Senator KLOBUCHAR, who is presiding right now, has been working on this bill every step of the way. Senator DURBIN, of course, has made a lot of improvements. Senator SCHUMER has played a vital role in trying to get this bill shaped and ready to go.

I again thank all my colleagues for their hard work. There are too many to go through right now because almost all 100 Senators had some role in this bill and have helped in some way or another. I wished to acknowledge them and hopefully the next time I stand up here, we will be propounding a unanimous consent request on votes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I understand we are working toward final passage on the bill. I congratulate the Senator from Arkansas for the tremendous job he has done on this legislation. While everybody is putting together the last of this bill, I ask unanimous consent to speak as in morning business for 8 minutes.

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

#### OUTSOURCING AEROSPACE TECHNOLOGY

Mrs. MURRAY. Madam President, I have come to the floor this afternoon because we have to wake up the country. We are at risk of losing a major part of our aerospace industry to the Europeans forever.

I am outraged the Pentagon is not only going to stand by and let it happen, but it is the Pentagon itself that made the decision in the first place. I am referring, of course, to the Air Force's decision last Friday to award one of the largest military contracts in history to the French company Airbus over the American company Boeing. With this \$40 billion contract, our Air Force is beginning the process of rebuilding our aerial refueling tanker

fleet, and the planes we are purchasing are going to be used for the next 30 years or more.

As we learn more about this decision, I have to say I grow more and more astounded at the shortsightedness. As I speak today, Airbus does not actually supply this military capacity to any government. The tanker that the administration wants Airbus to build is unproven. In fact, in my home State of Washington, the machinists call it a paper airplane because it only exists on paper. Right now, the company that supplies those real planes is Boeing, and it has built them for almost 50 years. Up until now, we have in this country controlled our own military refueling capabilities, but with this decision we are now handing Airbus that control.

What makes this so disturbing is we are now outsourcing those jobs to a company that has spent years blatantly working to dismantle our American aerospace companies. Airbus is controlled by foreign governments which follow the social welfare model. Those countries subsidize Airbus, allowing it to sell planes at discounted rates, as long as it creates jobs for European workers.

Our Government is concerned enough about that practice that we have a WTO case pending at the EU, but apparently that does not matter to the administration, because by giving Airbus this contract, we are laying out the welcome mat to walk all over our military production capability. What is the incentive to buy an American tanker if they can get an import at fire-sale prices? With this contract, we are allowing Airbus to take over our military technology, and we are actually paying them to do it.

Airbus has now launched a very slick marketing campaign to try to convince us in Congress and the public that this decision will actually be good for the United States. I spoke on the floor at length yesterday about Airbus's long history of exaggerating the number of jobs it has produced, and it is very interesting that while Airbus has put its supporters on radio and TV over here—and you have heard them—to talk about how excited they are about the number of U.S. jobs this deal is going to create, the news in Europe is about 180 degrees different. Reuters ran an article, the dateline out of Paris yesterday, reporting that Airbus's parent company, EADS, was scrambling over there to clarify that no jobs would be relocated from Europe to the United States. And a British publication earlier this week reported that almost all of the construction work will be done in Europe and then Airbus will fly that plane to the United States for “finishing.”

If Boeing had won the contract, it would have created 44,000 real United States jobs. By awarding this contract to Airbus, the U.S. Government is leading those jobs to the guillotine.

The most frustrating part about all of this is the Air Force has insisted on

defending their decision. Yesterday, according to the Associated Press and other news outlets, one official testified in the House that the Pentagon did not have to consider the location of assembly and manufacturing facilities for those planes; all it needed was a promise by Airbus that it would team with Northrop Grumman and U.S. suppliers. In other words, the Air Force did not consider at all Airbus's record of playing unfair on trade. It did not consider at all the number of jobs we will certainly lose because of this contract. And it did not consider at all what this would mean for our ability to produce our own military technology.

When we are at war across the globe, we should at least consider what it means to give a company owned by a foreign government control over our military technology, and I think we should do it before we finalize this deal.

Airbus and EADS have already given us plenty of reason to worry about how hard they will work to protect our security interests. Let me give a couple of examples. Back in 2005, EADS, the parent company of Airbus, was caught trying to sell military helicopters to Iran. And in 2006, EADS tried to sell transport and patrol planes to Venezuela. That is a circumvention of U.S. law.

Suppose in the future that Europe and the United States have a major disagreement over foreign policy. Do we want France or any other country to have the ability to slow down our military capacity because it does not like our policies?

That is a serious question we should consider. With one contract, we could wipe out 50 years of experience of aerospace in the United States, and once it is gone we are not going to get it back. It is not going to come back. Shouldn't we in Congress at least have a serious debate about this before we give it all away?

I yield the floor.

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

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

#### OBSTRUCTION AND FILIBUSTERS

Mr. CORNYN. Madam President, this morning, our colleague, the distinguished Senator from New York, Mr. SCHUMER, came to talk about the Republican obstruction and filibusters, and I guess I have been around here just a few years now, but I have learned that a charge that is un rebutted is a charge that is believed. In the interest of making sure people understand what the facts are, I would like to address his allegations.

This morning, Senator SCHUMER repeated a myth, which is the allegation that there have been 73 Republican fili-

busters in the 110th Congress. He said, “This Republican minority can only obstruct.” Based on what I believe is a complete distortion of the facts, he said the Republicans “will be held accountable in November.”

Well, I might note that Senator SCHUMER, in addition to being the distinguished Senator from New York, is also the chairman of the Democratic Senatorial Campaign Committee. And I would hope we would have better things to do than to use the floor of the Senate for partisan attacks when we have so much important work that needs to be done.

He said he wished we could “go back to the good old days when filibusters were used for issues of major import but not used routinely to block every single piece of legislation.” Well, it is evidence enough that is an overstatement and I think just a downright exaggeration, in that we are working right now on a bipartisan piece of legislation on the consumer protection issue to make sure American consumers are protected from dangerous products, particularly those that may be imported from abroad. But let me just say what the facts are.

Under the definition that Senator SCHUMER—and the majority leader before him—calls a filibuster, Republicans would be obstructing multiple times in 1 day on many occasions. What they are actually referring to is a record number of times that the majority leader has attempted to prevent debate and block Senators from offering amendments. What happens is he will come to the floor and he will call up a bill and then he will fill the amendment tree, which is a procedural device designed to block the offering of amendments. It basically imposes a “my way or the highway” approach to legislating in the Senate. You don't have to be around here very long to know that nothing happens around here unless there is some bipartisan agreement and work, and this bill we are on today is a perfect example of how it can work and how it should work.

Now, I would say that the majority leader is setting a record of his own, moving to cut off debate the first day a bill or resolution reaches the floor more than any other majority leader, whether they be Republican or Democrat. During the first session of the 110th Congress, Senator REID filed cloture—that is, he filed to cut off debate—on the same day a bill or resolution was introduced on nine separate occasions. Before we have had a chance to even talk about it, before anybody has even had a chance to offer amendments, he filed to cut off debate, cut off amendments, nine times. That is three times more than Majority Leaders Frist, Daschle, Lott, Mitchell, or BYRD ever did in the first session of Congress and nine times more than in the first session of the 109th Congress.

Among these 73 Republican filibusters, so-called, Democrats include

times when members of their own party actually filibustered issues of great importance to the American people. Here are a couple of examples.

Senator DODD, from Connecticut, filibustered the Foreign Intelligence Surveillance Act, which allows us the authority to listen to terrorists who are conspiring to harm the American people; the so-called filibuster by our Democratic friends of the McConnell-Stevens troop funding bill last November, which was designed to provide funds to our troops in harm's way, which had been delayed for far too long; and then, of course, the filibuster of Judge Leslie Southwick, a circuit court nominee.

Cloture motions that were filed by Republicans in an effort to avoid obstruction were also included.

Of the more than 73 so-called filibusters, Senate Democrats either voted to "filibuster" or voted with Republicans, and the vote was unanimous on five occasions.

Well, let me just say that I know sometimes the nomenclature and the procedures get awfully confusing here on the Senate floor, but the American people clearly would like to see us work together more to solve problems. We are not talking about people giving or taking leave of their principles or their firmly held convictions, but everybody who works here on the Senate floor knows that the only way things happen is by bipartisan cooperation because neither side has the 60 votes to cut off debate and get what they want, as you could if you had a majority in the House of Representatives.

I even read today that the distinguished majority leader compared so-called filibusters to aggravated assaults. He said: It doesn't make any difference whether it is 72 or 65 stabbings, it is still the fact you have been assaulted. Well, I just think that kind of rhetoric is over the top.

What we need to do is, rather than make false charges about obstruction, we need to come together and try to solve problems. I believe that is what the American people want us to do.

So rather than have this un rebutted allegation out there, lest people believe it, because it is being repeated over and over, I think it is important to set the record straight.

I think everybody in this body knows what the deal is; that is, if we are going to solve problems, we are going to have to work together. This CPSC bill is the perfect example. The majority leader did not have to file cloture in order to bring us to conclusion. We sat down and we have negotiated amendments, we have offered amendments, and we have had votes. That is the way this place works.

But I think what is fair is fair, and we need to make sure the story is accurately told. As Senator MCCONNELL said earlier—quoting Daniel Patrick Moynihan—everyone is entitled to their own opinions, but nobody is entitled to their own set of facts.

Facts being what they are, people can then decide what their opinion is. But it is clear this is not a case of obstruction—unless, of course, you are talking about blocking tax increases on the American people, and I will be honest, we did block those tax increases because they are bad for the economy, bad for the American people. But by and large, when we have been met halfway, we have worked together to try to solve problems.

I thank the chair very much for the time that I have had to respond. I think it is important that the full context of the record be clear.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I happened to pass by, and I am glad I did because my friend, the Senator from Texas, the junior Senator from Texas, is talking about facts that do not exist.

The comment about the 72 stabbings came from me. The fact is, in looking very closely at this, it appears that there were not 72 Republican-led filibusters but only 65. I used an illustration that someone who is charged with a crime—I know the distinguished Presiding Officer was a prosecuting attorney—comes in after having stabbed someone 72 times and says: No, I only did it 65 times.

The American people know what is going on. The American people know what is going on. Every step of the way, we have had to work around procedural obstructions put up by the Republicans—every step of the way. The result of that has taken a lot of time. We have spent 76 days of Senate time on filibusters led by Senate Republicans.

Now, the American people have seen what is going on. They have had more than a year to look and see what is going on. They are going to continue to see. But what I said last Friday, I say today: The Republicans in the Senate should enjoy their time because they are not going to be able to do this after November 4. The American people have seen what they have tried to do and been able to accomplish on many occasions. And we are going to continue to do the best we can in spite of the obstacles put up by the Republicans.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I could not disagree more with the distinguished majority leader. But I will tell you that when it comes to increasing taxes, bigger Government, and higher spending, sure, we are going to stand our ground. We are going to try to block the increased rates on the taxpayers' check and growing the size of Government beyond our capacity to sustain it and failing to meet the obligations we have to pay for things such as Medicare and Social Security and passing those down to our children and grandchildren.

We are on the verge of the debate on the 2009 Federal budget. One of the

problems we need to work on together rather than merely accuse each other of malfeasance or misfeasance is \$66 trillion in unfunded obligations we are passing on to our children and grandchildren.

I am on the Budget Committee. We had a vote on the budget that will come to the floor next week. There is nothing in the budget—nothing in this budget—that addresses the concerns I know we have on a bipartisan basis about this unsustainable growth of entitlement spending.

So that is the kind of thing we ought to be working on on a bipartisan basis—how can we protect the family's budget rather than wreck the Federal budget. But instead of that, we find there is this back-and-forth for partisan gain.

The majority leader said: Wait until the election day in November. Well, people know what this is about. This is about partisan politics. This is not about trying to solve problems. I hope we can do so.

Again, I compliment the Senator from Arkansas and the Senator from Alaska for addressing on a bipartisan basis consumer safety in this bill. This is a good example of what we ought to be doing, not engaging in partisan sniping that I think does nothing but continue to bring public opinion of Congress to the lowest levels in recent history.

That is why the approval rating of this Congress is at the 18-percentage rate.

So we ought to try to find ways to work together, not engage in this sort of partisan sniping in an effort to gain advantage, electoral advantage, in November. It does not work, for one thing. I think the American people listening to this say: A pox on both your houses. What they want to do is see us work together to solve the problems.

We are going to have a chance on the budget to try to keep spending down, to try to make sure we do not raise taxes and we deal with the obligation we have to meet on unfunded liabilities that will be passed on to our children and grandchildren. That is what I hope we spend our time doing rather than partisan politics.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The majority leader.

Mr. REID. Mr. President, any time we have a President as unpopular as our President, the numbers of all people who serve in Government are down, and Congress is part of that.

I would say that the facts are what they are. We have been obstructed on virtually everything we have tried to do.

These are just a few of the motions to proceed that we have had to waste up to 48 hours on, 2 days for cloture to ripen, 30 hours after that. Those are just a few of them. Now, look how they passed: 90 to 0; 94 to 3; 93 to 3; 89 to 7; 91 to 0; 80 to 0; 80 to 4; 86 to 1. It was only an effort to stall what we do here.



Recommendations of the 9/11 Commission, we had to file a motion to invoke cloture on the motion to go to that. The Intelligence authorization bill, intelligence authorization, to give our intelligence agencies the tools they need to go after all the bad guys around the world, we had to file cloture on the motion to proceed to that. The court security bill, that was important to me because we had some vicious man, at 200 yards, shoot through the judge's window and kill him after he had slit his wife's throat. We need court security. In Georgia, we had a situation there where a number of people were killed. We had to invoke a motion to proceed to that issue. The water resources bill, the chairman of the Environmental and Public Works Committee is here. She worked on a bipartisan basis. That bill had overwhelming support, Democrats and Republicans. We had to file cloture on a motion to proceed to it; Clean Energy Act, 91 to 0; Children's Health Initiative, to reauthorize that, 80 to 0. Just a stall. That is all it was about.

Economic stimulus package, and then housing, a stimulus package on housing, having five simple issues in it. One is transparency on documents that you have to fill out when you buy a home. No. 2, we wanted to make sure the homebuilders all across the country get what they want—tax provisions for loss carryback. That is in our bill; something the President called for in his State of the Union Message calling for issuance of bonds to buy homes that are in foreclosure, used homes—now it is you can only buy new homes. We have a CDBG provision in that bill to allow people from all over the country to work through their Government to renovate some of the neighborhoods that are devastated by these foreclosures. And then we had a provision in the bill dealing with bankruptcy.

Now, the Republicans have cried volumes that they want to do something about the housing crisis. They would not let us legislate on that. We cannot do that. We cannot get 60 votes. But they say they want to legislate on it.

I told Senator MCCONNELL long before we got on the bill: Let's do amendments. If you want to look at our amendments, fine, look at them; we will look at yours. They said they did not like the bankruptcy provision. Offer an amendment to strike it. I know there are some Democrats who do not like it. Maybe they could get enough votes to get rid of that. They are not willing to legislate. They are stalling. This has been going on all year.

So I have great respect for my friend from Texas, but I do not need to be lectured on what is procedurally obstructionism. We can bring out chart after chart to show what they have done. And do not suggest to me that there has not been obstructionism. They have broken all records of this Congress. They have broken all records of any Congress. They broke in 1 year how

many filibusters were filed in a normal 2-year period.

So I extend my appreciation to the Senator from Arkansas, Mr. PRYOR. He is a great Senator. He takes right after his dad. I had the good fortune of serving with his father. I said in an interview I had recently: Who is the Senator you admire most for his legislative capabilities? "David Pryor of Arkansas," I said, "because he was a wonderful man and a great Senator." His son is doing just the same thing his dad did. This bill is a result of tremendous participation.

The Senator from Texas is right, the Senator from Alaska, the Senator from Hawaii have worked on this. This is a bipartisan piece of legislation led by Senator PRYOR. Senator PRYOR is a great public servant. He has had significant experience as attorney general in the State of Arkansas. He was one of the instrumental members of the Gang of 14 who stopped the use of the filibusters in the Senate, as is the Presiding Officer.

So I want the Senator from Arkansas to know how much I appreciate the example he has set in working through the process here. Everyone here should understand that legislating is a compromise. "Compromise" is not a bad word, it is consensus building, and MARK PRYOR has done a wonderful job working on this piece of legislation.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, just briefly, roughly half the votes on this chart that the distinguished majority leader has described as filibusters were actually successful votes where cloture was invoked once the majority worked with us, allowed full consideration of the bills, and those bills actually moved forward and became law.

On roughly half of the instances—I have not looked at the entire chart; this is the first time I have seen it here. But that is a perfect example of how we ought to be working together and not an example of obstruction, but it is actually a means that the Senate has been allowed to do what the Senate does, and that is to have full debate, a fair opportunity to offer amendments and then up-or-down votes on amendments and then pass legislation that goes to the President and is signed for the benefit of the American people.

So I disagree with his characterization on at least half of those votes. They resulted in successfully passed legislation, not an example of obstructionism but of this Senate actually working the way the Senate should.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, this is another example of the Orwellian language we get from the White House and this administration, and now obviously some of my friends have picked it up on the Republican side.

These were efforts to stall what we were trying to do. You can say what-

ever you want. Sure, these passed. That is the whole point. We have chart after chart that shows this whole thing. Of course they passed. How could you, in good conscience, not vote for the 9/11 Commission recommendations? They stalled us going to it because as long as they are here on a 30-hour postcloture do-nothing, it means we cannot go to other things, we cannot go to patent reform, to energy reform—all these things that need to be done.

This Republican President and his Republican Senators want the status quo. They are fighting for the status quo. It is very clear they are fighting for the status quo. They want us to stay the way we are.

We want change to take place. The country needs change. The American people demand change. That is what is going on with the Presidential election out there. That is why you get crowds on the Democratic side, our candidates, tens of thousands of people, 15,000 in Boise, ID. People are looking for change. That is what we are going to bring, and we are going to see that in November. The American people know what the Republicans have done to us, but we are going to continue to work hard. We are going to continue to work hard in spite of that to get things done for this country.

It is my understanding we have a vote set up, and we are getting close. We know a number of people have things to do. We thought we would be able to have it at 4:30. We have been unable to do so. We are getting close, I have been told. Whether we finish this in 10 minutes or tomorrow sometime, congratulations are in order for my friend from Arkansas. He has done a great job.

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

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

AMENDMENT NO. 4104

Mr. PRYOR. Mr. President, I do have good news. This is similar to the old Bob Dylan song, "Slow Train Coming." It has been a slow afternoon, seemingly, but there has been a lot of activity.

I ask unanimous consent to agree to the Feinstein amendment by voice vote.

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

The question is on agreeing to amendment No. 4104.

The amendment (No. 4104) was agreed to.

AMENDMENTS NOS. 4088; 4092, AS MODIFIED; 4101; 4112; 4120; 4123; 4128; 4130, AS MODIFIED; 4113; 4114; 4141; 4136; 4137; 4138; 4143; 4116, AS MODIFIED; 4118, AS MODIFIED; 4090; 4103; 4098; 4109, AS MODIFIED; AND 4108, AS MODIFIED EN BLOC

Mr. PRYOR. I ask unanimous consent to set aside the pending amendment so I may call up the following

amendments en bloc: Klobuchar No. 4088; Dodd No. 4092, with modifications at the desk; McCaskill No. 4101; Boxer No. 4112; Landrieu No. 4120; Collins No. 4123; Klobuchar No. 4128; Nelson No. 4130, with modifications at the desk; Obama No. 4113; Obama No. 4114; Durbin-Hatch No. 4141; Inouye No. 4136; Inouye No. 4137; Inouye No. 4138; Snowe No. 4143; Kyl No. 4116, with modifications at the desk; and Kyl No. 4118, with modifications at the desk; the following pending amendments also be considered en bloc: Pryor No. 4090; Cardin No. 4103; Dorgan No. 4098; Casey No. 4109, with modifications at the desk; and Cornyn No. 4108, with modifications at the desk; the amendments be agreed to en bloc and the motion to reconsider be laid upon the table with no intervening action or debate; that cloture be withdrawn; any remaining pending amendments be withdrawn; the Senate proceed to third reading of the bill; the Senate then proceed to the consideration of Calendar No. 562, H.R. 4040, strike all after the enacting clause and insert the text of S. 2663, as amended; the Senate proceed to a vote on passage of H.R. 4040, as amended, and S. 2663 be returned to the calendar.

Mr. STEVENS. No objection.

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

The amendments were agreed to, as follows:

#### AMENDMENT NO. 4088

(Purpose: To authorize the Commission by rule to exempt lead crystal from the ban on lead in children's products if the Commission determines that the lead content is not absorbable and does not have an adverse impact on public safety)

On page 69, between lines 4 and 5, insert the following:

(3) **LEAD CRYSTAL.**—The Commission may by rule provide that subsection (a) does not apply to lead crystal if the Commission determines, after notice and a hearing, that the lead content in lead crystal will neither—

(A) result in the absorption of lead into the human body; nor

(B) have an adverse impact on public health and safety.

#### AMENDMENT NO. 4092, AS MODIFIED

On page 103, after line 12, add the following:

#### SEC. 40. EQUESTRIAN HELMETS.

(a) **STANDARDS.**—

(1) **IN GENERAL.**—Every equestrian helmet manufactured on or after the date that is 9 months after the date of the enactment of this Act shall meet—

(A) the interim standard specified in paragraph (2), pending the establishment of a final standard pursuant to paragraph (3); and

(B) the final standard, once that standard has been established under paragraph (3).

(2) **INTERIM STANDARD.**—The interim standard for equestrian helmets is the American Society for Testing and Materials (ASTM) standard designated as F 1163.

(3) **FINAL STANDARD.**—

(A) **REQUIREMENT.**—Not later than 60 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall begin a proceeding under section 553 of title 5, United States Code—

(i) to establish a final standard for equestrian helmets that incorporates all the requirements of the interim standard specified in paragraph (2);

(ii) to provide in the final standard a mandate that all approved equestrian helmets be certified to the requirements promulgated under the final standard by an organization that is accredited to certify personal protection equipment in accordance with ISO Guide 65; and

(iii) to include in the final standard any additional provisions that the Commission considers appropriate.

(B) **INAPPLICABILITY OF CERTAIN LAWS.**—Sections 7, 9, and 30(d) of the Consumer Product Safety Act (15 U.S.C. 2056, 2058, and 2079(d)) shall not apply to the proceeding under this subsection, and section 11 of such Act (15 U.S.C. 2060) shall not apply with respect to any standard issued under such proceeding.

(C) **EFFECTIVE DATE.**—The final standard shall take effect not later than 1 year after the date it is issued.

(4) **FAILURE TO MEET STANDARDS.**—

(A) **FAILURE TO MEET INTERIM STANDARD.**—Until the final standard takes effect, an equestrian helmet that does not meet the interim standard, required under paragraph (1)(A), shall be considered in violation of a consumer product safety standard promulgated under the Consumer Product Safety Act.

(B) **STATUS OF FINAL STANDARD.**—The final standard developed under paragraph (3) shall be considered a consumer product safety standard promulgated under the Consumer Product Safety Act.

(b) **DEFINITIONS.**—In this section:

(1) **APPROVED EQUESTRIAN HELMET.**—The term “approved equestrian helmet” means an equestrian helmet that meets—

(A) the interim standard specified in subsection (a)(2), pending establishment of a final standard under subsection (a)(3); and

(B) the final standard, once it is effective under subsection (a)(3).

(2) **EQUESTRIAN HELMET.**—The term “equestrian helmet” means a hard shell head covering intended to be worn while participating in an equestrian event or activity.

#### AMENDMENT NO. 4101

(Purpose: To revise the section on Inspector General reports)

On page 72, beginning with line 6, strike through line 8 on page 75 and insert the following:

#### SEC. 26. INSPECTOR GENERAL REPORTS.

(a) **IMPLEMENTATION BY THE COMMISSION.**—

(1) **IN GENERAL.**—The Inspector General of the Consumer Product Safety Commission shall conduct reviews and audits of implementation of the Consumer Product Safety Act by the Commission, including—

(A) an assessment of the ability of the Commission to enforce subsections (a)(2) and (d) of section 14 of the Act (15 U.S.C. 2063), as amended by section 10 of this Act, including the ability of the Commission to enforce the prohibition on imports of children's products without third party testing certification under section 17(a)(6) of the Act (15 U.S.C. 2066)(a)(6), as added by section 10 of this Act;

(B) an assessment of the ability of the Commission to enforce section 14(a)(6) of the Act (15 U.S.C. 2063(a)(6)), as added by section 11 of this Act, and section 16(c) of the Act, as added by section 14 of this Act; and (C) an audit of the Commission's capital improvement efforts, including construction of a new testing facility.

(2) **ANNUAL REPORT.**—The Inspector General shall submit an annual report, setting forth the Inspector General's findings, conclusions, and recommendations from the reviews and audits under paragraph (1), for each of fiscal years 2009 through 2015 to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the

House of Representatives Committee on Energy and Commerce.

(b) **EMPLOYEE COMPLAINTS.**—

(1) **IN GENERAL.**—Within 1 year after the date of enactment of this Act, the Inspector General shall conduct a review of—

(A) complaints received by the Inspector General from employees of the Commission about failures of other employees to properly enforce the rules or regulations of the Consumer Product Safety Act or any other Act enforced by the Commission, including the negotiation of corrective action plans in the recall process; and

(B) the process by which corrective action plans are negotiated by the Commission, including an assessment of the length of time for these negotiations and the effectiveness of the plans.

(2) **REPORT.**—The Inspector General shall submit a report, setting forth the Inspector General's findings, conclusions, and recommendations, to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

(c) **LEAKS.**—

(1) **IN GENERAL.**—Within 1 year after the date of enactment of this Act, the Inspector General shall—

(A) conduct a review of whether, and to what extent, there have been unauthorized and unlawful disclosures of information by Members, officers, or employees of the Commission to persons regulated by the Commission that are not authorized to receive such information; and

(B) to the extent that such unauthorized and unlawful disclosures have occurred, determine—

(i) what class or kind of information was most frequently involved in such disclosures; and

(ii) how frequently such disclosures have occurred.

(2) **REPORT.**—The Inspector General shall submit a report, setting forth the Inspector General's findings, conclusions, and recommendations, to the Commission, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Energy and Commerce.

#### AMENDMENT NO. 4112

(Purpose: To clarify the requirement to include cautionary statements on advertisements)

On page 32, line 2, insert “that provides a direct means of purchase” before “posted by a manufacturer”.

#### AMENDMENT NO. 4120

(Purpose: To authorize the Consumer Product Safety Commission to identify and validate alternative technologies for the facilitation of recalls of durable infant or toddler products)

On page 92, between lines 9 and 10, insert the following:

(c) **USE OF ALTERNATIVE RECALL NOTIFICATION TECHNOLOGY.**—

(1) **IN GENERAL.**—If the Commission determines that a recall notification technology can be used by a manufacturer of durable infant or toddler products and such technology is as effective or more effective in facilitating recalls of durable infant or toddler products as the registration forms required by subsection (a)—

(A) the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on such determination; and

(B) a manufacturer of durable infant or toddler products that uses such technology

in lieu of such registration forms to facilitate recalls of durable infant or toddler products shall be considered in compliance with the regulations promulgated under such subsection with respect to subparagraphs (A) and (B) of paragraph (1) of such subsection.

(2) **STUDY AND REPORT.**—Not later than 1 year after the date of the enactment of this Act and periodically thereafter as the Commission considers appropriate, the Commission shall—

(A) for a period of not less than 6 months and not more than 1 year—

(i) conduct a review of recall notification technology; and

(ii) assess, through testing and empirical study, the effectiveness of such technology in facilitating recalls of durable infant or toddler products; and

(B) submit to the committees described in paragraph (1)(A) a report on the review and assessment required by subparagraph (A).

(3) **REGULATIONS.**—The Commission shall prescribe regulations to carry out this subsection.

#### AMENDMENT NO. 4123

(Purpose: To provide that Federal employees shall be limited to the remedies available under chapters 12 and 23 of title 5, United States Code, for any violation of the whistleblower provisions)

On page 65, between lines 17 and 18, insert the following:

“(8) Notwithstanding paragraphs (1) through (7), a Federal employee shall be limited to the remedies available under chapters 12 and 23 of title 5, United States Code, for any violation of this section.

#### AMENDMENT NO. 4128

(Purpose: To revise the inaccessible component rule for children's products)

On page 68, strike lines 4 through 16, and insert the following:

(1) **INACCESSIBLE COMPONENTS.**—

(A) **IN GENERAL.**—Subsection (a) does not apply to a component of a children's product that is not accessible to a child because it is not physically exposed by reason of a sealed covering or casing and will not become physically exposed through normal and reasonably foreseeable use and abuse of the product.

(B) **INACCESSIBILITY PROCEEDING.**—Within 2 years after the date of enactment of this Act, the Commission shall promulgate a rule providing guidance with respect to what product components, or classes of components, will be considered to be inaccessible for purposes of subparagraph (A).

(C) **APPLICATION PENDING CPSC GUIDANCE.**—Until the Commission promulgates a rule pursuant to subparagraph (B), the determination of whether a product component is inaccessible to a child shall be made in accordance with the requirements of subparagraph (A) for considering a component to be inaccessible to a child.

(D) **CERTAIN BARRIERS DISQUALIFIED.**—For purposes of this paragraph, paint, coatings, or electroplating may not be considered to be a barrier that would render lead in the substrate inaccessible to a child through normal and reasonably foreseeable use and abuse of the product.

#### AMENDMENT NO. 4130, AS MODIFIED

On page 87, strike line 15 and insert the following:

### SEC. 34. CONSUMER PRODUCT REGISTRATION FORMS AND STANDARDS FOR DURABLE INFANT OR TODDLER PRODUCTS.

(a) **SHORT TITLE.**—This section may be cited as the “Danny Keysar Child Product Safety Notification Act”.

(b) **SAFETY STANDARDS.**—

(1) **IN GENERAL.**—The Commission shall—

(A) in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts, examine and assess the effectiveness of any voluntary consumer product safety standards for durable infant or toddler product; and

(B) in accordance with section 553 of title 5, United States Code, promulgate consumer product safety rules that—

(i) are substantially the same as such voluntary standards; or

(ii) are more stringent than such voluntary standards, if the Commission determines that more stringent standards would further reduce the risk of injury associated with such products.

(C) **REQUIREMENTS FOR CRIBS.**—

(1) **MANUFACTURE, SALE, RESALE AND LEASE OF CRIBS.**—It shall be unlawful for any commercial user to manufacture, sell, contract to sell or resell, lease, sublet, offer or provide for use or otherwise place in the stream of commerce any new or used full-size or non-full-size crib, including a portable crib and a crib-pen, that is not in compliance with the mandatory rule promulgated in section (b)(1) and (b)(2).

(2) Commercial users include but are not limited to hotel, motel or similar transient lodging facilities and day care centers.

(iii) **DEFINITION OF COMMERCIAL USER.**—

(A) **IN GENERAL.**—In this subsection, the term “commercial user” means—

(i) any person that manufactures, sells, or contracts to sell full-size cribs or non-full-size cribs; or

(ii) any person that deals in full-size or non-full-size cribs that are not new or that otherwise, based on the person's occupation, holds oneself out as having knowledge or skill peculiar to full-size cribs or non-full-size cribs, including child care facilities and family child care homes; or

(iii) is in the business of contracting to sell or resell, lease, sublet, or otherwise placing in the stream of commerce full-size cribs or non-full-size cribs that are not new.

(2) **TIMETABLE FOR RULEMAKING.**—Not later than 1 year after the date of the enactment of this Act, the Commission shall commence the rulemaking required under paragraph (1) and shall promulgate rules for no fewer than 2 categories of durable infant or toddler products every 6 months thereafter, beginning with the product categories that the Commission determines to be of highest priority, until the Commission has promulgated standards for all such product categories. Thereafter, the Commission shall periodically review and revise the rules set forth under this subsection to ensure that such rules provide the highest level of safety for such products that is feasible.

#### AMENDMENT NO. 4113

(Purpose: To clarify and expand requirements with respect to information in recall notices)

On page 103, after line 12, insert the following:

### SEC. 40. REQUIREMENTS FOR RECALL NOTICES.

(a) **IN GENERAL.**—Section 15 (15 U.S.C. 2064) is amended by adding at the end the following:

“(i) **REQUIREMENTS FOR RECALL NOTICES.**—

“(1) **IN GENERAL.**—If the Commission determines that a product distributed in commerce presents a substantial product hazard and that action under subsection (d) is in the public interest, the Commission may order the manufacturer or any distributor or retailer of the product to distribute notice of the action to the public. The notice shall include the following:

“(A) A description of the product, including—

“(i) the model number or stock keeping unit (SKU) number of the product; and

“(ii) the names by which the product is commonly known; and

“(iii) a photograph of the product.

“(B) A description of the action being taken with respect to the product.

“(C) The number of units of the product with respect to which the action is being taken.

“(D) A description of the substantial product hazard and the reasons for the action.

“(E) An identification of the manufacturers, importers, distributors, and retailers of the product.

“(F) The locations where, and Internet websites from which, the product was sold.

“(G) The name and location of the factory at which the product was produced.

“(H) The dates between which the product was manufactured and sold.

“(I) The number and a description of any injuries or deaths associated with the product, the ages of any individuals injured or killed, and the dates on which the Commission received information about such injuries or deaths.

“(J) A description of—

“(i) any remedy available to a consumer;

“(ii) any action a consumer must take to obtain a remedy; and

“(iii) any information a consumer needs to take to obtain a remedy or information about a remedy, such as mailing addresses, telephone numbers, fax numbers, and email addresses.

“(K) Any other information the Commission determines necessary.

“(2) **NOTICES IN LANGUAGES OTHER THAN ENGLISH.**—The Commission may require a notice described in paragraph (1) to be distributed in a language other than English if the Commission determines that doing so is necessary to adequately protect the public.”.

(b) **PUBLICATION OF INFORMATION ON RECALLED PRODUCTS.**—Beginning not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall make the following information available to the public as the information becomes available to the Commission:

(1) Progress reports and incident updates with respect to action plans implemented under section 15(d) of the Consumer Product Safety Act (15 U.S.C. 2064(d)).

(2) Statistics with respect to injuries and deaths associated with products that the Commission determines present a substantial product hazard under section 15(c) of the Consumer Product Safety Act (15 U.S.C. 2064(c)).

(3) The number and type of communication from consumers to the Commission with respect to each product with respect to which the Commission takes action under section 15(d) of the Consumer Product Safety Act (15 U.S.C. 2064(d)).

#### AMENDMENT NO. 4114

(Purpose: To require the Comptroller General of the United States conduct a study and report on the effectiveness of authorities relating to the safety of imported consumer products)

On page 103, after line 12, add the following:

### SEC. 40. STUDY AND REPORT ON EFFECTIVENESS OF AUTHORITIES RELATING TO SAFETY OF IMPORTED CONSUMER PRODUCTS.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the authorities and provisions of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) to assess the effectiveness of such authorities and provisions in preventing unsafe consumer products from entering the customs territory of the United States;

(2) develop a plan to improve the effectiveness of the Consumer Product Safety Commission in preventing unsafe consumer products from entering such customs territory; and

(3) submit to Congress a report on the findings of the Comptroller General with respect to paragraphs (1) through (3), including legislative recommendations related to—

(A) inspection of foreign manufacturing plants by the Consumer Product Safety Commission; and

(B) requiring foreign manufacturers to consent to the jurisdiction of United States courts with respect to enforcement actions by the Consumer Product Safety Commission.

#### AMENDMENT NO. 4141

(Purpose: To modify the automatic residential garage door operators standards requirements)

On page 85, beginning with line 22, strike through line 8 on page 86 and insert the following:

#### SEC. 31. GARAGE DOOR OPENER STANDARD.

(a) IN GENERAL.—Notwithstanding section 203(b) of the Consumer Product Safety Improvement Act of 1990 (15 U.S.C. 2056 note) or any amendment by the American National Standards Institute and Underwriters Laboratories, Inc. of its Standards for Safety-UL 325, all automatic residential garage door operators that directly drive the door in the closing direction that are manufactured more than 6 months after the date of enactment of this Act shall include an external secondary entrapment protection device that does not require contact with a person or object for the garage door to reverse.

(b) EXCEPTION.—Except as provided in subsection (c), subsection (a) does not apply to the manufacture of an automatic residential garage door operator without a secondary external entrapment protection device that does not require contact by a company that manufactured such an operator before the date of enactment of this Act if Underwriters Laboratory, Inc., certified that automatic residential garage door operator as meeting its Standards for Safety-UL 325 before the date of enactment of this Act.

#### (c) REVIEW AND REVISION.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Consumer Product Safety Commission shall review, and if necessary revise, its automatic residential garage door operator safety standard, including the requirement established by subsection (a), to ensure that the standard provides maximum protection for public health and safety.

(2) REVISED STANDARD.—The exception provided by subsection (b) shall not apply to automatic residential garage door operators manufactured after the effective date of any such revised standard if that standard adopts the requirement established by subsection (a).

#### AMENDMENT NO. 4136

On page 24, beginning in line 17, strike “product (other than a medication, drug, or food)” and insert “consumer product”.

#### AMENDMENT NO. 4137

(Purpose: To modify the scope of products to which section 15(b) applies)

On page 36, line 1, strike “Act)” and insert “Act, except for motor vehicle equipment as defined in section 30102(a)(7) of title 49, United States Code)”.

#### AMENDMENT NO. 4138

(Purpose: To revise the section requiring a study of preventable injuries and deaths of minority children related to certain consumer products)

On page 70, beginning with line 13, strike through line 20 on page 71, and insert the following:

#### SEC. 24. STUDY OF PREVENTABLE INJURIES AND DEATHS OF MINORITY CHILDREN RELATED TO CERTAIN CONSUMER PRODUCTS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Government Accountability Office shall initiate a study to assess disparities in the risks and incidence of preventable injuries and deaths among children of minority populations, including Black, Hispanic, American Indian, Alaskan Native, Native Hawaiian, and Asian/Pacific Islander children in the United States.

(b) REQUIREMENTS.—The study shall examine the racial disparities of the rates of preventable injuries and deaths related to suffocation, poisonings, and drowning including those associated with the use of cribs, mattresses and bedding materials, swimming pools and spas, and toys and other products intended for use by children.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall report the findings to the Senate Commerce, Science, and Transportation Committee and the House of Representatives Energy and Commerce Committee. The report shall include—

(1) the Government Accountability Office's findings on the incidence of preventable risks of injury and death among children of minority populations and recommendations for minimizing such increased risks;

(2) recommendations for public outreach, awareness, and prevention campaigns specifically aimed at racial minority populations; and

(3) recommendations for education initiatives that may reduce current statistical disparities.

#### AMENDMENT NO. 4143

(Purpose: To ensure that the Commission appropriately addresses impacts on small businesses of the revised civil penalties provisions)

On page 49, strike lines 8 through 15 and insert the following:

establish additional criteria for the imposition of civil penalties under section 20 of the Consumer Product Safety Act (15 U.S.C. 2069) and any other Act enforced by the Commission, including factors to be considered in establishing the amount of such penalties, such as repeat violations, the precedential value of prior adjudicated penalties, the factors described in section 20(b) of the Consumer Product Safety Act (15 U.S.C. 2069(b)), and other circumstances.

Insert at end of 15 U.S.C. Section 2069(b), “, including how to mitigate undue adverse economic impacts on small businesses.”

Insert in 15 U.S.C. Section 2069(c), after “size of the business of the person charged,” “including how to mitigate undue adverse economic impacts on small businesses.”

#### AMENDMENT NO. 4116, AS MODIFIED

At page 58, insert between lines 7 and 8 the following:

“(h) If private counsel is retained to assist in any civil action under subsection (a), the private counsel retained to assist the State may not share with participants in other private civil actions that arise out of the same operative facts any information that is (1) subject to a litigation privilege; and (2) was obtained during discovery in the action under subsection (a). The private counsel retained to assist the state may not use any information that is subject to a litigation privilege and that was obtained while assisting the State in the action under subsection (a) in any other private civil actions that arise out of the same operative facts.”

#### AMENDMENT NO. 4118, AS MODIFIED

At page 58, line 7, insert before the quotation mark the following:

“Any attorney's fees recovered pursuant to this subsection shall be reviewed by the court to ensure that those fees are consistent with section 2060(f) of this title.”

#### AMENDMENT NO. 4109, AS MODIFIED

On page 103, after line 12, add the following:

#### SEC. 40. CONSUMER PRODUCT SAFETY STANDARDS USE OF FORMALDEHYDE IN TEXTILE AND APPAREL ARTICLES.

(a) STUDY ON USE OF FORMALDEHYDE IN MANUFACTURING OF TEXTILE AND APPAREL ARTICLES.—Not later than 2 years after the date of the enactment of this Act, the Consumer Product Safety Commission shall conduct a study on the use of formaldehyde in the manufacture of textile and apparel articles, or in any component of such articles, to identify any risks to consumers caused by the use of formaldehyde in the manufacturing of such articles, or components of such articles.

#### AMENDMENT NO. 4108, AS MODIFIED

On page 64, beginning in line 1, strike: “The court shall have jurisdiction to grant all appropriate relief to the employee available by law or equity, including injunctive relief, compensatory and consequential damages, reasonable attorneys and expert witness fees, court costs, and punitive damages up to \$250,000.”

“The court shall have jurisdiction to grant all relief necessary to make the employee whole, including injunctive relief and compensatory damages, including—

“(A) reinstatement with the same seniority status that the employee would have had, but for the discharge or discrimination;

“(B) the amount of back pay, with interest; and

“(C) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.”

Mr. PRYOR. Having reached this agreement, I now ask unanimous consent the Senate vote on passage of the bill, as amended, at 4:55 p.m., and the time until 4:55 be equally divided between Senators PRYOR and STEVENS or their designees.

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

The majority leader.

Mr. REID. For the information of all Members, this will be the last vote today. It will be the last vote this week. We will be in session tomorrow for Senators to make statements while we are in a period of morning business. On Monday, there will be no votes. On Monday, we will have Senators GREGG and CONRAD here for debate only on the bill relating to our budget. I wanted to try to work something out to do something more tomorrow and Monday, but we have some parliamentary problems that we experience on occasion, and I was afraid to do that for fear it would not allow us to go to the budget. So we have the opportunity tomorrow to come and talk about whatever is important to individual Senators, and then Monday we will move at a reasonable time to the budget.

The PRESIDING OFFICER. Who yields time?

Mr. REID. I know there are Senators waiting to vote. Does Senator STEVENS have anything he wishes to say?

Mr. STEVENS. Mr. President, I wish to thank my colleague, Senator PRYOR,

and our chairman Senator INOUE, and my colleague, Senator COLLINS, for working so diligently on this legislation. It has been a privilege to work with them to craft this legislation which I feel will help protect the public from dangerous products and return consumer confidence to the marketplace.

I recognize the staff on both sides of the aisle who have worked tirelessly on this bipartisan compromise and helped this bill to reach final conclusion.

I ask unanimous consent to print in the RECORD lists of both majority and minority staff.

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

#### MAJORITY STAFF

David Strickland, Alex Hoen Saric, Jana Fong-Swamidoss, Andy York, Price Feland, Mia Petrini, Jared Bomberg, Margaret Cummisky, Lila Helms, Jean Toal Eisen, and Anna Crane.

#### MINORITY STAFF

Paul Nagle, Megan Beechener, Rebecca Hooks, Peter Phipps, Mark Delich, and Theresa Eugene.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I have a list of people to thank, but because we have Senators who would like to vote and some would like to catch airplanes or get on to further meetings this evening, I will wait on that until after we vote.

I am glad to yield back all time on our side.

Mr. STEVENS. We yield back all time.

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. Without objection, the bill is read for the third time.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. CLINTON), the Senator from North Dakota (Mr. DORGAN), the Senator from Illinois (Mr. OBAMA), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL), the Senator

from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 79, nays 13, as follows:

[Rollcall Vote No. 41 Leg.]

#### YEAS—79

Akaka	Feinstein	Murray
Alexander	Graham	Nelson (FL)
Baucus	Grassley	Nelson (NE)
Bayh	Gregg	Pryor
Bennett	Harkin	Reed
Biden	Hatch	Reid
Bingaman	Hutchison	Roberts
Bond	Inouye	Salazar
Boxer	Isakson	Sanders
Brown	Johnson	Schumer
Brownback	Kennedy	Sessions
Cantwell	Kerry	Shelby
Cardin	Klobuchar	Smith
Carper	Kohl	Snowe
Casey	Landrieu	Specter
Chambliss	Lautenberg	Stabenow
Coleman	Leahy	Stevens
Collins	Levin	Sununu
Conrad	Lieberman	Tester
Cornyn	Lincoln	Thune
Craig	Lugar	Voinovich
Crapo	Martinez	Warner
Dodd	McCaskill	Webb
Dole	McConnell	Whitehouse
Domenici	Menendez	Wyden
Durbin	Mikulski	
Feingold	Murkowski	

#### NAYS—13

Allard	Cochran	Kyl
Barrasso	Corker	Vitter
Bunning	DeMint	Wicker
Burr	Ensign	
Coburn	Enzi	

#### NOT VOTING—8

Byrd	Hagel	Obama
Clinton	Inhofe	Rockefeller
Dorgan	McCain	

The bill (H.R. 4040), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. PRYOR. Mr. President, I move to reconsider the vote.

Mr. DURBIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 466, the nomination of Hector E. Morales to be Permanent Representative of the United States to the Organization of American States; that the nomination be confirmed and the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

#### DEPARTMENT OF STATE

Hector E. Morales, of Texas, to be Permanent Representative of the United States of

America to the Organization of American States.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to 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.

The Senator from Arkansas is recognized.

### THANKING SENATORS AND STAFF

Mr. PRYOR. Mr. President, we are in a period of morning business. I want to pause for 1 minute and thank all of the cosponsors on this legislation. There was a committee bill and the bill that passed the floor a few moments ago. I thank everybody who helped work on this, even those who voted against it. Many of them offered very constructive suggestions and amendments.

Let me start by thanking Senator COLLINS. She has been fantastic throughout this whole process. Senator HARKIN, Senator KLOBUCHAR, Senator BILL NELSON, Senator SCHUMER, Senator DURBIN, Senator LINCOLN, of course Senator SALAZAR, Senator BROWN, Senator MENENDEZ, Senator CASEY, Senator WYDEN, and even though I don't think Senator MCCASKILL was ever a cosponsor, she helped in the last few days on some drafting.

There are two whom I need to single out, and one is Senator TED STEVENS of Alaska, who went to bat and worked through a lot of issues that made this vote today possible, as well as our chairman Senator INOUE, first because I appreciate very much him giving me the opportunity to manage the bill. He designated me a year ago to try to work on this legislation, and I will always be grateful to him for his leadership and giving me this opportunity.

I also thank members of the staff. We all know we get the credit, we get the publicity, and we are sort of the face, but we could not do this job we do without great staff. So I have a little bit of a long list, but they all deserve some recognition: Alex Hoehn-Saric, David Strickland, Mia Petrini, Jared Bomberg, Melissa Zolkepy, Margaret Cummisky, Lila Helms, and Jean Toal-Eisen.

These are all members of the Commerce staff on the Democratic side. I cannot tell my colleagues—I cannot exaggerate how many hours they put into this legislation.

Then on my staff: Price Feland, Andy York, and many others helped, but those two went the extra mile, especially Price, who was fantastic.



On Senator DURBIN's staff: David Lazarus, Tom Faletti, Dena Morris, and Chris Kang, all of whom helped in many ways.

On Senator REID's staff: Mike Castellano and Mark Weitjen.

On Senator KLOBUCHAR's staff: Tamara Fucile and Katie Nilan.

On Senator NELSON's staff: Chris Day.

Then on the Republican side of the Commerce Committee, I will tell my colleagues they were fantastic and they spent hours and hours and hours working through issues and through this process. They played an important role.

So my thanks to Paul Nagle, Megan Beechener, Mark Delich, Peter Phipps, Rebecca Hooks, and Christine Kurth.

Again, oftentimes the Senators get the credit for things, but we do not give the staff enough credit.

On Senator COLLINS' staff: Asha Matthews was critical, and she was great in helping in many different ways with Senator COLLINS who played a very important part in this legislation.

I thank my colleagues for this week. I know we worked very hard and we were very persistent. But one of the great things about this week is we saw what the Senate can do. We saw if we make up our minds that we are going to do something good for this country, the Senate can do it. We worked together. We kept all the nongermane amendments off the bill. We had several on our side, and there were a few over here. We had more on our side, but we kept all of those nongermane amendments off the bill. We had a spirit of cooperation and collegiality and it was great. It was fun to be a part of it. It reminds me, once again, how great an institution the Senate is.

I again one last time thank all of my colleagues for their support and all the floor staff here for doing all the great things they did to get us where we are today. This is a great day for the Senate and a great day for the American people. Now this bill will have to go to conference and the hard work starts. But I feel confident that we will be able to work with our House colleagues, who worked so hard on their legislation to get something done, and hopefully in the next several weeks, whenever that may be, it will come back to the Senate for the final vote and we can get it to the White House.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

#### THE BUDGET

Mr. SANDERS. Mr. President, if one watches the Presidential campaign, one finds that virtually all of those who have run for President and those who remain in the campaign are talking about change, change, and change. While I think each of them may differ with the other as to exactly what they mean by change, what they are picking up is the very serious unhappiness of

the American people in terms of the direction this country is going.

What people perceive and what the candidates are picking up on is that the middle class is shrinking. We have tens of millions of people who wake up in the morning, they go to the gas station, they are paying \$3.20 for a gallon of gas. Home heating oil is soaring. In many cases, the wages of workers are going down. People are losing their health insurance. They are losing their pensions. They are seeing their jobs go to China and other low-wage countries. The people in our country do not feel good about the state of our economy. They want changes. They want to move this country in a different direction. Fundamentally, I believe, what they want is a new set of national priorities.

As my colleagues may know, this afternoon the Senate Budget Committee voted on and passed a new budget. This budget, appropriately enough, rejects President Bush's incredibly bad budget, which continues the process of providing huge tax breaks to people who don't need it and then cutting back on the needs of the middle class and working families in terms of massive cuts in Medicare, in Medicaid, eliminating completely the weatherization program, and cutting back significantly on LIHEAP at a time when the need for heating assistance is greater now than ever before. Altogether, it is a budget which puts money where we should not be putting money and cuts back on those programs which people desperately need.

Next week, as I understand it, the budget will be coming to the Senate floor. We will be debating the budget that was passed by the Budget Committee this afternoon. While I happen to believe the budget we passed was a good budget—certainly a major, major, major improvement over what President Bush gave us we can make significant improvements upon what we passed this afternoon. So I will be offering several amendments. The major one will essentially be asking the Senate to change the national priorities of this country and to begin responding to the millions of working families who know that something is wrong in America. They know that while poverty increases, while the middle class shrinks, the people on top have never had it so good. They know that ordinary people understand there is something strange when the wealthiest Nation in the history of the world cannot provide quality health care to all of its people; that our infrastructure is deteriorating before our very eyes; that we have the highest rate of childhood poverty in the industrialized world; that all over our country food shelves are being descended upon—not by unemployed people alone, not by disabled people, not by poor people but by people who are working 40 or 50 hours a week and can't afford with their wages to provide the nutrition their families need. People understand there is some-

thing deeply, deeply wrong in this country, and that we have to move in a new direction.

My amendment is very simple. It is going to give the Members of the Senate a very stark choice about whether we want change, about whether we want to move this country in a new direction. This is what it does. It couldn't be simpler. It says that at a time when the wealthiest people in this country have never had it so good since the 1920s in terms of a huge increase in their income, in terms of the fact that we now have by far the most unequal distribution of income and wealth of any major country, where the top 1 percent now earn more income than the bottom 50 percent, what we are saying is that it is time we rescind President Bush's tax breaks that go to people who make at least \$1 million. That is the top three-tenths of 1 percent; 99.7 percent of the people would not be impacted by this amendment. It says: Let us rescind those tax breaks for millionaires and billionaires, and when we do that, we will raise about \$51 billion.

Now, what can we do with that \$51 billion, and what does this amendment include? First, it says that since President Bush has been in office, we have had record-breaking deficits. We now have a \$9 trillion national debt. We are fighting a war we are not paying for, but that our kids and our grandchildren will be paying for. So in this amendment, of the \$51 billion we raise by rescinding tax breaks for millionaires, we are going to put \$10 billion into deficit reduction. That leaves \$41 billion.

This is what this amendment would do. It would provide \$15 billion for special education. The Presiding Officer may remember that some years ago the Congress—the Government of the United States—made a commitment to school districts all over America and said: If you mainstream kids with disabilities, if you put them into public schools, if you treat them as every other kid, we will provide 40 percent of the cost of that special education. That is what the Government said. Unfortunately, the Government did not keep its word.

So what we see in Vermont—and I suspect in Colorado and all over the country—is the school districts are paying enormous sums of money out of local taxes, often regressive property taxes, to fund special education. All over America, what we are seeing is more and more kids, for whatever reason—and that is a long discussion we need to have—are having problems, are being seen as having special ed needs. It is an expensive proposition. We are saying, let's begin to keep our word to school districts all over America. Let's relieve the pressure of local property taxes. Let's put \$15 billion into special education.

In addition, what this amendment would do is provide a \$7 billion increase for Head Start. One of the great scandals in our Nation today is that we



have the highest rate of childhood poverty—far higher than any other industrialized country; that working parents are finding it almost impossible to acquire quality, affordable child care; that Head Start openings are much greater than can be accommodated all over the country. We are saying Head Start is a program that works. It provides an opportunity for early childhood education for low-income kids.

Let's expand that program to make sure working families can take advantage of that program and let's put \$7 billion into expanding Head Start.

We also, for the same reasons, put \$2.2 billion into the child care and the development block grant program that will ensure every eligible family receives access to child care.

I know in my State—and, again, I suspect in most States in this country—people are being weighed down by very high local taxes, including regressive property taxes.

What this amendment does is provide \$5 billion for school construction, modernization and repairs, to fix our crumbling schools. What this does is not only help local property taxes and not only help our school kids get modern buildings in which to learn, it also creates a lot of jobs as we rebuild one of the long neglected areas of our infrastructure, and that is our crumbling schools.

This amendment would also provide an additional \$3 billion for LIHEAP, the Low-Income Heating Assistance Program. I just, this afternoon, spoke to the directors of various community action programs in the State of Vermont. In my State—and my State may be a little bit different than some because it gets pretty cold there. We have had 20 below zero weather in the last couple weeks. There is a real level of stress regarding the availability of LIHEAP because the cost of home heating fuels is soaring. There is just not that availability. There is not enough money in the LIHEAP fund. We would put \$3 billion more into LIHEAP, which helps, by the way, not only low-income families and senior citizens in the wintertime in cold-weather States, but it helps other families in States where the weather gets to be 110 degrees.

As I mentioned earlier, in this great country, the wealthiest country in the history of the world, we must be embarrassed that we have large numbers of people who literally go hungry, who don't have enough food. That number is growing. I know Senator HARKIN, among others, has called for a significant increase in the Food Stamp Program. That is exactly what we should be doing. This amendment would provide \$5 billion for food stamps to make sure millions of families with kids have enough food to sustain them.

Lastly, this amendment would provide \$3.8 billion to allow the special supplemental nutrition program for Women, Infants, and Children, the WIC Program, to provide nutritious food to

over 4 million families. Kids whose mothers have good nutrition and good prenatal experience, obviously, will do better in life. We want to make sure the WIC Program has the resources they need.

So, ultimately, what this amendment is about is pretty simple: We say that in a time when millions of Americans, low- and moderate-income people, are in need, it is the obligation and the right of the U.S. Government to reach out and address those serious problems facing the middle-class and working families of our Nation. And at a time when the wealthiest people in this country have never had it so good and at the same time have been given huge tax breaks by the Bush administration, we say it is appropriate to rescind those tax breaks in order to help millions of people in need. That is what this amendment is about. It calls for a fundamental change in national priorities, and it moves this country in a very different and, I think, more moral direction. I look forward to the support of my colleagues for this amendment that we will offer as part of the budget debate.

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

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

#### THANKING SENATORS AND STAFF

Ms. KLOBUCHAR. Mr. President, I am here today to thank the many Senators and staff who worked on this sweeping consumer protection reform. This is going to mean so much for so many children across this country. It is going to make a difference, and we are really never going to know it.

I can tell you from the parents I have met who have had to deal with their kids ingesting Aqua Dot that morphed into a date-rape drug, or another whose child swallowed a charm that was 39-percent lead, those mothers came to the Capitol because they did not want it to happen to anyone else. Today, we told them we are listening to them, and we are making a difference in the lives of families throughout the country.

The difference started with the Commerce Committee and the very good staff we have on that committee. Before I acknowledge them, I wish to acknowledge my own staff.

I am so proud of the work they did. Tamara Fucile took this issue on as a personal matter. Her children actually had some of the Thomas the Train sets. I cannot tell you to how many hearings she carried those trains, chewed on by her own children, and I would hold them up to show Senators this was a real thing. I thank Tamara, and I also

thank her children for parting with their toys, although they are recalled toys.

Kate Nilan has been doing a wonderful job with our office working on these consumer issues. In the last week, Kate was very involved in making sure that our amendment, which banned industries paying for travel, industries that the consumer protection agency is supposed to be regulating, the amendment that Senator MENENDEZ and I did got voted on in this body 94 to 0. It is because of the good work of Kate Nilan in putting that amendment together and working out the procedural issues.

I thank both of my staff members for their fine work on this bill. Tamara was also very involved in the lead standard. She originally worked with me when we said: Why would we not have a Federal lead standard for toys? Why would we have State-by-State standards and some States do not have them and they are different all over the place? We finally have an aggressive lead standard that basically bans lead in children's toys, the first year allowing some trace levels and going down after that. That was Tamara's good work.

I wish to acknowledge the Commerce staff who worked hard on this bill from the beginning: David Strickland was there every step of the way, as well as Alex Hoehn-Saric for his work, and Price Feland, a member of Senator PRYOR's staff, as well as staff of Senator DURBIN who got involved in this issue early on when Senator DURBIN and I met in Chicago with a number of the toy retailers and manufacturers that were concerned about this and knew something had to change in Washington in terms of the funding for this agency, as well as the tools they have to do their jobs.

Senator NELSON has played such an instrumental role when it came to making sure we had third-party verification, as well as the durable goods standard in the bill; then, of course, Senator STEVENS and Senator COLLINS, who assisted in getting bipartisan support for the bill, and Senator PRYOR, who managed it during this week flawlessly.

We are very excited about the change today, that I can go home tonight and tell my 12-year-old daughter—who, I have to tell you, was rather embarrassed about this whole thing when her mom was involved when it was about SpongeBob SquarePants, but when the Barbies started getting recalled, she came into the kitchen and said: Mom, this is really getting serious. So I am going to be able to go home today and tell her we did something good in the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### TRIBUTE TO FRANCES GADDIE CLINKSCALES

Mr. MCCONNELL. Mr. President, I wish to celebrate the life of a woman who has greatly affected the lives of so many throughout the Commonwealth of Kentucky, Mrs. Frances Gaddie Clinkscales. For 78 years, Mrs. Clinkscales loved and invested wholeheartedly in everyone she met.

Known to those around her as "Miss Frances," Mrs. Clinkscales was an inspiration. Her time was devoted to caring for individuals, predominantly through her role as a nurse. She graduated from Durham High School in Campbellsville, KY, in 1949 and continued her education at Howard University in Washington, DC, receiving her degree in nursing. Thus began her dedication to caring for others.

Mrs. Clinkscales served at North Point Hospital in Long Island, NY, before returning to Ft. Knox, KY, to work at the Ireland Army Hospital, where she served the military community for 31 years. Mrs. Clinkscales spent her time loving those around her, not only through her nursing career but for decades after. Her devotion to her faith was expressed throughout every aspect of her life. As a community and civic leader, she worked to assure Taylor County and central Kentucky was a quality place for everyone to live.

Her participation in a plethora of organizations only contributed to the love she spread. She was a member of the Campbellsville City Council, Greater Campbellsville United, and held long terms of service on the Lake Cumberland Development Board, Habitat for Humanity, and the Campbellsville Family Resource and Youth Services Council.

Along with service to organizations such as these, Mrs. Clinkscales spent many of her later years fighting for patients receiving dialysis. In June 2007, Mrs. Clinkscales suffered from complete kidney failure and underwent dialysis. Her treatment was conducted at the Taylor County Dialysis Center; a facility that she was instrumental in opening. Mrs. Clinkscales's commitment to organizations like these and the people she worked with and loved exemplified her genuine care for the community.

Regretfully, on February 27, 2008, the Commonwealth of Kentucky lost this most respected member of our State; yet her legacy will not go untold. Mrs. Clinkscales's constant love for those around her will continue to resonate. Her infamous words to anyone she met—"pretty, pretty" and "I love you"—will be remembered. Mrs. Clinkscales genuinely dedicated her life and service to her faith and her town. She leaves behind her granddaughter and her grandson-in-law, LaQuita and Christopher Goodin; two grandsons; and seven nieces.

Mrs. Clinkscales served as an important citizen of Kentucky for decades. This service is assuredly not to be forgotten and will carry on as an example to all. I ask my colleagues to join me in honoring Frances Gaddie Clinkscales for her dedicated service, her example to the community, and in honoring the legacy she has left us.

#### ENFORCEMENT-ONLY IMMIGRATION BILLS

Mr. KENNEDY. Mr. President, I regret to see that the Republicans are at it again—offering unworkable solutions to complex immigration issues that only make the problem worse and cater to the basest instincts of the far right fringe.

For 7 years, Republicans have failed to fix the broken immigration system, offering only empty rhetoric and unrealistic proposals. Democrats recognize that our country deserves better—we need to overhaul our broken system, uphold our values as a nation of immigrants, ensure our national security and protect American jobs.

It is unacceptable to have 12 million people in our country who are outside the system. Our illegal immigration problem has skyrocketed because employers know they can get away with breaking the law and abusing illegal workers. And the past 7 years have shown us that deportation alone is not the solution.

It is time to stop coddling employers who break our laws and undercut American workers. It is time to make sure employers follow our immigration and labor laws so that the law is respected, wages are fair, working conditions are decent, workers' rights are valued, and unscrupulous employers are punished. And it is time to treat immigrants with the dignity and respect that they deserve.

I have to ask why the Republicans have failed to address these very real problems. They controlled Congress for 6 years. They have occupied the White House for almost 8 years. Where have they been this whole time?

I can tell you where they have been. They have been cynically using the immigration problem to stir up local resentment and fear to divert attention away from their inaction. They have vilified immigrants, especially Latinos, making them the new unwanted class, the new untouchables. They have tried to convince Americans that declaring English the official language will solve our problems, when in fact English is already our national language, but the Government sometimes needs to use other languages to respond to health care and law enforcement emergencies. They have engaged in targeted attacks on people who are contributing to our communities.

I urge them to drop their rhetorical attacks that cater to the extreme right wing of their party. I urge them to listen to the American people, who want real solutions. Americans understand

that immigration is a complex challenge that requires a comprehensive solution. They know that we need to address the situation of the 12 million illegal immigrants in the country, requiring them to register with the Government or face deportation; that we need to deport those who have committed serious crimes or represent a threat to our national security; that we need to meaningfully go after employers who flaunt the law by hiring those who are not authorized to work; and that we need to ensure that American workers are not harmed by U.S. immigration policy.

We can do this. We can uphold the rule of law. And we can do it without sacrificing our proud tradition of immigration.

The American people understand the issues. Why can't the Republicans?

Instead, they are proposing to deny local communities funding for community policing because such communities recognize that working with immigrant communities helps combat crime and lawlessness. They would force all American workers to prove eligibility to work based on a database that is so flawed it will result in denial of employment to millions of authorized workers, including American citizens. They would impose jail sentences on illegal immigrants who have not committed crimes, further overloading U.S. prisons. Those are just a few of the unworkable proposals they have introduced today, blithely ignoring the untold harm such ideas will cause to the American public.

This Senate passed comprehensive immigration reform in 2006. That bill faced head on the many aspects of the immigration system that are broken. It recognized that it is impractical to deport 12 million illegal immigrants. And it is undesirable—the majority of these people are playing a key role in the U.S. economy, taking care of our children, mowing our lawns, and harvesting our crops.

But that legislation also recognized that the Government must seize control of our immigration system. Border enforcement that is both effective and humane must be implemented. Employers who knowingly break the law and hire illegal immigrants must be punished. By hiring people who are not authorized to work, these bad actors are also violating labor protections in place to protect American workers.

The 2006 bill failed in the House, where the Republican majority instead chose to grandstand the issue and push an enforcement-only bill. Now we are seeing our Republican colleagues in the Senate do the same.

Let's stop the sham. Let's negotiate a real solution. Let's go back to the table, roll up our sleeves, and give the American public what it deserves: an immigration system that works, that is orderly, and that ensures that the system works for Americans. Anything

less is unworthy of the people we represent, and that is why I oppose this effort launched today by my Republican colleagues.

#### THE MATTHEW SHEPARD ACT

Mr. SMITH. Mr. President, I wish to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On the afternoon of December 4, 2007, 30-year-old Gilbert Aguilar was walking to a friend's house in Yucaipa, CA, when he was accosted by four Caucasian men. According to a witness, one of the men called Aguilar a racial slur, and after a brief exchange of words Aguilar continued on his way. Later that night, Aguilar and two friends, Joshua Morales and Ryan Couture, passed by the area where the confrontation had taken place. The four were still there waiting for Aguilar. According to a witness, one of the men in Aguilar's group threw a punch at one of the Caucasian men, provoking Christopher Fulmer to pull out a gun. A witness says Fulmer fired two or three rounds, hitting Couture in the arm and fatally wounding Morales. Fulmer, who has a swastika tattooed on his chest, will stand trial on counts of murder, attempted murder, and a hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### SCHOOL SOCIAL WORK WEEK

Mr. JOHNSON. Mr. President, it is with great pleasure that I rise today to publicly recognize School Social Work Week, which is taking place March 2-8, 2008. This important week honors school social workers, who play a vital role in the development of our young students.

My wife Barbara was a school social worker for more than 18 years, so I understand the critical importance of the services they provide to children, families, and schools. Not only do school social workers provide family and student counseling, crisis intervention, family advocacy, truancy prevention, assistance with basic needs, and com-

munity referrals for long-term needs, but they also assist already overwhelmed and underfunded schools in finding ways to assist their "at risk" students. The presence of school social workers has helped increase attendance rates, academic performance, appropriate behavior, and parental involvement.

I believe the best way we can honor school social workers is by providing them with the resources they need to accomplish their jobs and serve our students. Children often must seek help at school for problems they are experiencing personally, as well as at home. Experts note that early identification and intervention can be beneficial in helping distressed young people cope with and handle the problems in their lives. Without school social workers and the wonderful services they provide, far too many children's needs would remain unaddressed.

For these reasons and countless others, proudly I stand today and applaud the wonderful work of these dedicated individuals. I am pleased that their tireless efforts are being publicly celebrated. It is with great honor that I share their impressive commitment to helping and educating our youth with my colleagues.

#### RECORD CORRECTION

Mr. GRASSLEY. Mr. President, in yesterday's speech on the executive branch stonewalling of congressional oversight, I erroneously referred to two Egyptian nationals charged with terrorism as former students at Florida State University. In fact, they are former students at the University of South Florida.

#### ADDITIONAL STATEMENTS

##### CELEBRATING 10 YEARS OF ALT. CONSULTING

• Mrs. LINCOLN. Mr. President, I wish to recognize a nonprofit organization that has been making a difference in the lives of Mid-South and Delta small business men and women for the last 10 years, alt.Consulting. Founded in 1998, alt.Consulting has been providing small business owners and entrepreneurs with the tools and advice needed to build their businesses and provide jobs in a region of the country in need of a boost.

When one reads their mission statement, you quickly get a sense of what makes alt.Consulting different. It reads as follows:

alt.Consulting works with local business owners and entrepreneurs in rural Delta and minority communities to examine, diagnose, start and rebuild businesses. We provide tailored support, skill building, and access to capital to enhance business performance leading to growth and self-defined success.

We act on our ethical and social principles, empowering entrepreneurs to overcome racial, gender, socioeconomic and geographic barriers. We believe this leads to vibrant, entrepreneur friendly and just communities.

Through its comprehensive, affordable assistance to small businesses, alt.Consulting raises the standard of living by enabling profitability for new and growing businesses and preventing business failures. We demonstrate the contributions of healthy small businesses to growing communities with more jobs, wealth building opportunities and a stronger tax base.

With offices in Pine Bluff, AR, and Memphis, TN, alt.Consulting has gone into some of the most impoverished communities in Arkansas, Mississippi, and Tennessee and provided the support and assistance needed to get businesses off the ground. The average poverty rate in their target market is a staggering 24 percent. Average unemployment is 8 percent. Even more daunting is that less than 13 percent of the population has a bachelor's degree in the areas they work.

Due to their methodology, though, alt.Consulting has been making a big difference in the Mid-South and the Delta since its inception. In 2006, 195 businesses received one-on-one assistance. As a result, alt.Consulting was responsible for 75 new jobs in a region of the country that had been experiencing negative growth. Moreover, 10 businesses on the verge of failure were saved which protected 700 existing jobs. The sales growth of companies they assisted resulted in \$12.7 million in new economic activity. And their technical assistance resulted in \$430,000 in SBA community express loans to 39 businesses. This gave those existing businesses the working capital to grow and reach new customers.

alt.Consulting is also working with selected communities to train business specialists to replicate their services at the local level. Thanks to support from U.S. Department of Agriculture, the rural community development initiative program, and the Enterprise Corporation of the Delta, they have launched new, nonprofit microenterprise programs to provide continuous resources to rural communities throughout the Mid-South.

One such effort, the Pine Bluff Entrepreneurship Collaborative, was started in June 2006 and was comprised of 47 community leaders. Their goals were to create an equity pool to start and expand businesses, identify local resources for small businesses, make health insurance affordable for small businesses, and develop marketing and training workshops.

Youth is also a major focus for alt.Consulting. Recognizing that youth entrepreneurship builds a lifetime of opportunities, alt.Consulting works with partners to help "at-risk" youth start and build their own small businesses. Through one-on-one mentoring and assistance, alt.Consulting has worked to turn their young ideas into a reality.

As a native of Helena, AR, who grew up in the heart of the Delta, I am proud of the impact that alt.Consulting is making in communities throughout my State. They serve as an example of what we can do when we focus on what

we can be, not what we don't have. This program, and others like it, allows us to build on our strengths, to enable our citizens to make a decent living, to encourage our young people to stay at home, and to ultimately build the tax base and enhance the quality of life for us all.

I commend alt.Consulting on their vision and hard work. I am honored to recognize them on 10 great years, and I look forward to seeing the fruits of their labor for years to come.●

#### RECOGNIZING KELLY'S CLOSET

● Ms. SNOWE. Mr. President, I wish to recognize Kelly's Closet of Waterford, ME, a woman-owned small business that has helped reinvent a traditional product in a new and environmentally friendly way.

When Kelly Wells founded Kelly's Closet in 2001, there were few options for parents looking for cost-effective, sanitary, and environmentally friendly diapers for their children. Like any good enterprising businesswoman, Ms. Wells identified this underserved market and then moved to supply the demand. At first, Ms. Wells's venture failed to attract the customers for which she had hoped and no orders arrived for 4 months. Despite these early difficulties, Ms. Wells persevered, and eventually her tenacity paid off. The orders that had started off slow rose exponentially, and her business had grown to such an extent that the most significant problem she and her two employees now face is keeping the "shelves" of their virtual store stocked with the company's products. Today, Kelly's Closet combines the Internet's tremendous marketing platform with good old-fashioned Maine friendliness to create a customer experience second to none.

Kelly's Closet offers many different diaper and diaper liner options in a wide variety of fibers, from flannel, fleece, and organic cotton, to more unique choices like rice paper and bamboo. Ms. Wells's notably wide variety of merchandise is easy to identify with catchy names like "Rumpsters," "Knickernappies," and "Tiny Tush." Kelly's Closet also sells additional products from other trusted and well-known companies, including accessories for strollers, diaper bags, and other children's apparel, such as swim diapers for the summer and baby boots and shoes for any time of year.

In addition to a varied selection, Kelly's Closet also helps to educate parents about cloth diapers. For parents, making the right diaper choice can sometimes be a confusing process. To help these parents, Ms. Wells publishes a newsletter and has a special easy-to-use section on her Web site that is dedicated to answering parents' frequently asked questions about diaper fabrics, size, and care, as well as the history of the cloth diaper movement. These additions to her Web site ensure that consumers are well informed before they make their first purchase.

Maine is a State known for its innovators and entrepreneurs, and Kelly Wells is a member of that proud group. Her perseverance, tenacity, and business acumen are a testament to what a small business can accomplish. In 8 years, Ms. Wells has helped transform the way parents purchase diapers and has expanded their possibilities to a great degree. I wish Kelly Wells and all the employees of Kelly's Closet continued success as they grow, innovate, and expand their business.●

#### MESSAGE FROM THE HOUSE

At 2:25 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1084. An act to amend the Foreign Assistance Act of 1961, the State Department Basic Authorities Act of 1956, and the Foreign Service Act of 1980 to build operational readiness in civilian agencies, and for other purposes.

H.R. 1424. An act to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, and for other purposes.

H.R. 4191. An act to redesignate the Dayton Aviation Heritage National Historical Park in the State of Ohio as the "Wright Brothers-Dunbar National Historical Park", and for other purposes.

H.R. 4774. An act to designate the facility of the United States Postal Service located at 10250 John Saunders Road in San Antonio, Texas, as the "Cyndi Taylor Krier Post Office Building".

H.R. 5159. An act to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes.

H.R. 5220. An act to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the "Major Arthur Chin Post Office Building".

H.R. 5400. An act to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the "Sgt. Michael M. Kashkoush Post Office Building".

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 25. Joint resolution providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 278. Concurrent resolution supporting Taiwan's fourth direct and democratic presidential elections in March 2008.

H. Con. Res. 286. Concurrent resolution expressing the sense of Congress that Earl Lloyd should be recognized and honored for breaking the color barrier and becoming the first African-American to play in the National Basketball Association League 58 years ago.

H. Con. Res. 292. Concurrent resolution honoring Margaret Truman Daniel and her lifetime of accomplishments.

H. Con. Res. 307. Concurrent resolution expressing the sense of Congress that Members' Congressional papers should be properly maintained and encouraging Members to take all necessary measures to manage and preserve these papers.

#### MEASURES REFERRED

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

H.R. 4191. To redesignate the Dayton Aviation Heritage National Historical Park in the State of Ohio as the "Wright Brothers-Dunbar National Historical Park", and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4774. An act to designate the facility of the United States Postal Service located at 10250 John Saunders Road in San Antonio, Texas, as the "Cyndi Taylor Krier Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5220. An act to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the "Major Arthur Chin Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5400. An act to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the "Sgt. Michael M. Kashkoush Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 278. Concurrent resolution supporting Taiwan's fourth direct and democratic presidential elections in March 2008; to the Committee on Foreign Relations.

H. Con. Res. 286. Concurrent resolution expressing the sense of Congress that Earl Lloyd should be recognized and honored for breaking the color barrier and becoming the first African American to play in the National Basketball Association League 58 years ago; to the Committee on the Judiciary.

H. Con. Res. 292. Concurrent resolution honoring Margaret Truman Daniel and her lifetime of accomplishments; to the Committee on the Judiciary.

H. Con. Res. 307. Concurrent resolution expressing the sense of Congress that Members' Congressional papers should be properly maintained and encouraging Members to take all necessary measures to manage and preserve these papers; to the Committee on Homeland Security and Governmental Affairs.

#### MEASURES PLACED ON THE CALENDAR

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

S. 2709. A bill to increase the criminal penalties for illegally reentering the United States and for other purposes.

S. 2710. A bill to authorize the Department of Homeland Security to use an employer's failure to timely resolve discrepancies with the Social Security Administration after receiving a "no match" notice as evidence that the employer violated section 274A of the Immigration and Nationality Act.

S. 2711. A bill to improve the enforcement of laws prohibiting the employment of unauthorized aliens and for other purposes.

S. 2712. A bill to require the Secretary of Homeland Security to complete at least 700 miles of reinforced fencing along the Southwest border by December 31, 2010, and for other purposes.

S. 2713. A bill to prohibit appropriated funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

S. 2714. A bill to close the loophole that allowed the 9/11 hijackers to obtain credit cards from United States banks that financed their terrorists activities, to ensure that illegal immigrants cannot obtain credit cards to evade United States immigration laws, and for other purposes.

S. 2715. A bill to amend title 4, United States Code, to declare English as the national language of the Government of the United States, and for other purposes.

S. 2716. A bill to authorize the National Guard to provide support for the border control activities of the United States Customs and Border Protection of the Departments of Homeland Security, and for other purposes.

S. 2717. A bill to provide for enhanced Federal enforcement of, and State and local assistance in the enforcement of, the immigration laws of the United States, and for other purposes.

S. 2718. A bill to withhold 10 percent of the Federal funding apportioned for highway construction and maintenance from States that issue driver's licenses to individuals without verifying the legal status of such individuals.

S. 2719. A bill to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes.

S. 2720. A bill to withhold Federal financial assistance from each country that denies or unreasonably delays the acceptance of nationals of such country who have been ordered removed from the United States and to prohibit the issuance of visas to nationals of such country.

S. 2721. A bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes.

S. 2722. A bill to prohibit aliens who are repeat drunk drivers from obtaining legal status or immigration benefits.

## MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 1424. An act to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans.

H.R. 1084. An act to amend the Foreign Assistance Act of 1961, the State Department Basic Authorities Act of 1956, and the Foreign Service Act of 1980 to build operational readiness in civilian agencies, and for other purposes.

H.R. 5159. An act to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BAUCUS for the Committee on Finance.

\*Douglas H. Shulman, of the District of Columbia, to be Commissioner of Internal Revenue for the term prescribed by law.

By Mr. LEAHY for the Committee on the Judiciary.

Kevin J. O'Connor, of Connecticut, to be Associate Attorney General.

Gregory G. Katsas, of Massachusetts, to be an Assistant Attorney General.

William Joseph Hawe, of Washington, to be United States Marshal for the Western District of Washington for the term of four years.

Brian Stacy Miller, of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

James Randal Hall, of Georgia, to be United States District Judge for the Southern District of Georgia.

John A. Mendez, of California, to be United States District Judge for the Eastern District of California.

Stanley Thomas Anderson, of Tennessee, to be United States District Judge for the Western District of Tennessee.

\*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.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## 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. BROWN (for himself and Mr. COCHRAN):

S. 2723. A bill to expand the dental workforce and improve dental access, prevention, and data reporting, and for other purposes; to the Committee on Finance.

By Mr. BAYH (for himself, Ms. LANDRIEU, and Mr. LUGAR):

S. 2724. A bill to amend the National Manufactured Housing Construction and Safety Standards Act of 1974 to require that weather radios be installed in all manufactured homes manufactured or sold in the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself and Mr. WEBB):

S. 2725. A bill to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the "Congresswoman Jo Ann S. Davis Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CASEY (for himself and Ms. SNOWE):

S. 2726. A bill to amend the Emergency Food Assistance Act of 1983 to require the Secretary of Agriculture to help offset the costs of intrastate transportation, storage, and distribution of bonus commodities provided to States and food assistance agencies under the emergency food assistance program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INHOFE (for himself, Mr. COCHRAN, Mr. WICKER, Mr. SHELBY, and Mr. DOMENICI):

S. 2727. A bill to amend title XVIII of the Social Security Act to provide for a temporary moratorium on enforcement of the cap amount on payments for hospice care under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. ISAKSON:

S. 2728. A bill to establish the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs; to the Committee on Environment and Public Works.

By Mr. CORNYN:

S. 2729. A bill to amend title XVIII of the Social Security Act to modify Medicare physician reimbursement policies to ensure a future physician workforce, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself, Ms. LANDRIEU, Ms. MURKOWSKI, Mr. MARTINEZ, Mr. BUNNING, Mr. CRAIG, Mr. ALEXANDER, and Mrs. DOLE):

S. 2730. A bill to facilitate the participation of private capital and skills in the strategic, economic, and environmental development of a diverse portfolio of clean energy and energy efficiency technologies within the United States, to facilitate the commercialization and market penetration of the technologies, and for other purposes; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. Res. 475. A resolution congratulating Iowa State University of Science and Technology on its 150 years of leadership and service to the United States and the world as Iowa's land-grant university; considered and agreed to.

By Mr. CARDIN (for himself, Mr. VOINOVICH, Ms. MIKULSKI, Mr. CARPER, Mr. BIDEN, and Mr. LEVIN):

S. Con. Res. 69. A concurrent resolution supporting the goals and ideals of a national day of remembrance for Harriet Tubman; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 573

At the request of Ms. STABENOW, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 582

At the request of Mr. SMITH, the name of the Senator from Minnesota

(Mr. COLEMAN) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 613

At the request of Mr. BIDEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 613, a bill to enhance the overseas stabilization and reconstruction capabilities of the United States Government, and for other purposes.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1097

At the request of Ms. SNOWE, her name was added as a cosponsor of S. 1097, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era.

S. 1343

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 1343, a bill to amend the Public Health Service Act with respect to prevention and treatment of diabetes, and for other purposes.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1484

At the request of Mr. ROBERTS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1484, a bill to amend part B of title XVIII of the Social Security Act to restore the Medicare treatment of ownership of oxygen equipment to that in effect before enactment of the Deficit Reduction Act of 2005.

S. 1843

At the request of Mr. KENNEDY, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice oc-

curs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 2033

At the request of Ms. KLOBUCHAR, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2033, a bill to provide for greater disclosure to, and empowerment of, consumers who have entered into a contract for cellular telephone service.

S. 2069

At the request of Mr. DURBIN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2069, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 2140

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2279

At the request of Mr. BIDEN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls.

S. 2291

At the request of Mr. AKAKA, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2291, a bill to enhance citizen access to Government information and services by establishing plain language as the standard style of Government documents issued to the public, and for other purposes.

S. 2304

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2304, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.

S. 2565

At the request of Mr. BIDEN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2565, a bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers.

S. 2580

At the request of Mr. BROWN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2580, a bill to amend the Higher Education Act of 1965 to improve the participation in higher education of, and to increase opportunities in employment for, residents of rural areas.

S. 2598

At the request of Mr. DORGAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2598, a bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve.

S. 2606

At the request of Mr. DODD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2606, a bill to reauthorize the United States Fire Administration, and for other purposes.

S. 2705

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2705, a bill to authorize programs to increase the number of nurses within the Armed Forces through assistance for service as nurse faculty or education as nurses, and for other purposes.

S. 2712

At the request of Mr. DEMINT, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Carolina (Mrs. DOLE), the Senator from Louisiana (Mr. VITTER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2712, a bill to require the Secretary of Homeland Security to complete at least 700 miles of reinforced fencing along the Southwest border by December 31, 2010, and for other purposes.

S.J. RES. 28

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S.J. Res. 28, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

S. RES. 473

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 473, a resolution designating March 26, 2008, as "National Support the Troops and Their Families Day" and encouraging the people of the United States to participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad, as well as the sacrifices of their families.

AMENDMENT NO. 4104

At the request of Mr. PRYOR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 4104 proposed to S. 2663, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.



## AMENDMENT NO. 4109

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 4109 proposed to S. 2663, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of non-compliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

## AMENDMENT NO. 4130

At the request of Mr. NELSON of Florida, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 4130 proposed to S. 2663, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER (for himself and Mr. WEBB):

S. 2725. A bill to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the "Congresswoman Jo Ann S. Davis Post Office"; to the Committee on Homeland Security and Governmental Affairs.

Mr. WARNER. Mr. President, on October 6, 2007, the people of Virginia's First Congressional District lost one of its most respected and admired leaders, a dedicated Member of Congress and loyal friend, Representative Jo Ann Davis.

Today, I am proud to have Senator JIM WEBB join me in introducing a bill to honor our dear colleague. This legislation would designate the United States Post Office at 6892 Main Street in Gloucester, Virginia, as the "Congresswoman Jo Ann S. Davis Post Office." Representative ROBERT WITTMAN has introduced companion legislation in the House of Representatives.

Born in North Carolina, Jo Ann Davis attended Hampton Roads Business College in Virginia and later obtained her real estate license and real estate broker's license over the next several years. In 1990, she started her own company, Jo Ann Davis Realty, and followed this successful endeavor with a run for public office in 1997. Serving as a Delegate in the Virginia General Assembly for 4 years, Jo Ann Davis became the first Republican woman to serve Virginia in the U.S. Congress after winning her election in 2000.

Representative Davis was a relentless champion for the needs of the First District. It was my privilege to work with her on many matters, ranging from national defense to the environment, and in that regard, she worked hard to improve the health of the Chesapeake Bay. Also, I commend her

diligent leadership in the removal of the James River Reserve Fleet from Newport News. From her support for the Rappahannock River Valley National Wildlife Refuge to her concern with the preservation of Dragon Run or providing funding for oyster restoration, she always put the quality of Virginia's environment above politics.

With sincere passion and concern, Representative Davis worked to improve our Nation's armed services and the lives of the men and women who bravely answer the call to duty. She provided strong representation for the communities in and surrounding the Naval Surface Warfare Center at Dahlgren and the Marine Corps base at Quantico, ensuring that these facilities continue to make important contributions to protecting the nation and to the economic foundations of their respective areas. Her initiative to increase the life insurance benefit paid to survivors of military members and her advocacy on behalf of the rights and benefits of Federal employees will continue to be appreciated in the years ahead.

I have always admired Representative Davis for her strong convictions and the tenacity that she brought to bear in acting on them. She fought a courageous struggle against cancer, and I will miss her insights and her friendship in our Virginia Congressional Delegation.

I am pleased to offer this small token of recognition and gratitude for someone who has given so much to the Commonwealth and her country.

I close with a personal note that we both shared interests in equestrian activities. There is an old English saying that "the outside of the horse is good for the inside of the man." As an avid, accomplished rider, she often quipped with me that the saying applies equally to a woman. She loved the noble horse.

I join with my colleagues from the Commonwealth and from the entire U.S. Congress in expressing my deepest sympathies to her husband, her two sons, and her extended family. They remain in our thoughts and prayers.

By Mr. CASEY (for himself and Ms. SNOWE):

S. 2726. A bill to amend the Emergency Food Assistance Act of 1983 to require the Secretary of Agriculture to help offset the costs of intrastate transportation, storage, and distribution of bonus commodities provided to States and food assistance agencies under the emergency food assistance program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CASEY. Mr. President, I rise today to talk about a crisis that is facing a growing number of Americans every day. That crisis is hunger. In this country, as food prices continue to rise, more and more American families find themselves desperately in need of help just to put food on the table for themselves and their families.

In 2006 alone, the U.S. Department of Agriculture, USDA, reported that 35.5 million Americans did not have enough money or resources to get food for at least some period during the year. This figure was an increase of 400,000 over 2005 and an increase of 2.3 million since 2000. And, with the fragile state of our economy, we can only assume that these figures for 2007 and 2008 will be even more disturbing. The only recourse for these millions of people is to turn to Federal food assistance programs and emergency food banks for their basic food needs.

Unfortunately, as recent articles in national publications like the USA Today and the New York Times have highlighted, there is a critical lack of food inventories available in local food pantries across the country. Rising demand, sharp drops in Federal supplies of excess commodities, and declining donations have forced food banks to cut back on rations, and in some cases, close their doors. In short, America's food banks are facing critical shortages now.

As a member of the Senate Committee on Agriculture, Nutrition, and Forestry, I had a hand in helping to create a new farm bill. This bill, as passed by the Senate, will help food banks by providing additional annual funding to shore up food bank supplies. But, as we continue to conference this bill with the House, there are further steps we can take to help ensure that food banks can continue to fulfill their mission.

That is why today I am pleased to join with Senator SNOWE to introduce the Bonus TEFAP Assistance Act of 2008. This act will provide critical support needed to ensure food assistance agencies, already in desperate need of supplies, can take full advantage of the distributions of bonus food commodities supplied by USDA through the Emergency Food Assistance Program, TEFAP. By helping to offset the intrastate storage, transportation, and distribution costs the food assistance agencies incur to distribute these bonus food surpluses, the act will ensure the commodities will be able to reach the greatest number of needy individuals.

The Emergency Food Assistance Program began in 1981 as a temporary program with dual purposes; it was intended to help reduce the Federal food inventories and storage costs while also assisting the needy. Because of the program's success in helping distribute food to those in need, in 1988, after much of the Federal inventory was depleted, the Hunger Prevention Act authorized funds to be appropriated to purchase food for TEFAP.

Under current-day TEFAP, the USDA provides States and food assistance agencies with food commodities bought specifically for the program and with funding to help cover distributing agencies' intrastate storage, handling, and distribution costs. In addition, when available, USDA provides any excess food not needed to fulfill other

program requirements to States for allocation to local food assistance agencies. This excess food is otherwise known as “bonus TEFAP.” Unfortunately, while the USDA generously distributes these bonus TEFAP commodities to the States, many of the State and food assistance agencies are unable to accept the bonus TEFAP commodities because they do not have the resources to store, transport, or distribute them.

The Bonus TEFAP Assistance Act of 2008 that I am introducing today with Senator SNOWE alleviates this problem by providing offsetting funds to recipient agencies to assist with the costs of storing, transporting, and distributing bonus TEFAP commodities. The funds provided through this legislation will help to provide more food to those in need through food banks, food pantries, emergency shelters, soup kitchens, and other organizations that directly provide these resources to the public.

To solve the problem the inadequacy of local resources causes, the bill authorizes the Secretary of Agriculture to use existing funds granted under section 32 of the Agricultural Adjustment Act of 1935. Currently, section 32 funds are used to fund child nutrition programs and other programs to support the farm sector at the discretion of the Secretary. Through this legislation, a small portion of section 32 funds would be allocated to each eligible recipient agency in the lesser amount of \$0.05 per pound or \$0.05 per dollar value of bonus TEFAP commodities. With this modest increase in funding, the States and their food assistance agencies will be able to accept more food distributions from the USDA through TEFAP, benefitting the many low-income recipients who rely on the program for emergency food and nutrition assistance.

I urge all of my colleagues to join Senator SNOWE and me in ensuring that the States and food assistance agencies can accept the available excess commodity foods the USDA provides under the Emergency Assistance Food Program. Food assistance agencies are in dire need of funds, food, and supplies and we owe it to them to ensure that they can take full advantage of every opportunity to serve those in our nation who are in desperate need.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2726

*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 “Bonus TEFAP Assistance Act of 2008”.

#### SEC. 2. ASSISTANCE FOR COSTS OF DISTRIBUTING BONUS COMMODITIES.

(a) PURPOSES.—The purposes of this section are—

(1) to encourage States and food assistance agencies to accept commodities acquired by

the Secretary of Agriculture for farm support and surplus removal activities; and

(2) to offset the costs of the States and food assistance agencies for the intrastate transportation, storage, and distribution of the commodities.

(b) COSTS OF DISTRIBUTING BONUS COMMODITIES.—Section 202 of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7502) is amended by inserting after subsection (a) the following:

“(b) COSTS OF DISTRIBUTING BONUS COMMODITIES.—

“(1) IN GENERAL.—The Secretary shall use funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to provide funding described in paragraph (2) to eligible recipient agencies to offset the costs of the agencies for intrastate transportation, storage, and distribution of commodities described in subsection (a).

“(2) FUNDING.—The Secretary shall provide funding described in paragraph (1) to an eligible recipient agency at a rate equal to the lower of \$0.05 per pound or \$0.05 per dollar value of commodities described in subsection (a) that are made available under this Act to, and accepted by, the eligible recipient agency.”.

By Mr. CORNYN:

S. 2729. A bill to amend title XVIII of the Social Security Act to modify Medicare physician reimbursement policies to ensure a future physician workforce, and for other purposes; to the Committee on Finance.

Mr. CORNYN. Mr. President, you don't have to be an expert in health care policy to know our health care system is in need of reform. Today, we spend over \$2 trillion on health care, almost \$7,500 per person. In 10 years, national health care expenditures are expected to reach \$4.3 trillion, or \$13,000 per person, which would comprise 19.5 percent of our gross domestic product. Clearly, this rate of increase is unsustainable. We must work together to develop creative solutions that will change the way we deliver health care. The goal should be to allow health care providers to develop treatment plans based on what is in the best interest of the patient. But the current system under which we pay physicians neither puts patients first nor reduces costs.

A decade ago, instead of creating a mechanism that changed the way physicians deliver care, Congress attempted to curb rising health care costs through an arbitrary annual expenditure cap on physician payments. And what has the result been? Physicians have seen their reimbursements lag far behind their costs, in Texas and nationally—a 15-percent gap. In order to recoup lost revenue, physicians often increased the number of patients they were seeing per day, meaning they were spending less and less time with their patients, lowering the quality of care delivered. Moreover, we are starting to see problems with beneficiary access. At an increasing rate, beneficiaries across the country are reporting difficulties in scheduling appointments with their physicians.

But declining reimbursements are also influencing the development of fu-

ture generations of physicians—especially in primary care—as there is a disincentive to enter the profession or an incentive to forgo primary care for more lucrative specialties. This is especially alarming, as the Medicare population grows and many physicians will be retiring. For example, my State of Texas already has a below-average physician-to-population ratio, while 39 percent of practicing physicians are already over 50.

There are over 30 health care reform plans floating around inside and outside of Congress. Few of these plans address the fundamental question: What good is coverage without access to that coverage?

If we are serious about changing our health care system, we need to start with changing the way we pay physicians—that would send a strong message not only about the need for better quality care but also the need to ensure a future generation of American physicians.

I am pleased to introduce the Ensuring the Future Physician Workforce Act of 2008. This bill will provide positive reimbursement updates for providers; eliminate the ineffectual expenditure cap; increase incentives for physician data reporting; facilitate adoption of Health Information Technology, HIT, by addressing cost and legislative barriers; educate and empower physicians and beneficiaries in relation to Medicare spending and benefits usage; and study ways to realign the way Medicare pays for health care.

Every few years, Congress goes through the same rituals of trying to fix the physician reimbursement mechanism. First, CMS tells us the expenditure cap requires Medicare physician reimbursements to be cut by a certain percent. Next, Congress struggles to find a way to prevent this cut, knowing how harmful it would be. Yet delaying this cut is extremely expensive. Congress then swears that this is the last time they will go through this process and that it must come up with a comprehensive fix. Ultimately, Congress never seems able to fix the problem. This bill stops the charade, resets the baseline for the next year and a half, and then eliminates the expenditure cap thereafter. Rather than pretending like we are going to adhere to an arbitrary cap of \$80, for example, only to spend more later, this bill puts up front the true cost that we are really going to spend \$100 or \$101. The effect on spending is the same, but physicians and beneficiaries have certainty.

If Congress fails to act, Texas physicians will lose \$860 million between July 2008 and December 2009, which is a cut of \$18,000 to each Texas physician. That figure balloons to \$16.5 billion by 2016 due to nearly a decade of scheduled cuts.

Two widely identified ways of moving toward lower costs and better quality stem from the collection of health care data and the implementation of health information technology.

First, increasing incentives for the reporting of data will improve our ability to assess how we deliver care and the level of that care. In this bill we go beyond general reporting and focus on the most expensive diseases. The director of the Congressional Budget Office, Peter Orszag, likes to ask the paradoxical question: "How can the best medical care in the world cost twice as much as the best medical care in the world?" It does because we deliver care in vastly different ways and at vastly different costs. By focusing our data collection efforts, we will better understand how these differences occur.

Second, there are few who would argue with the notion that implementation of HIT is beneficial from a cost and quality perspective; HIT provides transparency, efficiency, portability, safety, and reductions in duplicative and wasteful procedures. However, various cost and legislative barriers have inhibited widespread adoption. There is a large cost associated with implementing HIT because of the cost of hardware, software, and time needed to train staff. Additionally, there is a disincentive to invest in HIT because the Department of Health and Human Services has yet to finalize its standards. Providers are stuck in neutral.

Under the current regulatory environment, doctors have limited ability to accept hardware, software, or help in training from hospitals. Not only does this unfairly harm patients in these practices, it negatively impacts community health. This bill provides a safe harbor to that regulation but maintains the spirit of the law by allowing hospitals to help physicians in their implementation of HIT—either in the purchasing of hardware or software or in training—as long as these hospitals do not restrict the physician's interoperability, clinical practice, or referral system for their own financial benefit. This bill provides the incentive to voluntarily implement HIT and commonsense regulations that move communities into the 21st century. Once beneficiaries begin to see the benefits HIT will have on the quality of their care and in their wallets, providers will not be able to ignore the demand.

Finally, this bill would provide comparative reports to physicians on their billings and to beneficiaries on their usage of services. Physicians want to do the right thing for their patients, but we need to ensure that they have the tools necessary to appropriately deliver that care. When physicians look at these reports and see how they compare to other providers in their area or across the Nation, they will take that report seriously and evaluate why their practices differ. Similarly, beneficiaries will have a tool to evaluate their level of care and a tool to engage the physician-patient relationship.

Mr. President, it is no secret that the path Medicare is on is unsustainable. So far, our only recourse has been to prolong the inevitable collapse, rather

than reforming the doomed system. This bill is a small step toward righting the Medicare ship, and with it, America's health care system as a whole. It is time we move forward in health care and help create a system that provides the best care at the best prices. I hope my colleagues will join me in supporting this bill and ensuring a better future for American health care.

By Mr. DOMENICI (for himself, Ms. LANDRIEU, Ms. MURKOWSKI, Mr. MARTINEZ, Mr. BUNNING, Mr. CRAIG, Mr. ALEXANDER, and Mrs. DOLE):

S. 2730. A bill to facilitate the participation of private capital and skills in the strategic, economic, and environmental development of a diverse portfolio of clean energy and energy efficiency technologies within the United States, to facilitate the commercialization and market penetration of the technologies, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, a report by the Energy Information Administration released this week confirms that we have made real, measurable progress in our efforts to reduce our dependence upon foreign oil. The best estimating group in the world, the Energy Information Administration of America, made this determination. I know the occupant of the chair will be interested, because what we have done in the past 3 years with the passage of three major pieces of energy legislation is, for the first time in modern history, we have reduced the amount of consumption of crude oil from overseas to America by Americans here at home. In other words, during the next 30 years, we will finally get to the point where, instead of that importation going up, it will begin to reverse itself and start coming down.

Now, the bad news for Americans is you can't do that overnight, but we have done it with the passage of the CAFE standards, meaning smaller cars in the future for everyone, and with the passage of two or three other big bills, we have made a lasting impact on how much we use of this dread imported product that we call crude oil.

Over the last several years, as I indicated, Congress has passed three major pieces of legislation: the Energy Policy Act of 2005, the Gulf of Mexico Energy Security Act, and the Energy Independence and Security Act. We put these together, and the estimates are that as a result of this action I just spoke about, more than 2 million barrels of oil per day will be saved by America by 2030. In addition, our action will lead to—and get this—5.3 billion fewer metric tons of energy-related carbon dioxide emissions by that time—the equivalent of 71,500 megawatt coal-burning electric plants. Imagine that. By reducing that amount of oil consumed, we will reduce the amount of carbon dioxide by 5.3 billion fewer metric tons used.

Nevertheless, our work is not nearly done. I have been encouraged by the growth of clean energy technologies, but I have come to believe that in the long run, we will fall far short of the amount of financial resources necessary to move these projects along at a fast enough pace. Consider that nearly half of our current electric generation fleet is over 30 years old. Nearly a third of our overall generation comes from coal-fired plants, the majority of which are not equipped with emission control technology. Yet investor-owner utilities are not large enough to carry several multibillion dollar projects, and competitive electricity markets don't have an effective mechanism to encourage investment in larger, expensive new capacity. I come to the floor to propose at least a partial solution to this challenge.

Today I am introducing legislation to establish a clean energy investment bank. This bank will be a government corporation, modeled after the Export-Import Bank, designed to promote investment in domestic energy projects. I am pleased to have a number of cosponsors, including Senators LANDRIEU, MURKOWSKI, MARTINEZ, BUNNING, CRAIG, ALEXANDER, and DOLE. I haven't worked very hard because I haven't had time, but I think I can get many more Senators to be cosponsors as well.

According to some analysis, over \$350 billion will be needed over the next 15 years to meet our increased demands for energy. Not only do we face the challenge of needing to get more power on line, we also are trying to do it in a way that results in less pollution. By investing in clean energy technology, we will reap enormous benefits when it comes to energy, economic, environmental, and national security.

Investors have shown a willingness to support clean energy technology. A United Nations report recently revealed that investment in sustainable energy has nearly doubled since 2005. Additionally, private sector research and development has risen to over \$16 billion. Yet the growth we have seen primarily comes from equity investment and venture capital, not long-term debt financing.

The clean energy industry faces unique challenges. Unlike traditional fossil fuel energy projects, which are able to more easily secure long-term debt financing, clean energy markets have a greater level of risk both economically and technically. That is why the certainty provided by Federal Government support would be beneficial. Our goal moving forward should be greater increases for all types of clean energy generation projects through secure financing.

Right now, we are lacking an institution able to undertake this kind of activity and fill this gap. The clean energy investment bank that will be created by the legislation which I introduce today has a real chance of filling that gap.

The bank will engage in investment activities to encourage long term debt

financing of clean energy projects. It will take responsibility for management of the Department of Energy's title 17 loan guarantee program, and have the authority to offer loans, insurance products, and take positions in commercially viable projects.

The clean energy investment bank will be a governmental corporation, with a bipartisan board of directors that will have significant autonomy in choosing the projects they believe are most worthy.

In this legislation, we do not seek to tell the bank exactly which specific types of projects to support. Our requirement is that the projects provide clean energy and that the bank considers a reasonable diversity of projects, technologies, and energy sectors. We give flexibility to the bank's board of directors and management so that they can provide support for the latest technologies, some of which may not even be under consideration right now.

The sole mission of the clean energy investment bank will be to advance the deployment of clean energy technologies. The bank will be staffed with investment professionals who will make informed decisions on loans, loan guarantees, and other investments.

Initially, we anticipate that the clean energy investment bank will be given a similar level of financial support as the Export-Import Bank. The Export-Import Bank assists financing the export of U.S. goods and services to international markets. By enabling companies in our country to turn exports into sales overseas, the bank helps create jobs and ensures a level playing field.

Export-Import provides a worthy and useful service to our economy and to growing economies overseas. Last year, Congress provided \$68 million to the bank to subsidize its costs, and another \$78 million for administrative expenses. But we must ask ourselves: shouldn't domestic energy diversification receive at least as much support as U.S. companies investing overseas?

The bank will be financed in part through the appropriations process, but in greater measure through a revolving fund. The goal would be for the bank to be self-funding through its investment of activity as soon as possible.

Congress will soon be embarking on a debate about climate change. It is simply a reality that much of that discussion will largely fall on partisan lines. Senators have diverse views about global climate change and the proposed solutions to handle it.

The clean energy investment bank, however, is something that we all can support. It gives us a chance to make real progress in a bipartisan way on our shared goals of increasing energy production and reducing greenhouse gas emissions. Despite the odds, we have demonstrated that when we work together to find common ground on energy, we can succeed and pass legisla-

tion that will help make America stronger. In times of economic uncertainty, we need pro-growth strategies that incentivize large private investment, not complex regulatory structures that increase the cost of energy. The clean energy investment bank is such a pro-growth proposal that stands tall on its own.

I look forward to working with my colleagues on both sides of the aisle on this bill, and I hope the Senate will adopt it. We have made great strides in recent years to diversify our energy supply, but we should not rest on our laurels. This bill will help us keep up the momentum and shift America away from foreign oil and toward cleaner, home-grown technologies.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2730

*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 "Clean Energy Investment Bank Act of 2008".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **BANK.**—The term "Bank" means the Clean Energy Investment Bank of the United States established by section 3(a).

(2) **BOARD.**—The term "Board" means the Board of Directors of the Bank established under section 4(b).

(3) **CLEAN ENERGY INVESTMENT BANK FUND.**—The term "Clean Energy Investment Bank Fund" means the revolving fund account established under section 6(b).

(4) **COMMERCIAL TECHNOLOGY.**—The term "commercial technology" means a technology in general use in the commercial marketplace.

(5) **ELIGIBLE PROJECT.**—The term "eligible project" means a project in a State related to the production or use of energy that uses a commercial technology that the Bank determines avoids, reduces, or sequesters 1 or more air pollutants or anthropogenic emissions of greenhouse gases more effectively than other technology options available to the project developer.

(6) **INVESTMENT.**—The term "investment" includes any contribution or commitment to an eligible project in the form of—

(A) loans or loan guarantees;

(B) the purchase of equity shares in the project;

(C) participation in royalties, earnings, or profits; or

(D) furnishing commodities, services or other rights under a lease or other contract.

(7) **STATE.**—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

#### SEC. 3. ESTABLISHMENT OF BANK.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established in the Executive branch a bank to be known as the "Clean Energy Investment Bank of the United States," which shall be an agency of the United States.

(2) **GOVERNMENT CORPORATION.**—The Bank shall be—

(A) a Government corporation (as defined in section 103 of title 5, United States Code); and

(B) subject to chapter 91 of title 31, United States Code, except as expressly provided in this Act.

(b) **AUTHORITY.**—

(1) **IN GENERAL.**—The Bank shall assist in the financing, and facilitate the commercial use, of clean energy and energy efficient technologies within the United States.

(2) **ASSISTANCE FOR ELIGIBLE PROJECTS.**—The Bank may make investments—

(A) in eligible projects on such terms and conditions as the Bank considers appropriate in accordance with this Act; or

(B) under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.), and any of the regulations promulgated under that Act, as the Bank considers appropriate.

(3) **REPAYMENT.**—No loan or loan guarantee shall be made under this subsection unless the Bank determines that there is a reasonable prospect of repayment of the principal and interest by the borrower.

(4) **PROJECT DIVERSITY.**—The Bank shall ensure that a reasonable diversity of projects, technologies, and energy sectors receive assistance under this subsection.

(c) **POWERS.**—In carrying out this Act, the Bank may—

(1) conduct a general banking business (other than currency circulation), including—

(A) borrowing and lending money;

(B) issuing letters of credit;

(C) accepting bills and drafts drawn upon the Bank;

(D) purchasing, discounting, rediscounting, selling, and negotiating, with or without endorsement or guaranty, and guaranteeing, notes, drafts, checks, bills of exchange, acceptances (including bankers' acceptances), cable transfers, and other evidences of indebtedness;

(E) issuing guarantees, insurance, coinsurance, and reinsurance;

(F) purchasing and selling securities; and

(G) receiving deposits;

(2) make investments in eligible projects on a self-sustaining basis, taking into account the financing operations of the Bank and the economic and financial soundness of projects;

(3) use private credit, investment institutions, and the guarantee authority of the Bank as the principal means of mobilizing capital investment funds;

(4) broaden private participation and revolve the funds of the Bank through selling the direct investments of the Bank to private investors whenever the Bank can appropriately do so on satisfactory terms;

(5) conduct the insurance operations of the Bank with due regard to principles of risk management, including efforts to share the insurance risks of the Bank;

(6) foster private initiative and competition and discourage monopolistic practices; and

(7) advise and assist interested agencies of the United States and other organizations, public and private and national and international, with respect to projects and programs relating to the development of private enterprise in the market sector in accordance with this Act.

#### SEC. 4. ORGANIZATION AND MANAGEMENT.

(a) **STRUCTURE OF BANK.**—The Bank shall have—

(1) a Board of Directors;

(2) a President;

(3) an Executive Vice President; and

(4) such other officers and staff as the Board may determine.

(b) **BOARD OF DIRECTORS.**—

(1) **ESTABLISHMENT.**—There is established a Board of Directors of the Bank to exercise all powers of the Bank.

(2) **COMPOSITION.**—

(A) IN GENERAL.—The Board shall be composed of 7 members, of whom—

(i) 5 members shall be independent directors appointed by the President of the United States, by and with the advice and consent of the Senate (referred to in this subsection as “independent directors”); and

(ii) 2 members shall be the President of the Bank and the Executive Vice President of the Bank, appointed by the independent directors.

(B) FEDERAL EMPLOYMENT.—An independent director shall not be an officer or employee of the Federal Government at the time of appointment.

(C) POLITICAL PARTY.—Not more than 3 of the independent directors shall be members of the same political party.

(3) TERM; VACANCIES.—

(A) TERM.—

(i) IN GENERAL.—Subject to clause (ii), the independent directors shall be appointed for a term of 5 years and may be reappointed.

(ii) STAGGERED TERMS.—The terms of not more than 2 independent directors shall expire in any year.

(B) VACANCIES.—A vacancy on the Board—

(i) shall not affect the powers of the Board; and

(ii) shall be filled in the same manner as the original appointment was made.

(4) MEETINGS.—

(A) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold the initial meeting of the Board.

(B) MEETINGS.—The Board shall meet at the call of the Chairman of the Board.

(C) QUORUM.—Four members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

(5) CHAIRMAN AND VICE CHAIRMAN.—

(A) IN GENERAL.—The Board shall select a Chairman and Vice Chairman from among the members of the Board.

(B) ELIGIBILITY.—The Chairman of the Board shall not be an Executive Director of the Board.

(6) COMPENSATION OF MEMBERS.—An independent director shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board.

(7) TRAVEL EXPENSES.—An independent director shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(C) PRESIDENT OF THE BANK.—

(1) APPOINTMENT.—The President of the Bank shall be appointed by the Board.

(2) DUTIES.—The President of the Bank shall—

(A) be the Chief Executive Officer of the Bank;

(B) be responsible for the operations and management of the Bank, subject to bylaws and policies established by the Board; and

(C) serve as an Executive Director on the Board.

(D) EXECUTIVE VICE PRESIDENT.—

(1) APPOINTMENT.—The Executive Vice President of the Bank shall be appointed by the Board.

(2) DUTIES.—The Executive Vice President of the Bank shall—

(A) serve as the President of the Bank during the absence or disability, or in the event of a vacancy in the office, of the President of the Bank;

(B) at other times, perform such functions as the President of the Bank may from time to time prescribe; and

(C) serve as an Executive Director on the Board.

(E) STAFF.—

(1) IN GENERAL.—The Board may—

(A) appoint and terminate such officers, attorneys, employees, and agents as are necessary to carry out this Act; and

(B) vest the personnel with such powers and duties as the Board may determine.

(2) CIVIL SERVICE LAWS.—Persons employed by the Bank may be appointed, compensated, or removed without regard to civil service laws (including regulations).

(3) REAPPOINTMENT.—Under such regulations as the President of the United States may promulgate, an officer or employee of the Federal Government who is appointed to a position under this subsection may be entitled, on removal from the position, except for cause, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary.

(4) ADDITIONAL POSITIONS.—Positions authorized under this subsection shall be in addition to other positions otherwise authorized by law, including positions authorized by section 5108 of title 5, United States Code.

#### SEC. 5. FINANCING, GUARANTIES, INSURANCE, CREDIT SUPPORT, AND OTHER PROGRAMS.

(a) INTERGOVERNMENTAL AGREEMENTS.—Subject to the other provisions of this section, the Bank may enter into arrangements with State and local governments (including agencies, instrumentalities, or political subdivisions of State and local governments) for sharing liabilities assumed by providing financial assistance for eligible projects under this Act.

(b) INSURANCE.—

(1) IN GENERAL.—The Bank may issue insurance, on such terms and conditions as the Bank may determine, to ensure protection in whole or in part against any or all of the risks with respect to eligible projects that the Bank has approved.

(2) DUPLICATION OF ASSISTANCE.—The Bank shall not offer any insurance products under this subsection that duplicate or augment any other similar Federal assistance.

(c) GUARANTEES.—

(1) IN GENERAL.—The Bank may issue guarantees of loans and other investments made by investors assuring against loss in eligible projects on such terms and conditions as the Bank may determine.

(2) BUDGETARY TREATMENT.—Any guarantee issued under this subsection shall, for budgetary purposes, be considered a loan guarantee (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

(d) LOANS AND CREDIT ASSISTANCE.—

(1) IN GENERAL.—The Bank may make loans, provide letters of credit, issue other credit enhancements, or provide other financing for eligible projects on such terms and conditions as the Bank may determine.

(2) BUDGETARY TREATMENT.—Any financial instrument issued under this subsection shall, for budgetary purposes, be considered a direct loan (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

(e) ELIGIBLE PROJECT DEVELOPMENT INVESTMENT ENCOURAGEMENT.—The Bank may provide financial assistance under this section for development activities for eligible projects, under such terms and conditions as the Bank may determine, if the Board determines that the assistance is necessary to encourage private investment or accelerate project development.

(f) OTHER INSURANCE FUNCTIONS.—The Bank may—

(1) using agreements and contracts that are consistent with this Act—

(A) make and carry out contracts of insurance or agreements to associate or share risks with insurance companies, financial institutions, any other person or group of persons; and

(B) employ entities described in subparagraph (A), if appropriate, as the agent of the Bank in—

(i) the issuance and servicing of insurance;

(ii) the adjustment of claims;

(iii) the exercise of subrogation rights;

(iv) the ceding and acceptance of reinsurance; and

(v) any other matter incident to an insurance business; and

(2) enter into pooling or other risk-sharing agreements with other governmental insurance or financing agencies or groups of those agencies.

(g) EQUITY FINANCE PROGRAM.—

(1) IN GENERAL.—Subject to the other provisions of this subsection, the Bank may establish an equity finance program under which the Bank may, in accordance with this subsection, purchase, invest in, or otherwise acquire equity or quasi-equity securities of any firm or entity, on such terms and conditions as the Bank may determine, for the purpose of providing capital for any project that is consistent with this Act.

(2) TOTAL AMOUNT OF EQUITY INVESTMENTS.—

(A) TOTAL AMOUNT OF EQUITY INVESTMENT UNDER EQUITY FINANCE PROGRAM.—

(i) IN GENERAL.—Except as provided in clause (ii), the total amount of the equity investment of the Bank with respect to any project under this subsection shall not exceed 30 percent of the aggregate amount of all equity investment made with respect to the project at the time at which the equity investment of the Bank is made.

(ii) DEFAULTS.—Clause (i) shall not apply to a security acquired through the enforcement of any lien, pledge, or contractual arrangement as a result of a default by any party under any agreement relating to the terms of the investment of the Bank.

(B) TOTAL AMOUNT OF EQUITY INVESTMENT UNDER MULTIPLE PROGRAMS.—

(i) IN GENERAL.—The equity investment of the Bank under this subsection with respect to any project, when added to any other investments made or guaranteed by the Bank under subsection (c) or (d) with respect to the project, shall not cause the aggregate amount of all the investments to exceed, at the time any such investment is made or guaranteed by the Bank, 75 percent of the total investment committed to the project, as determined by the Bank.

(ii) CONCLUSIVE DETERMINATION.—The determination of the Bank under this subparagraph shall be conclusive for purposes of the authority of the Bank to make or guarantee any investment described in clause (i).

(3) ADDITIONAL CRITERIA.—In making investment decisions under this subsection, the Bank shall consider the extent to which the equity investment of the Bank will assist in obtaining the financing required for the project.

(4) IMPLEMENTATION.—

(A) IN GENERAL.—The Bank may create such legal vehicles as are necessary for implementation of this subsection.

(B) NON-FEDERAL BORROWERS.—A borrower participating in a legal vehicle created under this paragraph shall be considered a non-Federal borrower for purposes of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(C) SECURITIES.—Income and proceeds of investments made under this subsection may be used to purchase equity or quasi-equity securities in accordance with this section.

(h) RELATIONSHIP TO FEDERAL CREDIT REFORM ACT OF 1990.—

(1) IN GENERAL.—Any liability assumed by the Bank under subsections (c) and (d) shall be discharged pursuant to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

(A) IN GENERAL.—No loan guaranteed under subsection (c) or direct loan under subsection (d) shall be made unless—

(i) an appropriation for the cost has been made; or

(ii) the Bank has received from the borrower a payment in full for the cost of the obligation.

(B) BUDGETARY TREATMENT.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with subparagraph (A)(ii).

(3) APPORTIONMENT.—Receipts, proceeds, and recoveries realized by the Bank and the obligations and expenditures made by the Bank pursuant to this subsection shall be exempt from apportionment under subchapter II of chapter 15 of title 31, United States Code.

#### SEC. 6. ISSUING AUTHORITY; DIRECT INVESTMENT AUTHORITY AND RESERVES.

(a) MAXIMUM CONTINGENT LIABILITY.—The maximum contingent liability outstanding at any time pursuant to actions taken by the Bank under section 5 shall not exceed a total amount of \$100,000,000,000.

(b) CLEAN ENERGY INVESTMENT BANK FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the “Clean Energy Investment Bank Fund” (referred to in this section as the “Fund”).

(2) USE.—The Clean Energy Investment Bank Fund shall be available for discharge of liabilities under section 5 (other than subsections (c) and (d) of section 5) until the earlier of—

(A) the date on which all liabilities of the Bank have been discharged or expire; or

(B) the date on which all amounts in the Fund have been expended in accordance with this section.

(3) APPORTIONMENT.—Receipts, proceeds, and recoveries realized by the Bank and the obligations and expenditures made by the Bank pursuant to this subsection shall be exempt from apportionment under subchapter II of chapter 15 of title 31, United States Code.

(c) PAYMENTS OF LIABILITIES.—Any payment made to discharge liabilities arising from agreements under section 5 (other than subsections (c) and (d) of section 5) shall be paid out of the Clean Energy Investment Bank Fund.

(d) SUPPLEMENTAL BORROWING AUTHORITY.—

(1) IN GENERAL.—In order to maintain sufficient liquidity in the revolving loan fund, the Bank may issue from time to time for purchase by the Secretary of the Treasury notes, debentures, bonds, or other obligations.

(2) MAXIMUM TOTAL AMOUNT.—The total amount of obligations issued under paragraph (1) that is outstanding at any time shall not exceed \$2,000,000,000.

(3) REPAYMENT.—Any obligation issued under paragraph (1) shall be repaid to the Treasury not later than 1 year after the date of issue of the obligation.

(4) INTEREST RATE.—Any obligation issued under paragraph (1) shall bear interest at a rate determined by the Secretary of the Treasury, taking into account the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month

preceding the issuance of any obligation authorized by this subsection.

(5) PURCHASE OF OBLIGATIONS.—

(A) IN GENERAL.—The Secretary of the Treasury—

(i) shall purchase any obligation of the Bank issued under this subsection; and

(ii) for the purchase, may use as a public debt transaction the proceeds of the sale of any securities issued under chapter 31 of title 31, United States Code.

(B) PURPOSES.—The purpose for which securities may be issued under chapter 31 of title 31, United States Code, shall include any purchase under this paragraph.

#### SEC. 7. ADMINISTRATION.

(a) PROTECTION OF INTEREST OF BANK.—The Bank shall ensure that suitable arrangements exist for protecting the interest of the Bank in connection with any agreement issued under this Act.

(b) FULL FAITH AND CREDIT.—

(1) OBLIGATION.—A loan guarantee issued by the Bank under section 5(c) shall constitute an obligation, in accordance with the terms of the guarantee, of the United States.

(2) PAYMENT.—The full faith and credit of the United States is pledged for the full payment and performance of the obligation.

(c) FEES.—

(1) IN GENERAL.—The Bank shall establish and collect fees for services under this Act in amounts to be determined by the Bank.

(2) AVAILABILITY OF FEES.—Except as provided in paragraph (3), fees collected by the Bank under paragraph (1) (including fees collected for administrative expenses in carrying out subsections (c) and (d) of section 5) may be retained by the Bank and may remain available to the Bank, without further appropriation or fiscal year limitation, for payment of administrative expenses incurred in carrying out this Act.

(3) FEE TRANSFER AUTHORITY.—Fees collected by the Bank for the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of a loan or loan guarantee made under subsection (c) or (d) of section 5 shall be transferred by the Bank to the respective credit program accounts.

#### SEC. 8. GENERAL PROVISIONS AND POWERS.

(a) PRINCIPAL OFFICE.—The Bank shall—

(1) maintain its principal office in the District of Columbia; and

(2) be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(b) TRANSFER OF FUNCTIONS AND AUTHORITY.—

(1) IN GENERAL.—On appointment of a majority of the Board by the President, all of the functions and authority of the Secretary of Energy under predecessor programs and authorities similar to those provided under subsections (c) and (d) of section 5, including those under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.), shall be transferred to the Board.

(2) CONTINUATION PRIOR TO TRANSFER.—Until the transfer, the Secretary of Energy shall continue to administer such programs and activities, including programs and authorities under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(3) EFFECT ON EXISTING RIGHTS AND OBLIGATIONS.—The transfer of functions and authority under this subsection shall not affect the rights and obligations of any party that arise under a predecessor program or authority prior to the transfer under this subsection.

(c) AUDITS.—

(1) IN GENERAL.—Except as otherwise provided in this Act, the Bank shall be subject to the applicable provisions of chapter 91 of title 31, United States Code.

(2) PERIODIC AUDITS BY INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS.—

(A) IN GENERAL.—Except as provided in paragraph (3), an independent certified public accountant shall perform a financial and compliance audit of the financial statements of the Bank at least once every 3 years, in accordance with generally accepted Government auditing standards for a financial and compliance audit, as issued by the Comptroller General of the United States.

(B) REPORT TO BOARD.—The independent certified public accountant shall report the results of the audit to the Board.

(C) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The financial statements of the Bank shall be presented in accordance with generally accepted accounting principles.

(D) REPORTS.—

(i) IN GENERAL.—The financial statements and the report of the accountant shall be included in a report that—

(I) contains, to the extent applicable, the information identified in section 9106 of title 31, United States Code; and

(II) the Bank shall submit to Congress not later than 210 days after the end of the last fiscal year covered by the audit.

(ii) REVIEW.—The Comptroller General of the United States may review the audit conducted by the accountant and the report to Congress in such manner and at such times as the Comptroller General considers necessary.

(3) ALTERNATIVE AUDITS BY COMPTROLLER GENERAL OF THE UNITED STATES.—

(A) IN GENERAL.—In lieu of the financial and compliance audit required by paragraph (2), the Comptroller General of the United States shall, if the Comptroller General considers it necessary, audit the financial statements of the Bank in the manner provided under paragraph (2).

(B) REIMBURSEMENT.—The Bank shall reimburse the Comptroller General of the United States for the full cost of any audit conducted under this paragraph.

(4) AVAILABILITY OF RECORDS.—All books, accounts, financial records, reports, files, work papers, and property belonging to or in use by the Bank and the accountant who conducts the audit under paragraph (2), that are necessary for purposes of this subsection, shall be made available to the Comptroller General of the United States.

#### SEC. 9. REPORTS TO CONGRESS.

As soon as practicable after the end of each fiscal year, the Bank shall submit to Congress a complete and detailed report describing the operations of the Bank during the fiscal year.

#### SEC. 10. MODIFICATION TO LOAN GUARANTEE PROGRAM.

(a) DEFINITION OF COMMERCIAL TECHNOLOGY.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

“(B) EXCLUSION.—The term ‘commercial technology’ does not include a technology if the sole use of the technology is in connection with—

“(i) a demonstration plant; or

“(ii) a project for which the Secretary approved a loan guarantee.”

(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

“(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

“(1) IN GENERAL.—No guarantee shall be made unless—

“(A) an appropriation for the cost has been made; or

“(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.



“(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

“(3) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with paragraph (1)(B).”.

(c) AMOUNT.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (c) and inserting the following:

“(c) AMOUNT.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall guarantee up to 100 percent of the principal and interest due on 1 or more loans for a facility that are the subject of the guarantee.

“(2) LIMITATION.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.”.

(d) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraph (C) as subparagraph (B).

(e) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

“(2) AVAILABILITY.—Fees collected under this subsection shall—

“(A) be deposited by the Secretary into a special fund in the Treasury to be known as the ‘Incentives For Innovative Technologies Fund’; and

“(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.”.

#### SEC. 11. INTEGRATION OF LOAN GUARANTEE PROGRAMS.

(a) DEFINITION OF BANK.—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511) is amended—

(1) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

“(1) BANK.—The term ‘Bank’ means the Clean Energy Investment Bank of the United States established by section 3(a) of the Clean Energy Investment Bank Act of 2008.”.

(b) ADMINISTRATION.—

(1) IN GENERAL.—Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by striking “Secretary” each place it appears (other than the last place it appears in section 1702(a)) and inserting “Board”.

(2) CONFORMING AMENDMENTS.—Section 1702(g) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)) is amended—

(A) in the heading for paragraph (1), by striking “SECRETARY” and inserting “BANK”; and

(B) in the heading for paragraph (3), by striking “SECRETARY” and inserting “BANK”.

(c) APPLICATION.—The amendments made by this section are effective on the date the President transfers to the Bank under section 9(b)(1) the authority to carry out title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

#### SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to the Bank, to remain available until expended, such sums as are necessary to—

(1) replenish or increase the Clean Energy Investment Bank Fund; or

(2) discharge obligations of the Bank purchased by the Secretary of the Treasury under this Act.

(b) MINIMUM LEVELS IN THE CLEAN ENERGY INVESTMENT BANK FUND.—No appropriations shall be made to augment the Clean Energy Investment Bank Fund unless the balance in the Clean Energy Investment Bank Fund is projected to be less than \$50,000,000 during the fiscal year for which an appropriation is made.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 475—CONGRATULATING IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY ON ITS 150 YEARS OF LEADERSHIP AND SERVICE TO THE UNITED STATES AND THE WORLD AS IOWA'S LAND-GRANT UNIVERSITY

Mr. HARKIN (for himself and Mr. GRASSLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 475

Whereas Iowa State University of Science and Technology was established by the Iowa General Assembly on March 22, 1858, as the Iowa Agricultural College and Model Farm in response to the State of Iowa's desire to provide higher education opportunities to farm families and working classes in Iowa, predating the passage of the Federal Morrill Act by 4 years;

Whereas on September 3, 1862, Iowa became the first State in the Nation to accept the terms and conditions of the Morrill Act creating the land-grant system of colleges and universities;

Whereas the Iowa Agricultural College and Model Farm, known today as Iowa State University of Science and Technology (Iowa State), received Iowa's land-grant charter on March 29, 1864, making it one of the first land-grant institutions in the Nation;

Whereas Iowa State was a pioneer in all 3 parts of the land-grant mission, including—(1) access to all, regardless of race, gender or social class, being the first land-grant institution to be coeducational from its opening, with 16 women in its first class and later students including future suffragist Carrie Chapman Catt, an 1880 graduate, and George Washington Carver, the first African American student, who earned a bachelor's degree in 1894 and a master's degree in 1896, and was also the institution's first African American faculty member; (2) practical research, establishing the Nation's first Engineering Experiment Station and domestic economy experimental kitchen, and one of the first agriculture experiment stations; and (3) outreach, including some of the earliest land-grant institution outreach activities such as the establishment of the Farmers Institutes in the winter of 1869–70 by Iowa State President Adonijah Welch, and the organization of the Nation's first county Extension Service in 1903 in Sioux County in northwest Iowa by Professor Perry Holden;

Whereas some of the most important technological advancements of the modern world were the result of research at Iowa State, including—(1) the development of hybrid seed corn in the 1920s; (2) pioneering work on soybean oil extraction and producing ethanol from corn and other plant materials by Professor Orland Sweeney in the 1930s; (3) the invention of the electronic digital computer in the late 1930s by Professor John Atanasoff and graduate student Clifford Berry, whose

Atanasoff-Berry Computer was the first to incorporate the 7 basic principles of modern computing; (4) the foundation for the modern plastics industry laid by polyethylene research by Professor Henry Gilman; (5) development of the process still used today to refine pure rare-earth materials, including reactor-grade uranium, by Professor Frank Spedding and Harley Wilhelm, as a result of Iowa State's key role in the Manhattan Project during World War II; (6) development of modern livestock animal genetics by Professor Jay Lush; and (7) the first field-testing of a genetically altered plant (tobacco) in 1987 and genetically altered tree (poplar) in 1989 by Professor Robert Thornburg;

Whereas Iowa State hired one of the first permanent campus artists-in-residence, with sculptor Christian Petersen holding that position from 1934 to 1955 and providing hundreds of sculptures and other art objects to the university, whose Art on Campus collection today includes more than 600 major public works of art;

Whereas Iowa State has had a technology transfer office since 1935, longer than all but one other university in the Nation, and is acknowledged today as a national leader in putting technology to work, being cited as a “model of economic development” and “licensing powerhouse” in a 2007 study commissioned by the National Science Foundation;

Whereas Iowa State University is today spearheading new advances in science and technology, including new materials, information sciences, green architecture, biological research, and the development of bio-renewable fuels and other resources to support the bioeconomy and the Nation's independence from nonrenewable petroleum resources; and

Whereas more than 257,000 degrees have been awarded by Iowa State, and its graduates include heads of State, leaders of industry, great humanitarians, and gifted scientists, whose work has improved the quality of life for people worldwide: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates Iowa State University of Science and Technology on its 150 years of outstanding service to the State of Iowa, the United States, and the world in fulfilling its mission as a land-grant university; and

(2) thanks the State of Iowa for its visionary leadership in the beginning of the land-grant movement in the United States of America.

#### SENATE CONCURRENT RESOLUTION 69—SUPPORTING THE GOALS AND IDEALS OF A NATIONAL DAY OF REMEMBRANCE FOR HARRIET TUBMAN

Mr. CARDIN (for himself, Mr. VOINOVICH, Ms. MIKULSKI, Mr. CARPER, Mr. BIDEN, and Mr. LEVIN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 69

Whereas Harriet Ross Tubman was born into slavery in Bucktown, Maryland, in or around 1820;

Whereas in 1849 Harriet Tubman escaped to Philadelphia and became a “conductor” on the Underground Railroad;

Whereas Harriet Tubman was commonly referred to as “Moses” due to her courage and sacrifice in leading many enslaved persons out of bondage and into freedom, endeavoring despite great hardship and danger of being re-enslaved;

Whereas Harriet Tubman became an eloquent and effective speaker on behalf of the movement to abolish slavery;

Whereas, during the Civil War, Harriet Tubman assisted the Union Army as a cook, nurse, scout, and spy, and became the first woman to lead an armed expedition in the war, leading to the liberation of more than 700 slaves;

Whereas, after the War, Harriet Tubman became active in the women's suffrage movement and continued to fight for human dignity, human rights, opportunity, and justice;

Whereas, in 1896, Harriet Tubman purchased 25 acres of land in Auburn, New York, to create a home and hospital for indigent, aged, and sick African-Americans, which opened on June 23, 1908, as the Harriet Tubman Home for the Sick and Aged, becoming the only charity outside of New York City dedicated to the shelter and care of African-Americans in New York;

Whereas, in 1944, the Maritime Commission launched the SS Harriet Tubman (Hull Number 3032), the first Liberty ship ever named for an African-American woman;

Whereas, in 1978, Harriet Tubman was the first honoree of the Postal Service Black Heritage Stamp Series;

Whereas the Episcopal Church has designated Harriet Tubman as a saint in its Book of Common Prayer;

Whereas Harriet Tubman, whose courageous and dedicated pursuit of the promise of American ideals and common principles of humanity continues to serve and inspire all people who cherish freedom, died at her home in Auburn, New York, on March 10, 1913;

Whereas Public Law 101-252 designated March 10, 1990 as Harriet Tubman Day, and States such as Delaware, Georgia, Maryland, New York, and Texas host annual celebrations that honor the life of Harriet Tubman on March 10 of each year; and

Whereas it would be appropriate to honor the contributions of Harriet Tubman on March 10 of each year: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) supports the designation of a national day of remembrance for Harriet Tubman; and

(2) encourages the people of the United States to support and participate in such national day of remembrance for Harriet Tubman with appropriate ceremonies, programs, and other activities.

Mr. CARDIN. Mr. President, today I rise to introduce a resolution honoring the legacy of Harriet Ross Tubman, the abolitionist, humanitarian, Union spy, and daughter of Maryland whose selfless efforts throughout her lifetime helped hundreds of slaves realize freedom. My resolution supports the goals and ideals of a national day of remembrance for this American hero.

Araminta Ross was born into slavery in Dorchester County, Maryland, around 1820 and worked as a slave for several families throughout her childhood. Abused and beaten, she suffered a serious head injury that would affect her for the rest of her life. In 1844, she married John Tubman and took the first name of her mother, Harriet.

In 1849, Harriet Tubman escaped to Philadelphia. She launched her work as a "conductor" on the Underground Railroad soon after, making several trips back for family members and friends. Tubman continued to risk capture for more than a decade, delivering

enslaved people from bondage to freedom in New England and Canada. Referred to as "Moses" because of her courage and sacrifice, she personally led more than a dozen expeditions, helping approximately 70 slaves escape. Her efforts and extensive network of contacts along the Underground Railroad provided instruction for dozens more slaves to make the journey to freedom. She once stated, "I never ran my train off track, and I never lost a passenger."

In 1859, Harriet Tubman purchased a home for her family in Auburn, New York. While there, she continued her role as an abolitionist, making several trips to Boston to speak alongside Frederick Douglass and others.

When the Civil War erupted in 1861, Tubman volunteered. She worked for the Union Army as a nurse, scout, spy, and recruiter, and became the first woman to lead an armed expedition in the war, resulting in the liberation of hundreds of slaves. Traveling through Maryland, South Carolina, and Virginia, Harriet Tubman risked disease, capture, and physical injury to support the Union Army.

After the war, Harriet Tubman returned to Auburn. She became active in the women's suffrage movement and worked alongside Susan B. Anthony and Emily Howland. She continued to fight for human dignity, human rights, and equal justice throughout her lifetime.

In 1896, Harriet Tubman purchased 25 acres of land in Auburn to create a home and hospital for indigent, aged, and sick African-Americans. Opened on June 23, 1908, the Harriet Tubman Home for the Sick and Aged was the State's only charity outside of New York City dedicated to the shelter and care of African-Americans. Harriet Tubman died from pneumonia in the home that bore her name on March 10, 1913, surrounded by family and friends. In recognition of her service to this country, she was buried with military honors at the Fort Hill Cemetery in Auburn.

Harriet Tubman's legacy is one of selflessness and dedication to human rights. She inspired generations of African-Americans struggling for equality and civil rights and she has been praised worldwide.

Harriet Tubman has received innumerable commendations for her role in American history. In 1944, the Maritime Commission launched the *SS Harriet Tubman*, the first Liberty ship ever named for an African-American woman. In 1978, Harriet Tubman was the first honoree of the Postal Service Black Heritage Stamp Series. She is also designated as a saint in the Episcopal Church's Book of Common Prayer.

Public Law 101-252 designated March 10, 1990, as Harriet Tubman Day. My home State of Maryland, as well as Delaware, Georgia, New York, and Texas host annual celebrations on March 10 to honor the life of Harriet Tubman.

Harriet Tubman's dedicated pursuit of the American ideals of equality and liberty continues to inspire all who cherish freedom. It is appropriate to honor the life of Harriet Tubman on March 10 each year in recognition of this remarkable woman's contributions to the U.S.

Senate support for this resolution would encourage the people of the United States to participate and support ceremonies, programs, and other activities in remembrance of Harriet Tubman and to acknowledge her importance in American history. Mr. President, as we close Black History Month and enter Women's History Month, I am proud to introduce this resolution honoring Harriet Ross Tubman, and I urge my colleagues to support it.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4134. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.; which was ordered to lie on the table.

SA 4135. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4136. Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 2663, supra.

SA 4137. Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 2663, supra.

SA 4138. Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 2663, supra.

SA 4139. Mr. REID (for Mrs. CLINTON) submitted an amendment intended to be proposed by Mr. Reid to the bill S. 2008, to reform the single family housing loan guarantee program under the Housing Act of 1949; which was referred to the Committee on Banking, Housing, and Urban Affairs.

SA 4140. Mr. INOUE (for himself, Mr. STEVENS, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.; which was ordered to lie on the table.

SA 4141. Mr. DURBIN (for himself, Mr. HATCH, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 2663, supra.

SA 4142. Mr. REID (for Mrs. CLINTON) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4143. Ms. SNOWE (for herself and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 2663, supra.

SA 4144. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2663, supra; which was ordered to lie on the table.

SA 4145. Mr. CARPER (for himself and Mrs. DOLE) submitted an amendment intended to

be proposed by him to the bill S. 2663, *supra*; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 4134.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, add the following:

#### **SEC. 40. INSPECTION OF FOREIGN MANUFACTURING FACILITIES AND WAREHOUSES.**

Section 16 of the Consumer Product Safety Act (15 U.S.C. 2065), as amended by section 14 of this Act, is amended by adding at the end the following:

“(d) FOREIGN MANUFACTURERS, PRIVATE LABELERS, AND DISTRIBUTORS.—

“(1) IN GENERAL.—Each manufacturer, private labeler, or distributor described in paragraph (2) that offers a consumer product for importation into the customs territory of the United States shall provide consent to the Commission, as a condition on such importation and in a form specified by the Commission, authorizing officers or employees duly designated by the Commission to carry out—

“(A) entrances and inspections as described in subsection (a); and

“(B) inspections as described in subsection (b).

“(2) MANUFACTURER, PRIVATE LABELER, OR DISTRIBUTOR DESCRIBED.—A manufacturer, private labeler, or distributor described in this paragraph is a manufacturer, private labeler, or distributor that, during the 36-month period ending on the date of such offer—

“(A) violated a consumer product safety rule; or

“(B) manufactured, distributed, imported, or sold a consumer product that was the subject of an order under section 15(d).”.

**SA 4135.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 25, insert “and verified for accuracy” after “products received”.

**SA 4136.** Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, beginning in line 17, strike “product (other than a medication, drug, or food)” and insert “consumer product”.

**SA 4137.** Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, line 1, strike “Act)” and insert “Act, except for motor vehicle equipment as defined in section 30102(a)(7) of title 49, United States Code)”.

**SA 4138.** Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, beginning with line 13, strike through line 20 on page 71, and insert the following:

#### **SEC. 24. STUDY OF PREVENTABLE INJURIES AND DEATHS OF MINORITY CHILDREN RELATED TO CERTAIN CONSUMER PRODUCTS.**

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Government Accountability Office shall initiate a study to assess disparities in the risks and incidence of preventable injuries and deaths among children of minority populations, including Black, Hispanic, American Indian, Alaskan Native, Native Hawaiian, and Asian/Pacific Islander children in the United States.

(b) REQUIREMENTS.—The study shall examine the racial disparities of the rates of preventable injuries and deaths related to suffocation, poisonings, and drowning including those associated with the use of cribs, mattresses and bedding materials, swimming pools and spas, and toys and other products intended for use by children.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall report the findings to the Senate Commerce, Science, and Transportation Committee and the House of Representatives Energy and Commerce Committee. The report shall include—

(1) the Government Accountability Office's findings on the incidence of preventable risks of injury and death among children of minority populations and recommendations for minimizing such increased risks;

(2) recommendations for public outreach, awareness, and prevention campaigns specifically aimed at racial minority populations; and

(3) recommendations for education initiatives that may reduce current statistical disparities.

**SA 4139.** Mr. REID (for Mrs. CLINTON) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2008, to reform the single family housing loan guarantee program under the Housing Act of 1949; which was referred to the Committee on Banking, Housing, and Urban Affairs; as follows:

On page 103, after line 12, add the following:

#### **SEC. 40. TRAILER AND MOBILE HOME SAFETY.**

(a) REVIEW OF TRAILERS AND MOBILE HOMES PURCHASED BY FEDERAL GOVERNMENT FOR

COMPLIANCE WITH SAFETY STANDARDS.—Notwithstanding section 3(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(1)) or any other provision of law, the Consumer Product Safety Commission shall, in coordination with the Secretary of Housing and Urban Development and the Administrator of the Federal Emergency Management Agency, review and certify each trailer and mobile home purchased by the Federal Government for compliance with safety standards established by the Secretary of Housing and Urban Development under section 50.3(i) of title 24, Code of Federal Regulations (relating to limitations on hazardous materials in housing to be used in a program of the Department of Housing and Urban Development), or any successor to that section, including any such standards for—

(1) formaldehyde;

(2) lead; or

(3) any other hazardous material, contamination, toxic chemical or gas, or radioactive substance that could affect the health or safety of an occupant.

(b) STUDY AND REPORT ON USE OF NON-TOXIC ALTERNATIVES TO FORMALDEHYDE IN THE MANUFACTURE OF TRAILERS AND MOBILE HOMES.—Not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall, in consultation with the Secretary of Housing and Urban Development and the Administrator of the Federal Emergency Management Agency—

(1) conduct a study on the use of non-toxic alternatives to formaldehyde in the manufacture of trailers and mobile homes;

(2) submit to Congress a report on the findings of the Commission with respect to such study, including recommendations, if any, with respect to the use of such non-toxic alternatives; and

(3) publish such report on the Internet website of the Commission.

**SA 4140.** Mr. INOUE (for himself, Mr. STEVENS, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **TITLE —COMMERCIAL SEAFOOD CONSUMER PROTECTION**

##### **SEC. —01. SHORT TITLE.**

This title may be cited as the “Commercial Seafood Consumer Protection Act”.

##### **SEC. —02. SEAFOOD SAFETY.**

(a) IN GENERAL.—The Secretary of Commerce shall, in coordination with the Secretary of Health and Human Services and other appropriate Federal agencies, establish a program, consistent with the international obligations of the United States, to strengthen Federal activities for ensuring that commercially distributed seafood in the United States meets the food quality and safety requirements of Federal law.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary of Commerce and the Secretary of Health and Human Services shall enter into an agreement within 180 days after enactment of this Act to strengthen cooperation on seafood safety. The agreement shall include provisions for—

(1) cooperative arrangements for examining and testing seafood imports;

(2) coordination of inspections of foreign facilities;

(3) technical assistance and training of foreign facilities for marine aquaculture, technical assistance for foreign governments concerning United States regulatory requirements, and appropriate information transfer arrangements between the United States and foreign governments;

(4) developing a process for expediting imports of seafood into the United States from foreign countries and exporters that consistently adhere to the highest standards for ensuring seafood safety;

(5) establishing a system to track shipments of seafood in the distribution chain within the United States;

(6) labeling requirements to assure species identity and prevent fraudulent practices;

(7) a process by which officers and employees of the National Oceanic and Atmospheric Administration and National Marine Fisheries Service may be commissioned by the Secretary of Health and Human Services for seafood examinations and investigations conducted under section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381);

(8) the sharing of information concerning observed non-compliance with United States food requirements domestically and in foreign countries and new regulatory decisions and policies that may affect regulatory outcomes; and

(9) conducting joint training on subjects that affect and strengthen seafood inspection effectiveness by Federal authorities.

#### SEC. —03. CERTIFIED LABORATORIES.

Within 180 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Health and Human Services, shall increase the number of laboratories certified to the standards of the Food and Drug Administration in the United States and in countries that export seafood to the United States for the purpose of analyzing seafood and ensuring that it complies with Federal law. Such laboratories may include Federal, State, and private facilities. The Secretary of Commerce shall publish in the Federal Register a list of certified laboratories, and shall update the list, and publish the updated list, no less frequently than annually.

#### SEC. —04. NOAA LABORATORIES.

In any fiscal year beginning after the date of enactment of this Act, the Secretary of Commerce may increase the number and capacity of laboratories operated by the National Oceanic and Atmospheric Administration involved in carrying out testing and other activities under this title to the extent the Secretary determines that increased laboratory capacity is necessary to carry out the provisions of this title and as provided for in appropriations Acts.

#### SEC. —05. CONTAMINATED SEAFOOD.

(a) REFUSAL OF ENTRY.—The Secretary of Health and Human Services may issue an order refusing admission into the United States of all imports of seafood or seafood products originating from a country or exporter if the Secretary determines that shipments of such seafood or seafood products do not meet the requirements established under the Federal Food, Cosmetic, and Drug Act (21 U.S.C. 301 et seq.).

(b) INCREASED TESTING.—If the Secretary determines that seafood imports originating from a country may not meet the requirements of Federal law, and determines that there is a lack of adequate certified laboratories to provide for the entry of shipments pursuant to section —03, then the Secretary may order an increase in the percentage of shipments tested of seafood originating from such country to improve detection of potential violations of such requirements.

(c) ALLOWANCE OF INDIVIDUAL SHIPMENTS FROM EXPORTING COUNTRY OR EXPORTER.—Notwithstanding an order under subsection (a) with respect to seafood originating from a country or exporter, the Secretary may permit individual shipments of seafood originating in that country or from that exporter to be admitted into the United States if—

(1) the exporter presents evidence from a laboratory certified by the Secretary that a shipment of seafood meets the requirements of Federal law;

(2) the Secretary, or an entity commissioned to carry out examinations and investigations under section 702(a) of the Federal Food, Cosmetic, and Drug Act (21 U.S.C. 372(a)), has inspected the shipment and has found that the shipment meets the requirements of Federal law.

(d) CANCELLATION OF ORDER.—The Secretary may cancel an order under subsection (a) with respect to seafood exported from a country or exporter if all shipments into the United States under subsection (c) of seafood originating in that country or from that exporter more than 1 year after the date on which the Secretary issued the order have been found, under the procedures described in subsection (c), to meet the requirements of Federal law. If the Secretary determines that an exporter has failed to comply with the requirements of an order under subsection (a), the 1-year period in the preceding sentence shall run from the date of that determination rather than the date on which the order was issued.

(e) EFFECT.—This section shall be in addition to, and shall have no effect on, the authority of the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) with respect to seafood, seafood products, or any other product.

#### SEC. —06. INSPECTION TEAMS.

The Secretary of Commerce, in cooperation with the Secretary of Health and Human Services, may send 1 or more inspectors to a country or exporter from which seafood exported to the United States originates. The inspection team will assess practices and processes being used in connection with the farming, cultivation, harvesting, preparation for market, or transportation of such seafood and provide technical assistance related to the requirements established under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.). The inspection team shall prepare a report for the Secretary of Commerce with its findings. The Secretary of Commerce shall make a copy of the report available to the country or exporter that is the subject of the report and provide a 30-day period during which the country or exporter may provide a rebuttal or other comments on the findings to the Secretary. The Secretary of Commerce shall cause the report, together with any comments submitted to the Secretary by the country or exporter, to be published in the Federal Register no later than 60 days after the inspection team makes its final report.

#### SEC. —07. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 2009 through 2013, for purposes of carrying out the provisions of this title, \$15,000,000.

**SA 4141.** Mr. DURBIN (for himself, Mr. HATCH, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effective-

ness of consumer product recall programs, and for other purposes; as follows:

On page 85, beginning with line 22, strike through line 8 on page 86 and insert the following:

#### SEC. 31. GARAGE DOOR OPENER STANDARD.

(a) IN GENERAL.—Notwithstanding section 203(b) of the Consumer Product Safety Improvement Act of 1990 (15 U.S.C. 2056 note) or any amendment by the American National Standards Institute and Underwriters Laboratories, Inc. of its Standards for Safety—UL 325, all automatic residential garage door operators that directly drive the door in the closing direction that are manufactured more than 6 months after the date of enactment of this Act shall include an external secondary entrapment protection device that does not require contact with a person or object for the garage door to reverse.

(b) EXCEPTION.—Except as provided in subsection (c), subsection (a) does not apply to the manufacture of an automatic residential garage door operator without a secondary external entrapment protection device that does not require contact by a company that manufactured such an operator before the date of enactment of this Act if Underwriters Laboratories, Inc., certified that automatic residential garage door operator as meeting its Standards for Safety—UL 325 before the date of enactment of this Act.

#### (c) REVIEW AND REVISION.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Consumer Product Safety Commission shall review, and if necessary revise, its automatic residential garage door operator safety standard, including the requirement established by subsection (a), to ensure that the standard provides maximum protection for public health and safety.

(2) REVISED STANDARD.—The exception provided by subsection (b) shall not apply to automatic residential garage door operators manufactured after the effective date of any such revised standard if that standard adopts the requirement established by subsection (a).

**SA 4142.** Mr. REID (for Mrs. CLINTON) submitted an amendment intended to be proposed by Mr. REID to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, add the following:

#### SEC. 40. TRAILER AND MOBILE HOME SAFETY.

(a) REVIEW OF TRAILERS AND MOBILE HOMES PURCHASED BY FEDERAL GOVERNMENT FOR COMPLIANCE WITH SAFETY STANDARDS.—Notwithstanding section 3(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(1)) or any other provision of law, the Consumer Product Safety Commission shall, in coordination with the Secretary of Housing and Urban Development and the Administrator of the Federal Emergency Management Agency, review and certify each trailer and mobile home purchased by the Federal Government for compliance with safety standards established by the Secretary of Housing and Urban Development under section 50.3(i) of title 24, Code of Federal Regulations (relating to limitations on hazardous materials in housing to be used in a program of the Department of Housing and Urban Development), or any successor to that section, including any such standards for—

(1) formaldehyde;  
 (2) lead; or  
 (3) any other hazardous material, contamination, toxic chemical or gas, or radioactive substance that could affect the health or safety of an occupant.

(b) **STUDY AND REPORT ON USE OF NON-TOXIC ALTERNATIVES TO FORMALDEHYDE IN THE MANUFACTURE OF TRAILERS AND MOBILE HOMES.**—Not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall, in consultation with the Secretary of Housing and Urban Development and the Administrator of the Federal Emergency Management Agency—

(1) conduct a study on the use of non-toxic alternatives to formaldehyde in the manufacture of trailers and mobile homes;

(2) submit to Congress a report on the findings of the Commission with respect to such study, including recommendations, if any, with respect to the use of such non-toxic alternatives; and

(3) publish such report on the Internet website of the Commission.

**SA 4143.** Ms. SNOWE (for herself and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of non-compliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; as follows:

On page 49, strike lines 8 through 15 and insert the following:

establish additional criteria for the imposition of civil penalties under section 20 of the Consumer Product Safety Act (15 U.S.C. 2069) and any other Act enforced by the Commission, including factors to be considered in establishing the amount of such penalties, such as repeat violations, the precedential value of prior adjudicated penalties, the factors described in section 20(b) of the Consumer Product Safety Act (15 U.S.C. 2069(b)), and other circumstances.

Insert at end of 15 U.S.C. Section 2069(b), “, including how to mitigate undue adverse economic impacts on small businesses.”

Insert in 15 U.S.C. Section 2069(c), after “size of the business of the person charged,” “including how to mitigate undue adverse economic impacts on small businesses,”

**SA 4144.** Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, after line 12, insert the following:

#### **SEC. 40. INFANT CRIB SAFETY.**

(a) **DEFINITIONS.**—In this section:

(1) **CRIB.**—The term “crib” means a full-size crib or non-full-size crib.

(2) **FULL-SIZE CRIB.**—The term “full-size crib” means a full-size baby crib as defined in section 1508.1 of title 16, Code of Federal Regulations.

(3) **NON-FULL-SIZE CRIB.**—The term “non-full-size crib” means a non-full-size baby crib as defined in section 1509.2(b) of title 16,

Code of Federal Regulations (including a portable crib and a crib-pen described in paragraph (2) of subsection (b) of that section).

(4) **SLEEP POSITIONER.**—The term “sleep positioner” means a wedge, roll, prop, or head pillow designed to encourage one position during sleep.

(5) **SOFT BEDDING.**—The term “soft bedding” means any padded bumper pad, sleeping bag, comforter, quilt, blanket, or pillow.

(b) **DURABILITY TEST REQUIREMENTS FOR CRIBS.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate regulations requiring fatigue strength testing for full-size and non-full-size cribs.

(2) **CONSIDERATION OF SPECIFIC FATIGUE STANDARDS.**—In promulgating the regulations required by paragraph (1), the Commission shall consider Underwriters Laboratories Standard UL-2275 for Full-Size Baby Cribs and any other applicable safety standard and currently in use relating to fatigue strength test requirements.

(c) **SOFT BEDDING WARNING LABELS.**—As soon as practicable after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate regulations to update parts 1508 and 1509 of title 16, Code of Federal Regulations, to require labels on cribs warning consumers about the risk of suffocation from using soft bedding in cribs. Such labels shall include warnings against the use of bumper pads and sleeping positioners and any other warnings the Commission determines appropriate.

**SA 4145.** Mr. CARPER (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 2663, to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, between lines 5 and 6, insert the following:

(c) **STATE GRANT PROGRAM FOR CARBON MONOXIDE ALARMS.**—

(1) **FINDINGS.**—The Congress finds the following:

(A) Carbon monoxide is a colorless, odorless gas produced by burning any fuel. Exposure to unhealthy levels of carbon monoxide can lead to carbon monoxide poisoning, a serious health condition that could result in death.

(B) Carbon monoxide poisoning from the use of fuel-burning appliances in residential homes and other dwelling units kills at least 2,000 people each year and sends more than 15,000 to hospital emergency rooms for treatment.

(C) Research shows that purchasing and installing carbon monoxide alarms close to the sleeping areas in residential homes and other dwelling units can help avoid fatalities.

(D) Congress should promote the purchase and installation of carbon monoxide alarms in residential homes and dwelling units nationwide in order to promote the health and public safety of citizens throughout the nation.

(2) **STATE APPROVED CARBON MONOXIDE ALARM GRANT PROGRAM.**—

(A) **IN GENERAL.**—Subject to the availability of appropriations authorized by paragraph (4), the Commission shall establish a grant program to provide assistance to eligi-

ble States to carry out a carbon monoxide alarm program.

(B) **ELIGIBILITY.**—To be eligible for a grant under this program, a State shall—

(i) demonstrate to the satisfaction of the Commission that the State has adopted a statute, or a State agency has adopted a state-wide rule, regulation, or similar measure with the force and effect of law, requiring the inclusion of approved carbon monoxide alarms installed in accordance with NFPA 720 in all commercial residential dwelling units and all new dwelling unit construction and providing penalties for failure to include such alarms; and

(ii) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require. Such application may be filed on behalf of any qualified State by the fire code enforcement officials for such State.

(C) **GRANT AMOUNT; PRIORITY.**—The Commission shall determine the amount of the grants awarded under this section, and shall give priority to—

(i) multi-state applications (including those made by a nonprofit organization representing fire code enforcement officials on behalf of more than 1 State) if all participating States meet the requirements of this paragraph; and

(ii) States demonstrating greater than average losses of life from carbon monoxide poisoning in the home.

(D) **USE OF FUNDS.**—A State receiving a grant under this section may use grant funds—

(i) to train that State's fire code enforcement officials in the proper enforcement of State laws concerning approved carbon monoxide alarms and the installation of such alarms in accordance with NFPA 720;

(ii) for the development and dissemination of training materials, instructors, and any other costs related to the training sessions authorized by this paragraph; and

(iii) to educate the public about the risk associated with carbon monoxide as a poison and the importance of proper carbon monoxide alarm use. No more than 25 percent of any grant may be used in this manner.

(E) **ADMINISTRATIVE COST LIMIT.**—No more than 10 percent of any grant funds may be used to cover administrative costs not directly related to training described in subparagraph (D)(i).

(3) **DEFINITIONS.**—In this subsection:

(A) **APPROVED CARBON MONOXIDE ALARM.**—The term “approved carbon monoxide alarm” means a carbon monoxide alarm that complies with the standards, whether voluntary or mandatory, issued, approved, or otherwise supported by the Commission with respect to such alarms, whether those standards have been developed unilaterally by the Commission or in conjunction with other parties.

(B) **CARBON MONOXIDE ALARM.**—The term “carbon monoxide alarm” means a device that detects the presence of carbon monoxide and sounds an alarm if the level of carbon monoxide detected by the device poses a health risk to persons within the vicinity of the device.

(C) **COMMISSION.**—The term “Commission” means the Consumer Product Safety Commission.

(D) **DWELLING UNIT.**—The term “dwelling unit” means a room or suite of rooms used for human habitation, and includes a single family residence as well as each living unit of a multiple family residence (including apartment buildings) and each living unit in a mixed use building.

(E) **FIRE CODE ENFORCEMENT OFFICIALS.**—The term “fire code enforcement officials”

means officials of the Fire Safety Code Enforcement Agency of a State.

(F) NFPA 720.—The term “NFPA 720” means the standard for the Installation of Carbon Monoxide (CO) Warning Equipment in Dwelling Units issued by the National Fire Protection Association in 2005 and any amended or similar successor standard pertaining to the proper installation of carbon monoxide alarms in dwelling units.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of fiscal years 2009 through 2013 \$5,000,000 to carry out this subsection, such sums to remain available until expended. Any amounts appropriated pursuant to this paragraph that remain unexpended and unobligated at the end of fiscal year 2013 shall be retained by the Commission and credited to the appropriations account that funds enforcement of the Consumer Products Safety Act.

(5) COMMISSION REPORT.—Not later than 1 year after the last day of each fiscal year for which grants are made under this section, the Commission shall submit to Congress a report evaluating the implementation of the grant program authorized by this section.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 6, 2008, at 9:30 a.m., in open session in order to receive testimony on U.S. Southern Command and U.S. Northern Command in review of the Defense authorization request for fiscal year 2009 and the future years Defense program.

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

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. PRYOR. 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 March 6, 2008, at 10 a.m., in order to conduct a hearing entitled “Reforming the Regulation of Government Sponsored Enterprises.”

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

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, March 6, 2008, at 10:30 a.m., in room 253 of the Russell Senate Office Building, in order to conduct a hearing.

The Committee will review the President's proposed U.S. Coast Guard budget for the 2009 fiscal year. It will also examine programs in the pending Coast Guard Reauthorization Act for fiscal year 2008.

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

### COMMITTEE ON FINANCE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Com-

mittee on Finance be authorized to meet during the session of the Senate on Thursday, March 6, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to hear testimony on the administration's 2008 trade agenda.

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

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled “Unemployment in a Volatile Economy: How to Secure Families and Build Opportunity” on Thursday, March 6, 2008. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

### COMMITTEE ON INDIAN AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, March 6, at 10 a.m. in room 628 of the Dirksen Senate Office Building in order to conduct an oversight hearing on the State of Facilities in Indian Country—jails, schools, and health facilities.

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

### COMMITTEE ON THE JUDICIARY

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct an executive business meeting on Thursday, March 6, 2008, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

## Agenda

### I. Bills

S.2304, Mentally III Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007, (Domenici, Kennedy, Specter, Leahy); S.2449, Sunshine in Litigation Act of 2007, (Kohl, Leahy, Graham); S.352, Sunshine in the Courtroom Act of 2007, (Grassley, Schumer, Leahy, Specter, Graham, Feingold, Cornyn, Durbin); S.2136, Helping Families Save Their Homes in Bankruptcy Act of 2007, (Durbin, Schumer, Whitehouse, Biden, Feinstein); S.2133, Home Owners “Mortgage and Equity Savings Act,” (Specter, Coleman); S.2041, False Claims Act Correction Act of 2007, (Grassley, Durbin, Leahy, Specter, Whitehouse); and S.2533, State Secrets Protection Act, (Kennedy, Specter, Leahy, Feingold).

### II. Nominations

Kevin J. O'Connor to be Associate Attorney General, Department of Justice; Gregory G. Katsas to be Assistant Attorney General, Civil Division, Department of Justice; William Joseph Hawe to be United States Marshal for the Western District of Washington;

Brian Stacy Miller to be United States District Judge for the Eastern District of Arkansas; James Randal Hall to be United States District Judge for the Southern District of Georgia; John A. Mendez to be United States District Judge for the Eastern District of California; and Stanley Thomas Anderson to be United States District Judge for the Western District of Tennessee.

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

### SELECT COMMITTEE ON INTELLIGENCE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 6, 2008, at 2:30 p.m. in order to hold a closed hearing.

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

## CONGRATULATING IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 475.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 475) congratulating Iowa State University of Science and Technology on its 150 years of leadership and service to the United States and the world as Iowa's land-grant university.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARKIN. Mr. President, I rise today to speak on behalf of my alma mater, Iowa State University, and recognize it upon its 150 years of leadership and service to the United States and the world as Iowa's land-grant university.

Iowa State has a colorful and progressive history. The university was founded under the Morrill Land Grant College Act of 1862. Representative Justin Smith Morrill, who wrote the bill, and Abraham Lincoln, who signed the act into law in the midst of the Civil War, had the vision to establish a public institution that provided and still provides a top flight, affordable education for people of all walks of life.

Iowa was the first State to accept the terms of the Morrill land grant and pioneered all three parts of its mission. The act calls for schools that provide “access to all, regardless of race, gender, or class.” The act also limits funding to only schools that conduct “Practical Research.” Finally, the Morrill Land Grant Act calls for the schools provided for to serve significant “outreach” in the surrounding community.

Iowa State has certainly lived up to those lofty words of the Morrill Act. Iowa State University has been home to some of the most important technological and agricultural advances in history. Professor John Atanasoff and graduate student Clifford Berry of ISU have been credited with the invention of the electronic digital computer in



the late 1930s. When they constructed the Atanasoff-Berry computer, they were the first to incorporate the seven basic principles of modern computing.

Professor Henry Gilman laid the foundation for the modern plastics industry with his research in polyethylene materials. In the 1920s, ISU was home to the development of hybrid seed corn. Professor Orland Sweeney conducted pioneering work on soybean oil extraction and producing ethanol from corn and other plant materials in the 1930s.

Iowa State has produced such esteemed graduates as George Washington Carver, a man who shattered the glass ceiling for minority inventors, women's rights activist Carrie Chapman Catt, and astronaut Clayton Anderson, just to name a few.

John Garang, who earned a Ph.D. in economics from Iowa State, not only went on to serve as vice president of Sudan, but in his role as leader of the Sudanese Peoples Liberation Army worked to end his country's violent civil war.

One cannot forget to mention that Mildred Day, the inventor of Rice Krispies treats, also graduated from Iowa State. In addition to Mildred, former CEOs of Boeing, Dow Corning, 3-M, and Lockheed Martin have all claimed Iowa State University as their alma mater, as do I.

I attended ISU on a Naval ROTC scholarship. The program covered my books and tuition, as well as \$50 a month to cover extra expenses. I was well taken care of at ISU. With NROTC and a loan from the National Defense Scholarship Program, started under President Eisenhower, I was able to make it through college and flourish.

It is my honor today to stand in support of my resolution honoring Iowa State for its long and storied history of graduating men and women who are creative, productive, and innovative. As the ISU fight song goes, "Loyal sons forever true, and we will fight the battle through. And when we hit that line we'll hit it hard ev'ry yard for I.S.U."

Mr. GRASSLEY. Mr. President, today I support this resolution to honor the service and leadership of Iowa State University. I am cosponsoring this resolution because I know firsthand the substantial contributions that Iowa State has made to both Iowa and the Nation as a whole. In fact, as one of the first land-grant universities, it has led the way in technology advancement and outreach.

Iowa State University will celebrate 150 years of service to the United States this month. The university is a leader in agricultural, engineering, and computer science technologies. They have been pioneers in the education of minorities and women. Because of these advancements, Iowa State University is recognized throughout the world as a standard for excellence in education, practical research, and outreach through extension.

Iowa State is a great representative for the people of our State and will

continue to leave an important legacy for our Nation. It is with great respect that I introduce this resolution in honor of Iowa State University's 150th year anniversary.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 475) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 475

Whereas Iowa State University of Science and Technology was established by the Iowa General Assembly on March 22, 1858, as the Iowa Agricultural College and Model Farm in response to the State of Iowa's desire to provide higher education opportunities to farm families and working classes in Iowa, predating the passage of the Federal Morrill Act by 4 years;

Whereas on September 3, 1862, Iowa became the first State in the Nation to accept the terms and conditions of the Morrill Act creating the land-grant system of colleges and universities;

Whereas the Iowa Agricultural College and Model Farm, known today as Iowa State University of Science and Technology (Iowa State), received Iowa's land-grant charter on March 29, 1864, making it one of the first land-grant institutions in the Nation;

Whereas Iowa State was a pioneer in all 3 parts of the land-grant mission, including—(1) access to all, regardless of race, gender or social class, being the first land-grant institution to be coeducational from its opening, with 16 women in its first class and later students including future suffragist Carrie Chapman Catt, an 1880 graduate, and George Washington Carver, the first African American student, who earned a bachelor's degree in 1894 and a master's degree in 1896, and was also the institution's first African American faculty member; (2) practical research, establishing the Nation's first Engineering Experiment Station and domestic economy experimental kitchen, and one of the first agriculture experiment stations; and (3) outreach, including some of the earliest land-grant institution outreach activities such as the establishment of the Farmers Institutes in the winter of 1869-70 by Iowa State President Adonijah Welch, and the organization of the Nation's first county Extension Service in 1903 in Sioux County in northwest Iowa by Professor Perry Holden;

Whereas some of the most important technological advancements of the modern world were the result of research at Iowa State, including—(1) the development of hybrid seed corn in the 1920s; (2) pioneering work on soybean oil extraction and producing ethanol from corn and other plant materials by Professor Orland Sweeney in the 1930s; (3) the invention of the electronic digital computer in the late 1930s by Professor John Atanasoff and graduate student Clifford Berry, whose Atanasoff-Berry Computer was the first to incorporate the 7 basic principles of modern computing; (4) the foundation for the modern plastics industry laid by polyethylene research by Professor Henry Gilman; (5) development of the process still used today to refine pure rare-earth materials, including reactor-grade uranium, by Professor Frank

Spedding and Harley Wilhelm, as a result of Iowa State's key role in the Manhattan Project during World War II; (6) development of modern livestock animal genetics by Professor Jay Lush; and (7) the first field-testing of a genetically altered plant (tobacco) in 1987 and genetically altered tree (poplar) in 1989 by Professor Robert Thornburg;

Whereas Iowa State hired one of the first permanent campus artists-in-residence, with sculptor Christian Petersen holding that position from 1934 to 1955 and providing hundreds of sculptures and other art objects to the university, whose Art on Campus collection today includes more than 600 major public works of art;

Whereas Iowa State has had a technology transfer office since 1935, longer than all but one other university in the Nation, and is acknowledged today as a national leader in putting technology to work, being cited as a "model of economic development" and "licensing powerhouse" in a 2007 study commissioned by the National Science Foundation;

Whereas Iowa State University is today spearheading new advances in science and technology, including new materials, information sciences, green architecture, biological research, and the development of bio-renewable fuels and other resources to support the bioeconomy and the Nation's independence from nonrenewable petroleum resources; and

Whereas more than 257,000 degrees have been awarded by Iowa State, and its graduates include heads of State, leaders of industry, great humanitarians, and gifted scientists, whose work has improved the quality of life for people worldwide: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates Iowa State University of Science and Technology on its 150 years of outstanding service to the State of Iowa, the United States, and the world in fulfilling its mission as a land-grant university; and

(2) thanks the State of Iowa for its visionary leadership in the beginning of the land-grant movement in the United States of America.

#### MEASURES READ THE FIRST TIME—H.R. 1084, H.R. 1424, AND H.R. 5159

Mr. REID. Mr. President, I believe there are three bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time en bloc.

The legislative clerk read as follows:

A bill (H.R. 1084) to amend the Foreign Assistance Act of 1961, the State Department Basic Authorities Act of 1956, and the Foreign Service Act of 1980 to build operational readiness in civilian agencies, and for other purposes.

A bill (H.R. 1424) to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, and for other purposes.

A bill (H.R. 5159) to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes.

Mr. REID. Mr. President, I ask for a second reading en bloc but object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will receive their second reading on the next legislative day.

in the day, and that the Senate proceed to 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.

Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6 p.m., adjourned until Friday, March 7, 2008, at 10 a.m.

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ORDERS FOR FRIDAY, MARCH 7,  
2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Friday, March 7; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time of the two leaders be reserved for their use later

Mr. REID. Mr. President, as I announced earlier, there will be no roll-call votes tomorrow or Monday. Senators should be prepared for a busy week next week as the Senate considers the budget resolution.

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ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the

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PROGRAM

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CONFIRMATION

Executive nomination confirmed by the Senate Thursday, March 6, 2008:

DEPARTMENT OF STATE

HECTOR E. MORALES, OF TEXAS, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.