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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

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

Let us pray.

Lord of our lives, we confess our dependence on You. Give us, today, our daily bread, food for our bodies, minds, and spirits. Let Your goodness guide us, Your providence protect us, and Your love sustain us.

Today, give our Senators a sense of Your precious presence. Imbue them with Your courage for their challenges, Your wisdom for their perplexities, Your peace for their anxieties, and Your faith for their mountains. Guide them with Your loving hand, for we acknowledge You as the way, the truth, and the light.

We pray this in Your glorious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER 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, May 8, 2007.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will be in a period of morning business for an hour, with the time equally divided. The majority will control the first half and the Republicans will have the final 30 minutes.

The Senate then will resume consideration of S. 1082, the FDA bill.

For the information of the Members, there is a filing deadline at 10:30 this morning for second-degree amendments to the substitute amendment and the bill.

At 11:50 this morning, we will change course and proceed to executive session to consider the nomination of Frederick Kampala, to be a U.S. district judge in northern Illinois. There will be 20 minutes of debate and then a vote. Following the vote, the Senate will recess for our regular conference meetings.

Yesterday, cloture was invoked on the committee substitute. I hope that at some point we will be in a position to agree to the amendments by unanimous consent or to get cloture for completing action on the FDA bill. There are still a number of amendments pending, and a preliminary review by all the Parliamentarians indicates some of them are arguably germane postcloture.

I would say on this matter, I informed the Republican leader yesterday we would not have any votes after 4 o'clock today, but that doesn't mean we would not be in session. If we can't get some agreement on running out the 30 hours, we will have to be in session until that time expires, around 10 or 11 o'clock tonight. Then we would in the morning come in and finish this FDA bill. Then it is my understanding—the Parliamentarian can correct me if I am wrong—that there would be a cloture vote on WRDA at that time, unless some agreement is worked out on that, to move to that bill.

MEASURE PLACED ON THE CALENDAR—S. 1312

Mr. REID. I understand that S. 1312 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1312) to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

Mr. REID. I object to any further proceedings with respect to the bill.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority and the second half controlled by the minority.

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

The Senator from Oregon is recognized.

HEALTHY AMERICANS ACT

Mr. WYDEN. Mr. President, our friend and colleague, Senator BENNETT, and I have joined together in the first bipartisan legislation to guarantee quality, affordable health care for all Americans in more than a decade. I could have no better partner to deal with the premier issue here at home than Senator BENNETT, who, of course, is a senior Member of the Senate Republican leadership and widely respected on both sides of the aisle. In the days ahead, together, we are going to be talking with Senators of both parties and discussing this legislation on the floor with one specific goal in mind; that is, Senate action to fix health care in America in 2007.

Now, of course, the popular wisdom is that something like this simply could never, ever be done. All the Washington, DC, beltway pundits say fixing health care is something we can't do right now and that it will be the job for the next President and the next Congress and everybody ought to expect that maybe 2 years from now, in the spring of 2009, Congress will get around to dealing with the principal domestic issue of our time.

I and Senator BENNETT don't believe we were given election certificates to sit around for 2 more years, when the American people are saying they cannot afford for the Congress to wait on fixing health care. It is the top issue here at home. It has been studied, studied, and studied. It has been poked and prodded for an awfully long time. It is time for the Senate to act and act now.

Our citizens are staying up late worrying about how they are going to be able to afford quality health care. I don't see how Members of Congress can explain going home at night without addressing our citizens' concerns, and say we will talk about this again in a couple of years. The country wants action, and Senator BENNETT and I are going to do everything we can to make sure they get it.

Yesterday, the CEOs of five major companies joined our push for action on health care this year. They focused on a handful of important principles. The principles pretty much mirror the Healthy Americans Act. I am very pleased the CEOs yesterday joined those who have already come out in support of the Healthy Americans Act: the business leaders, the labor leaders, the public health advocates, the advocates for consumers, and those who want to have dignity for folks at the end of life. They have already come out in support of the Healthy Americans Act, and I was very glad to be able to join the CEOs with Senator BENNETT yesterday to talk about why it is important for Congress to act and to act now.

The Healthy Americans Act is based on a handful of key principles. The first is that if you are going to fix health care, you have to cover everybody. If you don't cover everybody, what happens in American health care is that those who are uninsured shift their costs to those who are insured. So all the people who have private policies end up picking up the costs of those who are uninsured.

Second, we believe we ought to build universal coverage around private choices, while protecting current Government programs. Our legislation, for example, keeps in place the basic structure of Medicare and veterans programs, making improvements in Medicare; for example, creating incentives for prevention, particularly under Part B, what is called the outpatient portion of the program. We build the future of American health care around quality, affordable private choices, while protecting current Government programs.

The third area we address is fixing the Tax Code. We have 180 million people essentially getting health care in America by a historical accident. Back in the 1940s, there were wage and price controls. It wasn't possible to get quality affordable health care to our citizens, and it was essentially put on the backs of the employers. Then the Tax Code came along to support that decision. Now, more than $200 billion goes out the door in a way that disproportionately favors the most affluent and also promotes inefficiency. If you are a high-flying CEO, you can go out and get a designer smile and write it all off on your tax bill, but if you are a hard-working woman in a furniture store, you get virtually nothing out of the Tax Code. So Senator BENNETT and I think it is time to fix something in the Tax Code that might have made sense 65 years ago but certainly doesn't make sense today.

Then, we propose to cut the link between employers and insurance. There is no reason why we ought to say—at a time when our citizens change their job something like seven times by the time someone is 35, and we live in a society where people want portability, the ability to move quickly from job to job and take their benefits with them—there is no reason to say the future of American health care ought to require the employer to continue to be the focus of how health care is delivered. Certainly, at a time when our employers are up against global competition—and not competing with somebody in Denver or Texas but in global markets—it makes no sense to dump all this onto the back of the employer. So Senator BENNETT and I would cut the link between health insurance and employment.

We have put a special emphasis on creating a new culture of wellness and, in a sense, dealing with the fact that America doesn't have health care at all. What we have is ''sick'' care. Medicare will spend thousands of dollars under Part A for senior citizens' hospital bills and virtually nothing under Part B for prevention to keep people well. So we make those voluntary incentives part of Medicare so that if a senior, for example, in Montana were to lower her blood pressure or her cholesterol for the first time, that senior in Montana would be able to get a lower Part B premium and actually see, on a voluntary basis, why good health pays off in terms of the premium costs seniors face.

Finally, our judgment is we are spending enough money today on health care. We are not spending it in the right places. To put it into perspective, this year we are going to spend $2.3 trillion on health care. There are about 300 million of us. If you divide 300 million into $2.3 trillion, you could go out and hire a personal physician for every seven families in America and pay that doctor $200,000 a year, and then we would all have quality, affordable health care. Picture that in the State of Montana or in another part of our country: Seven families, for the amount of money we are spending today, could have their own personal physician who would get paid $200,000, and their job would be to take care of seven families. Whenever I bring that up to the physicians groups—I am sure my colleague from Montana would see this as well—whenever I bring it up to physicians, they say: RON, where do I go to get my seven families? It sounds pretty good. It would be pretty good to be able to practice medicine again today rather than being a bean counter and an administrator and somebody who has to shuffle through all the paper and bureaucracy.

We are spending enough; we are not spending it in the right places. So that is why we have to say the first thing we are going to do is spend what is being allocated by American health care today more wisely.

The Lewin Group is sort of the gold standard of doing health care analyses. They analyzed the Healthy Americans Act and the President's proposals and proposals from various States, and they have found that under the legislation that Senator BENNETT and I are working on in the Senate, it would be possible to save $1.45 trillion—that is with a T—on health care spending in the years ahead, the first proposal to actually lower the rate of growth in health spending. So the facts are indisputable. People who are insured today—and you often ask why should they support changes—are picking up the bills of those who are uninsured. As Senator BENNETT has often said, we have universal coverage already today. That is the way it works. Those people are going to get care; it is just not going to be done in a very efficient fashion.

So the facts are not in question. Medical costs are gobbling up everything in sight. Our employers are at a disadvantage when it comes to U.S. competitiveness. There has been a huge increase in chronic illness. A tiny percentage of the Medicare population, for

example, consumes most of the Medicare dollars, essentially as a result of problems relating to heart disease and diabetes and a host of other illnesses that could be prevented. Of course, it is well understood by every Senator that there is a demographic avalanche coming with many more older people.

So with the facts not in dispute, with the country saying act now, don't put this off for another 2 years, the Senate has an opportunity to work in a bipartisan way.

Senators on my side of the aisle have made it clear—correctly in my view—that we have to get everybody covered. It is not right for this country to be the only western industrialized nation that cannot figure out how to get everybody under the tent. It is important to get everybody covered.

Senator BENNETT and others on the Republican side of the aisle have been correct in saying the public doesn't feel comfortable with the idea of having Government run it all. The people in my State voted against what is known as a ''single payer plan'' in 2002 by a 3-to-1 majority.

What Senator BENNETT and I have put together, for the amount of money that is being spent today, is a bill that will save close to $1.5 trillion over the next 10 years. It is legislation you can explain at any townhall meeting in Montana, Oregon, or anywhere else, and that is that every citizen would have access to a private health policy at least as good as their Member of Congress has. It is very simple to understand.

I have a Blue Cross card in my pocket. I was able, during the period of open enrollment, which the Senator from Montana experienced when he came to the Senate, to make choices, make an evaluation of the various private health policies that were offered to me. As a result, my children and I have that private health coverage. I want that same set of choices and set of opportunities for those whom I represent and the people of this country.

My good friend Senator BENNETT has joined me on the floor. I am going to yield soon for him to speak.

I think the debate in the Senate has reached the critical moment, at least for this session of Congress. We know we have to get action on major issues in 2007. We are going to spend a lot of time next year electing a new President. You probably don't have to have the President actually sign a piece of legislation in 2007, but you have to get serious action. Senator BENNETT and I believe there is an opportunity today that we have not had in years and years, and that is to bring Democrats and Republicans together to work for universal coverage.

My friend Senator BENNETT has made the point very eloquently that we are already paying for it today. We are just not, in many respects, getting our money's worth. So we have spent a great deal of time listening to folks in the private sector, in business, and labor, and Government, Democrats and Republicans, and we want to bring the Senate together.

I also point out that the Healthy Americans Act, which Senator BENNETT has agreed to be the lead Republican sponsor on, mirrors the letter that 10 Senators—5 Democrats and 5 Republicans—sent to the President earlier this year, indicating we want to work with him. Health care has been studied and studied. The time for action is now. I am very pleased my good friend Senator BENNETT is going to be joining me in this effort.

I repeat to the Senate, this is the first time in more than a decade there has actually been a bipartisan piece of legislation to provide for universal health coverage in America. The last one, in fact, was largely developed by the late Senator Chafee, who sought to do much of what Senator BENNETT and I are seeking to do.

With that, I yield the floor.

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

HEALTHY AMERICANS ACT

Mr. BENNETT. Mr. President, I appreciate the comments of my friend from Oregon. I wish to make it very clear that if it were not for his dogged persistence in going after the issue of health care reform in this Congress, we would not be where we are. Many of us talk about this. We talk about it in the dining room. We talk about it as we are waiting between rollcall votes. We sit in the cloakroom and say, wouldn't it be great? Yes, why don't we do it? It would be fabulous if. . . .

Senator WYDEN goes beyond the talk. He is determined to go after this. He and I have had a number of conversations, and I know he has had conversations with the administration at the White House and at the Department of Health and Human Services. He is a bulldog on this issue. If it gets done, it will be a tribute to his tenacity. I am beginning to believe it will get done. I am getting his enthusiasm.

I want, for a moment, to spend a little time on history so we can understand how we got in the mess we are in, and why the proposal Senator WYDEN has laid down—and I am proud to cosponsor—is the right direction in which to go. We got in the mess where we are with health care back in the Second World War, when the Federal Government decided, once again, it was going to repeal the law of supply and demand. I have said here many times, if I can control what we carve in marble around here to remind us of our duties, along with these Latin phrases I love, we should also have something before us that says you cannot repeal the law of supply and demand. The law of supply and demand is as immutable as the law of gravity. Because it occurs in economics, some people think we can get around it.

In the Second World War, we had wage and price controls. We were going to prevent inflation by Federal fiat. In other words, we were going to repeal the effects of the law of supply and demand. All right, so that means if I had an employee, I could not give him a raise. All right. Senator WYDEN opens a business and he wants my employee. Since it is a new job, he offers my employee more than I can pay, and I cannot match that because it is against the law. So in order to hold my employee, I say: I will tell you what I will do: instead of giving you a raise in dollars that you can put into your paycheck, I will give you a raise in value. The value will be a health insurance policy that is worth more than Senator WYDEN is offering you in money. And here is the good thing about it: You won't have to pay taxes on this raise. I will pay the taxes on it; that is, it will be deductible. You won't have to pay taxes on it. So you get more value and you get a tax break. Isn't that a good deal? And the employee says: Yes, I will stay with you instead of switching jobs because you can, in fact, get around the Government's effort to prevent you from giving me a raise.

That sounds innocent enough, but it started us down the road of having the employer spending the employee's money. They say, no, that is not employee money, that is employer money; the employer is paying for it. No, he is not. The employee earned that amount of money, returned that amount of value to his employer, but he didn't get it in his W–2. That meant the employer ultimately determined how it would be spent. So we started down the road to where there is a major divide in paying for health insurance. The employer is spending the employee's money, but the employer wants to hold that amount down because it will mean savings in his overall business plan.

So the primary economic motive on the part of the employer is to hold the costs down. He will make a deal, therefore, that produces a temporary, short-term cost advantage for him. The consumer of the service, the employee, has a different agenda. He wants the best care he can get. But since he doesn't control the dollars, even though they are his dollars in terms of his earnings, he is stuck with whatever decision the employer makes.

That might make a little bit of sense if the employee stays with the employer his entire career. But we have gone long beyond that. I tell graduates of the university they can expect to change jobs 10 times before they are 50, and they may even change careers. You may be trained as a veterinarian and end up as a Senator. We have two examples of that here in the Senate today. I thought I was going to spend my entire career in the glass and paint business, a business my grandfather founded, my father ran, and when I graduated, I assumed I was going to be there for the rest of my life. I was there for 4 years, and a change came along, and then there was another change. I sat down when I was 50 and

discovered I had changed jobs 17 times from the age of 20 to the age of 50. In terms of health care, that meant 17 times I was exposed to having my health care canceled—17 times, when they were worried about preexisting conditions; 17 times when I would be in a situation I would not like. Indeed I was, because there was a period in that 30-year timespan when I had no health coverage at all. The employer I was working for could not provide it, or under some circumstances I had no employer, period.

So I understand how the precedent set in the Second World War simply doesn't apply to the 21st century. If we were to have a system where the employee controls his dollars—not the employer—and takes the product he buys with those dollars with him from employer to employer, we could solve an enormous amount of the problems we have in health care.

Let's talk about overall costs. John Goodman had a piece in the Wall Street Journal where he talked about quality. He pointed out a study that said the best quality in health care can be found in three cities in the United States. One was Seattle, WA; one was Rochester, MN—and the Mayo Clinic comes to mind—and the third was Salt Lake City, UT. Naturally, that makes me feel pretty good. It pointed out if every American received the kind of health care that was available in Salt Lake City, UT, the cost would go down by one-third and the quality would go up substantially.

So why doesn't everybody do that? Because they can't take their dollars and shop. They are stuck with whatever plan the employer decides to buy, and even as he is buying, the employer does not have transparency or information that would say to him: The best health care is available at Intermountain Health Care in Salt Lake City. Instead, the salesman who comes in to sell the employer the policy will say: I can save you this much money in this kind of situation. All right, I will buy that policy. The focus is on the dollars rather than the quality.

This is an ironic situation that when quality and competition is focused on, cost comes down automatically. That is what happens in the rest of the economy. Why shouldn't it happen in health care? It doesn't happen in health care because of what we did in World War II, and the legacy of that has followed downward.

What about Government health care? One of the problems with Government health care is we do it in Congress. Every private health care plan had a drug component decades ago. Medicare didn't have a drug component until the last Congress. Why? Because we in Congress couldn't agree as to what it should be. We always agreed there should be one, but we argued about it: It should be better, it should be smaller, we have a doughnut hole. All of the things we talked about that the average consumer knows nothing about or cares nothing about tied it up for decades.

We finally passed Part D. There were dire predictions that it wouldn't work because it wasn't a Government-run plan. It let in private competition. It allowed the senior citizens to make a choice between private offerors. And what has been the consequence of that?

We have some statistics: 2,596 different plans are now being offered around the United States. People are stunned at that number. They thought it would be a monopoly of big drug companies. But when the customer could choose and niche markets opened up, drug companies started to offer products in those niches, and the number of choices exploded.

I have heard the Senator from Wyoming say: We were worried about Wyoming because Wyoming is so small. We didn't think there would be more than one or two plans in Wyoming, if anybody wanted to come at all. We thought Wyoming would be bypassed by Medicare Part D.

There are now 34 Medicare Advantage plans in Wyoming—plenty of choice—and the polls show that something in excess of 80 percent of the seniors like Medicare Part D.

What has happened to the cost? It is one of the few Government programs that I can identify where the cost has come in below projections.

The one thing I always say on the floor of the Senate is, we know every projection with respect to Government plans is always wrong. We don't know whether it is wrong on the high side or wrong on the low side, but we know it is always wrong. But if you are going to bet, bet that it is wrong on the low side. Bet that the program will cost more than we project or than CBO projects. This is one that has come in below.

All of these straws in the wind tell me Senator WYDEN is on to something very significant. It is the Healthy Americans Act which says let the people control their own money. Let the people have their own plan that is going to give us better quality and lower costs.

We look around the world and we see other countries that have tried the single-payer system, and they are retrenching. We look around the world and we see other countries that tried a consumer-driven health care plan, and they are prospering with respect to getting their health care costs down.

With that history, Mr. President, I am proud to be the Republican cosponsor with Senator WYDEN and salute him once again on his leadership and his tenacity in getting this program moving forward.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, I believe we have about 13 additional minutes to go. The distinguished Senator from Utah has given a superb description of the history and why it is time to break with 60 years of policy. I would like to, because the distinguished Senator was there during the last effort, the 1993–1994 debate, get his sense about how the approach that we have been talking about—linking together universal coverage with these private choices that individuals would make—is it the Senator's judgment that had that been done in 1993 and 1994 with the efforts of Senator Chafee, himself, and others that we might well have been able to pass legislation right then, 15 years ago, had we taken this approach?

Mr. BENNETT. Mr. President, I say to my friend from Oregon that some of us proposed that during that debate. He is right to mention John Chafee. John Chafee was a towering figure in this body. He was the head of the Republican health care task force. We talked about an individual mandate as opposed to an employer mandate.

The core of the bill that was on the Senate floor, sponsored by then-majority leader George Mitchell, was an employer mandate. And in the partisan nature of that debate, we Republicans organized ourselves to stop that bill. We divided the bill into various sections, and my assignment was to attack the employer mandate. I had a stack of material that high to help me do that with my fellow Senators. But as I would talk with people on the other side, I would say: Let's talk about an individual mandate. I think everyone should have some kind of coverage.

I think it is in society's best interest to have everyone have some kind of coverage. We do it with auto insurance. You can't drive if you don't have an individual insurance plan. So that is how we get universal coverage.

The political stars simply weren't lined up to deal with it. But this is not a new idea. It was around that long ago, and if we had done it, I think we could have passed legislation.

Mr. WYDEN. Mr. President, I appreciate the Senator's comments.

The other area I have picked up over the last 15 years where there has been dramatic interest and is an opportunity for bipartisanship—and I have heard the Senator from Utah talk about it—is this area of prevention. We know with the Medicare Program that something like 4 percent of those on Medicare consume over half the dollars because we are seeing so much of the health care money go to treatment of what are often preventable illnesses—heart disease, diabetes, stroke, and others.

What we have tried to do in the Healthy Americans Act is to create some incentives for families and prevention, and, for example, if parents took a youngster to a wellness program—they wouldn't be required to do it, although we know it makes sense—the parents would be eligible for a discount on the parents' premium, again using these voluntary incentives.

What is the Senator's sense for the opportunities for prevention? I have

been struck by some of what the Senator from Utah has said about prevention in the past.

Mr. BENNETT. Mr. President, the record is very clear that when people spend time taking care of themselves, their health care costs go down dramatically. We had examples presented to us from companies that have done that; that is, companies that have been very aggressive in trying to make sure their employees stay healthy rather than simply pay for what happens when they get sick.

The CEO of General Mills was with Senator WYDEN and me at the press conference this week in which he talked about the things they have done in their company. They have held their health care cost increases to the level of inflation. We would all be thrilled with that because health care costs have been going up in double digits for years now.

People respond to incentives, and if there are incentives for parents, incentives for employees to stay healthy rather than simply waiting for the ultimate bill to come along, we will make a significant difference.

If I can be personal for one quick moment, I once worked for Howard Hughes. In the Hughes organization in the 1960s and 1970s, we had absolutely total health care coverage. Anything that had to do with health care, we would send in the bill, and it would get paid 100 percent. I sent in my kids' orthodontist bills, and they paid for straightening their teeth. There wasn't any concern about what was covered or what wasn't. I figured I could have sent in the vet bills for my dog and probably gotten reimbursed, but I didn't do that.

I look back on that and the sense of security and abundance that came from that led me to overuse the system and to not worry about how well we were because they would take care of us. So I have had a personal experience about how important it is to pay attention to health at the front end.

Mr. WYDEN. I close, Mr. President—and the Senator has been very gracious to do this with me this morning—with why it would be important to have a bipartisan initiative now. As we have discussed, the conventional thinking is that the Congress can't deal with something such as this now; that this will be for the next President. But I think the two of us would very much like to bring the Senate together behind what the country wants to do today, which is to fix health care.

I have always gotten the sense that when you have divided Government—the President of one party, the Congress of another—that is the ideal time to try to bring the Congress together to tackle a big issue, and there is nothing bigger than health care at home. I think it would be appropriate.

I appreciate the Senator from Utah for coming and for his support, to hear his thoughts on bringing the Congress together and the country together to finally deal with an issue where there has been so much polarization in the past.

Mr. BENNETT. Mr. President, there is nothing that succeeds in politics like good programs, like good policy. Ronald Reagan didn't invent it, but he is known for repeating it, saying there is no limit to the amount of good you can do if you don't care who gets the credit. Far too much of the partisanship stems from the fact that we don't want the other party to get credit for solving the problem.

When I have had discussions across the aisle about this and Social Security, I get told: BOB, we will address that right after the next election. The next election never comes because there is always a next election.

The Senator from Oregon is exactly right in that for the first time since Dwight Eisenhower's election, we have an election where there is not an incumbent in the White House on the ballot, either a sitting President or a sitting Vice President. So the Democrats who control the Congress have a political motive to show they can do something as they go into the 2008 elections.

The Republicans cannot try to take credit for that with their candidate because they are not going to have a candidate who is part of the present administration. But the Republicans want to be able to say: Well, at least in the last days of the Bush administration something important got done.

The setting is rare. We should take advantage of it. This is the moment, and I join with the Senator from Oregon in an attempt to seize it.

Mr. WYDEN. I thank my colleague from Utah. I see other Senators who are wishing to speak. We will be back to talk with Senators about this issue, to urge action in 2007, to support a bipartisan push in the Senate to deal with the premier domestic issue of our time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

HIGH GAS PRICES

Mr. KYL. Mr. President, my two Texas colleagues and I would like to talk about the Democratic response to high gas prices. Given the fact I believe we have about 12 minutes, we may just have a colloquy instead of each giving presentations.

Let me begin by making a couple of points. The press reported yesterday that U.S. average retail gas prices rose to an overall alltime high, breaking $3 a gallon. I know I paid $3.04, and this is up just about 20 cents a gallon over the last 2 weeks. Every family feels this pinch.

Now, Democrats understand this, and that is why last year—and I know because I was going through a campaign at the time—they attempted to capitalize on a similar spike in gas prices. They held press conferences all across the country pledging to lower gasoline prices.

Let me read one of the headlines that resulted from this publicity blitz from the New York Times. It says: ''Democrats Eager to Exploit Anger Over Gas Prices.'' This is an April 21, 2006, article, which reported, and I am quoting:

> The recommendations of a memorandum sent by Democrat campaign officials to Democratic candidates include holding a campaign event at a gas station where you call for a real commitment to bringing down gas prices.

I guess you can say: That was then, this is now. Now that the Democrats are in charge, the question is, What have they done about the problem they were all too quick to exploit back during the campaign? As far as I can tell, the answer to that question is, exactly nothing. In fact, they tried to and to some extent did prevent Republicans, when we were in control last year, from initiating a series of reforms that would have actually done something about the problem and might have prevented some of what we see now. We were finally able to get legislation passed to open the deep waters off the Gulf of Mexico for oil and gas exploration to bring more supply on line—that was a very positive development—but when we tried to do other things, we were stopped by the Democrats.

I think it is important for us to challenge our colleagues on the other side of the aisle who were very interested in the American public having to pay high gas prices back during the campaign last year. Well, you are in charge. What have you done about it? The answer, so far, appears to me to be, exactly nothing.

Let me say to my colleague from Texas that I know a lot of our problem is because of regulations that inhibit oil refineries from improving their capability to refine more oil and gas or building new refineries. It is very sensitive to what happens at the refineries. My recollection is that there was a recent fire at one of the Texas refineries.

Is it the case that we could do some things—and tried last year to do some things—to make it easier from a regulatory standpoint for oil refineries to increase their capacity? And isn't this one of the ways Republicans have tried to ensure we have a larger supply, which would, therefore, reduce the price of gasoline to our consumers?

Mrs. HUTCHISON. Mr. President, actually, that is absolutely right, and I will say to the distinguished Senator from Arizona that is only one of the problems we have, and it is the reason my husband walked into the house this weekend and said: I just spent $70 filling my gas tank; what are you going to do about it? Like every one of us, I am sure, who has this same experience, I think we should be doing something about it. We should be doing a variety of things about it.

Senator KYL specifically asked about the refinery capacity. We are very tight on refinery capacity. We did pass legislation in the last Congress that

would try to ease the regulatory burden and therefore the timetable that it takes from either starting a new refinery or adding critical capacity in an existing refinery, but the regulations had not yet been put out as of a couple of weeks ago.

One of the refiners in my State that wants to add capacity asked me if I would help and at least say to the Department to please issue the regulations so they can go forward, knowing they would have the guidance to move forward with expansion plans and add more refinery capacity.

In addition to that, I have to say that one of the things we see continuing to be blocked on the other side of the aisle is the ability to explore and drill in our own waters. The Department of the Interior, just last week, put out a lease-sale proposal in eight areas, including the Gulf of Mexico, the Outer Continental Shelf, Virginia, and Alaska.

In Virginia, the legislature is taking the first steps to production—by supporting the exploration of gas. The capability for earning money for the treasury of Virginia caused the Virginia Legislature to say: Yes, we want to do it, but there has to be a waiver of a previous extension of the moratorium in drilling. We're hearing signals that the Congress is not going to allow that, even though the Legislature of the State of Virginia and the Governor have said they want to be able to explore to see what is out there, 50 miles out.

The people who represent the people of Virginia have seen, as so many of our legislatures have, that technology today is not what it was 25 years ago. You can drill and explore in an environmentally safe way and we can do something about the price of gasoline at the pump if we will take these kinds of measures. The Department of the Interior is now trying to do that. Yet we are seeing already the signs of obstruction on the other side of the aisle. So I guess we are going to let these prices continue to go up without any regard to what we have in our own resources, under our own control, which could alleviate some of this.

It is not just drilling and production and exploration, either. We are also trying to put forward nuclear power, which is the cleanest, most efficient form of energy. The French have proven that it can be very effective as a clean energy source. Yet we are thwarted from the opportunity by the other side of the aisle to explore that avenue, and then lawsuits crop up, which have stymied our efforts to increase nuclear capacity in our country.

So I would suggest to my friend from Arizona, or my friend from Texas, if we are going to continue to be stopped from using our own natural resources and if we are not going to be able to increase our refinery capacity, then I think we are looking at the capability for countries that have denounced America and said they want the destruction of America to, in fact, be able to hurt our economy by cutting off the oil supply.

I would ask my colleagues, what should we do if we are not going to have cooperation?

Mr. KYL. Mr. President, I think my colleague from Texas, Mr. CORNYN, can certainly answer that question, but first allow me to make a few additional comments.

News reports suggest that increased gas prices can be linked to production shortages at a time of increased demand. More directly, the problem can be traced to a continuing lack of refining capacity and unexpected outages at the Nation's oil refineries. A series of recent outages, largely for maintenance, have reduced the supply of domestic gasoline.

The price of a gallon of oil is still $10 below last year when prices spiked: however, demand has increased 2.3 percent from the same period last year. Existing refineries are unable to meet the ever-rising demand for gasoline. The system also cannot handle unexpected outages, for example, the recent fire in Texas. The U.S. saw the strain on refinery capacity during Katrina when prices nationwide went up 45 cents in 1 week due to refinery damage in the region.

Because of high costs, regulatory redtape, and public opposition, refiners haven't built a new facility since 1976—30 years ago. The system is under such strain that any outages or disruptions are quickly felt in the market in the form of increased prices.

The lack of domestic refining capacity also increases our reliance on foreign sources of refined gasoline. America now imports about a million barrels of gasoline every day—that means that about one of every ten gallons of gas Americans get at the pump is refined in a foreign country.

Regulations requiring a variety of new regional gasoline blends also increase the price and make it difficult to address shortages by moving supply from one area of the country to another.

Last year, Republicans saw the strain on the existing system, and we tried to do something about it. We passed legislation that opened new areas in the deep waters off the Gulf of Mexico to oil and gas exploration to bring more supply on line. Republicans recognize that it is in our national security interest to increase domestic supply, including ANWR, and reduce our reliance on foreign oil.

I also introduced legislation to ensure that oil companies pay their fair share for the oil and gas they produce from public lands. And I introduced legislation to remove the 54 cent import tariff on ethanol, to lower the price consumers pay at the pump.

Republicans also tried to address the lack of domestic refinery capacity. We introduced legislation to streamline permitting to build new refineries, and we were blocked by Democrats. Republicans introduced legislation to incentivize building new refineries, and we were blocked by Democrats. Republicans introduced legislation to reduce the number of boutique blends of gasoline, and we were blocked by Democrats.

Now the Democrats have to do more than block legislation—they have to solve problems.

The Democrats will talk about price gouging legislation and say that is the solution. The FTC looked at this last year after Hurricane Katrina and did not find evidence of price gouging. More hearings will not reduce the price of a gallon of gasoline since there are already laws in place to prosecute price gouging.

The Democrats will talk about conservation and higher CAFÉ as well. We all support conservation as a long-term solution, but we also need to take action to address our near-term problems and reduce our reliance on foreign oil. We need to increase domestic production and increase our refining capacity.

The theme that I think we see developing here is that the Democrats campaign rhetoric is catching up with them, and now they must prove they can govern and solve people's problems. They are 0 for 7 in '07 with their agenda. Gas prices are only the most recent example of failure. We still don't have a comprehensive energy policy. We still haven't taken steps to improve health care. Democrats campaigned on big ideas, but they are playing small ball.

The Washington Post wrote in an article this weekend entitled ''Democrats Momentum is Stalling,'' which stated that: ''Not a single priority on the Democrats' agenda has been enacted, and some in the party are growing nervous that the 'do nothing' tag they slapped on Republicans last year could come back to haunt them.'' That was the Washington Post, May 5, 2007.

I hope the Democrats will work with us for real solutions to people's problems, including reducing gas prices.

Mr. CORNYN. Mr. President, I think the senior Senator from Texas is exactly right. There are a lot of laws that Congress can pass—we can even repeal laws—but we can't repeal the law of supply and demand. The only way we are going to see these gas prices come down is to produce more supply, as we look for alternative forms of energy. The Senator mentioned, obviously, nuclear power, but we are even investing in clean coal-burning technology. I think we basically need to look at all aspects of the energy issue.

The Senator from Arizona was exactly correct as well. We have gone from a high of 324 refineries in this country down to 132. Because we are in a global marketplace for gasoline, which essentially can be transported wherever the prices tend to be higher, that is why we have seen gas prices in excess of $3 a gallon at the pump.

I remember well that our colleagues on the other side of the aisle last year,

when we were in the majority, said they wanted to know what the Republican plan was to relieve the pain at the pump. Well, the Democrats are in charge now, and we would like to know what their plan is. We believe this is something we ought to work on together, on a bipartisan basis, to try to relieve the pain at the pump being experienced by working men and women and families all across this country. The only way we are going to be able to do this is on a bipartisan basis, but the Democrats control the agenda. The majority leader basically controls the time on the Senate floor. We need to know when he plans to bring up some meaningful relief for the American consumers to try to bring that price down.

We need to do this in the short term, the near term, not the long term only. We do need nuclear power. We need to do research in the biofuels and other alternatives. We need to employ wind energy and other clean technologies that will provide for part of our energy needs. We haven't discovered a way to make any of those useful to operate our vehicles. It is oil, and it is gasoline.

The only way we are going to be able to provide relief in the near term is to increase supply by reducing our dependency on imported energy, producing more of it domestically, and relieving some of the regulatory impediments which have made it impossible to create a new refinery in this country in the last 30 years. Only by increasing the supply in the near term are we going to be able to see prices come down at the pump as we continue to explore alternative forms of energy and other ways to meet our energy needs, while continuing to see our economy grow and continue to create jobs.

I hope the majority will take this request seriously and will come back and tell us what their plan is to relieve the pain at the pump American consumers are experiencing today.

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

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

The bill clerk proceeded to call the roll.

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

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

VISITING STUDENTS SEE GOVERNMENT IN OPERATION

Mr. SPECTER. Mr. President, we have in the galleries today students from the seventh grade of the Saligman Middle School in the Philadelphia suburbs. I am not permitted under Senate rules to acknowledge their presence, except verbally, but my granddaughter, Silvi Specter, is among a very impressive group of 59 students who left Philadelphia before dawn today to come to the Nation's Capital to see government in operation.

I wish I had the opportunity to visit the Senate when I was in the seventh grade. It took me a little longer to get here. I have sensed from this very bright, intelligent group of students that we may produce a Senator or we may produce a President because the sky is the limit if the students apply themselves and work hard.

I was explaining, when we took a picture on the steps today, that the Congress of the United States makes the laws for the country. This is basic civics, but it is good to repeat it. The House of Representatives, consisting of 435 Members, is a representative body, one for every approximately 700,000 people in the United States. Each of our 50 States has 2 Senators. We consider legislation, we vote—pass bills by both the House and Senate—and then we get together on a conference. We have an agreement and a conference report is then voted on separately. The measures then go to the President of the United States.

We have a fascinating part of the legislative process right now with the issue of the funding of the Iraq war. The Constitution creates the Congress under article I and creates the office of the executive branch, the Presidency, under article II. We have a unique constitutional confrontation. I think it is not an overstatement to say it is of historic proportion—perhaps the most dramatic constitutional confrontation between the article I power of the Congress to appropriate, commonly known as the power of the purse, and the authority of the President under his power as Commander in Chief.

The President is insisting on carrying out the program he has in mind with the addition of troops, a surge in Iraq, to try to restore order to that country. I believe had we known Saddam Hussein did not have weapons of mass destruction, we would not have gone into Iraq to start with, but once there, we do not want to leave it in a state of turmoil. So we are trying to work our way through the problems as best we can.

The President laid down two markers for the Iraqis in his State of the Union speech: first, that they should secure Baghdad; and second, that they should end sectarian violence. Regrettably, they have done neither.

Congress legislated, providing the funding the President asked for but setting dates for withdrawal. The President vetoed that, saying identifying a withdrawal date would be to tell the enemy how long they would have to stay there to outlast us. Now we are looking for some resolution. It is complicated. The House is talking about appropriating half of the $100 billion and having another vote in July. The Senate has yet to formulate a proposal.

For certain, by September, when we face the full $500 billion appropriation bill, there is a very difficult time ahead unless we can see light at the end of the tunnel.

On the front page of the New York Times today, one of our Members said that in September there will not be support unless we see some significant progress. The metaphor ''light at the end of the tunnel'' perhaps is accurate or perhaps we will not be at that place. Because there is grave concern about radical Islamic fundamentalists with the determination by radical Islamic fundamentalists to destroy our society and to kill us—as they did with the striking events of 9/11—there is a concern if we do not fight the insurgents in Iraq, we will be fighting them in the United States.

These are weighty issues and there is a lot of controversy. Speaking for myself, I am still considering what the right course is. I voted against a withdrawal date at this time because there has been a commitment to a surge, 30,000 additional troops. They are not all there yet. Perhaps we will have better results by September. But those are the issues which await a determination.

I reference this in terms of the big issue of the day and how it illustrates the functioning of American Government, Congress and the Presidency, and what we have as a constitutional confrontation.

I know the time has come to move on to other business. I thank my colleagues and the Chair for permitting me to go beyond the 11 o'clock hour.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, I gather morning business has expired?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MCCONNELL. I yield myself 5 minutes of my leader time.

The ACTING PRESIDENT pro tempore. The leader is recognized.

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS ROBERT V. DERENDA

Mr. President, a bronze plaque hangs at the Joint Readiness Center at Fort Dix, NJ. All the new Army recruits there pass by it, and all the regulars know the story it tells by heart.

This plaque declares the Joint Readiness Center to be named after a Kentucky soldier who volunteered for his country, served a cause he believed to be just and right, and made the ultimate sacrifice.

So I ask the Senate to pause today in grateful memory of SFC Robert V. Derenda, a Ledbetter, KY, resident assigned to the First Brigade, 98th Division of the U.S. Army Reserve.

Sergeant Derenda was killed on August 5, 2005, when a civilian fuel truck collided with the humvee he was driving as the lead vehicle for a convoy mission in Rubiah, Iraq. He was 42 years old.

It could have been far worse if not for Robert's astute driving skills and rapid reaction. His quick maneuvering of the humvee just prior to impact saved his men in the back seat.

Sergeant Derenda was there to act because he volunteered to drive the lead vehicle, knowing the likely danger inherent in his choice. He stepped forward because most of his fellow soldiers had wives and children at home. This final heroic act defined who Robert was, how he lived, and how he served the country he loved.

For his valorous actions as a soldier, Sergeant Derenda was made an honorary Green Beret, and he received numerous awards and medals including the Purple Heart and the Silver Star.

Not only did the Army name a building after him in Fort Dix, NJ, but a street also bears his name in his hometown of Cheektowaga, a suburb of Buffalo, NY.

Robert graduated from the State University of New York at Buffalo with a degree in psychology. No doubt that degree, combined with his long history of military service, is what molded him into a superb drill sergeant. At Robert's funeral, MG Bruce E. Robinson called him a ''natural'' at whipping young men into fighting shape.

After graduation, Robert served on active duty with the Army for 6 years. He returned to his alma mater and earned a chemical engineering degree while serving in the Army Reserve.

It was his work as an engineer that brought him to Calvert City, KY, leading Robert to live in nearby Ledbetter and call the Bluegrass State home.

However, this outstanding leader was shaped by more than the work that he so enjoyed. A cross-country runner in high school, Robert would return to his parents' home in New York each Thanksgiving to run in the annual Turkey Trot. When he wasn't running, you might see Robert on his Harley-Davidson motorcycle, cruising around town.

Robert was also a deeply religious man. A fellow soldier described him as a ''good Catholic boy,'' and his priest, the Reverend Theodore C. Rog, said simply that when it came to Robert's faith, ''He lived it.''

Robert also cherished his relationship with his two nephews, Nicholas and Thomas Kibby. Although his sister, Caroline Kibby, raised her family in a town near Pittsburgh, Robert remained close. He left his entire estate to Caroline, but told her that should anything happen to him, it was all to go to her boys.

His devotion to them, however, went deeper than any material wealth that he could offer. Robert told Caroline that the reason he wanted to go to Iraq with the Army was to make the world a safer place for Nicholas and Thomas. He understood the dangers that lurked in the world, and wanted his nephews never to know such evil.

Robert's beloved family members include his father, Valerian, his mother, Loretta, his sister, Caroline Kibby, his brother-in-law, Scott Kibby, and his two nephews, Nicholas and Thomas Kibby. I ask the entire Senate to keep them in your thoughts and prayers. I know they will be in mine.

No plaque or street name can heal the tragic loss of the Derenda family after their beloved son, brother, and uncle has been taken from them.

But there are two boys growing up near Pittsburgh right now who will always remember the example their uncle set for them.

And a lifetime of family, friends, and fellow soldiers will be inspired by SFC Robert V. Derenda's noble act of sacrifice. Such examples are worth far more than any bronze plaque could ever be.

I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1082, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1082) to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

Pending:

Landrieu amendment No. 1004, to require the Food and Drug Administration to permit the sale of baby turtles as pets so long as the seller uses proven methods to effectively treat salmonella.

Stabenow amendment No. 1011, to insert provisions related to citizens petitions.

Brown (for Brownback/Brown) amendment No. 985, to establish a priority drug review process to encourage treatments of tropical diseases.

Vitter amendment No. 983, to require counterfeit-resistant technologies for prescription drugs.

Inhofe amendment No. 988, to protect children and their parents from being coerced into administering a controlled substance in order to attend school.

Gregg/Coleman amendment No. 993, to provide for the regulation of Internet pharmacies.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN. Mr. President, we continue the discussion today on S. 1082. I am joined by Senator ENZI as a cosponsor of that bill, with Senator KENNEDY. We are considering several amendments this morning that are designed to and will increase access to lifesaving prescription drugs. I wish for a moment to talk about a couple of those amendments.

One is the Stabenow/Thune amendment No. 1011, cosponsored by Senator LOTT of Mississippi and by me, which will stop drug companies from intentionally jamming up the Food and Drug Administration approval process for generic drugs, exploiting the citizen petition process to block price competition in the marketplace.

Free market economies rely on price competition. When brand-name drug companies block price competition, they are not only cheating generic drug manufacturers, they are cheating consumers, businesses, and tax-funded health care programs. None of us can afford that.

The Congressional Budget Office estimates the Stabenow amendment will save taxpayers hundreds of millions of dollars over the next 10 years. Those are just the savings that accrue to tax-funded health programs. There will also be significant savings to consumers and employer-sponsored health plans.

This amendment preserves the rights, as we should, of citizens to petition their government. But it stops the gaming of the patent system by the name-brand drug companies which have very effectively stymied price competition. I think unanimously in this body we support the whole idea of price competition.

The savings of this bill will go to seniors and others who have seen large out-of-pocket expenses in their purchase of prescription drugs. The savings will go to businesses helping us globally compete better than we might otherwise. The savings will go to taxpayers, through a variety of different Government programs that help people buy their prescription drugs. So every Member's support is crucial on the Stabenow-Thune amendment.

I want to highlight an amendment that has been offered by my colleague Senator BROWNBACK and myself. According to the World Health Organization, more than 1 billion people—nearly one in every six people worldwide—are affected by at least one neglected tropical disease. In addition, neglected tropical diseases claim roughly 500,000 lives each year.

However, less than 1 percent of the 1,400 drugs registered between 1975 and 1999—over a 25-year-period—fewer than 1 percent of the 1,400 drugs registered treated such diseases.

This disparity is clearly due to the lack of financial incentive for pharmaceutical companies to bring neglected tropical disease treatments to market because these diseases disproportionately affect low-income countries, with the poorest of the poor in those countries needing those medicines, most of them in Africa.

Creating incentives for companies to invest in treatments for these diseases is not only in our country's national interest, but it is consistent with our longstanding tradition of caring for those who are less fortunate around the world. In other words, it is consistent with American values.

Senator BROWNBACK's and my amendment would award a priority review voucher to any company that brings a neglected tropical disease treatment to market. Priority review is an existing FDA process by which drugs are reviewed in 6 months, as opposed to the average review time of 18 months, significantly speeding the process.

The priority review voucher would be transferrable and could be applied to any drug in a company's pipeline. This amendment will help to bring about research and new drugs treating these tropical diseases and speed the process of getting them to market.

This voucher, which would be worth hundreds of millions of dollars for a company with a new blockbuster drug, would also benefit consumers. That is because it would give consumers earlier access to a new prescription drug. Most importantly, creating incentives for pharmaceutical companies to develop and to manufacture neglected and tropical disease treatments will save lives.

I commend Senator BROWNBACK for his work on behalf of impoverished populations who desperately need our attention. He is offering Members of this body an opportunity to simultaneously save lives in developing nations, give U.S. consumers access to new medicines more quickly, and engage the drug industry in a win-win proposition.

It is a rare opportunity. I urge Members on both sides of the aisle to support the Brownback-Brown amendment.

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

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

The bill clerk proceeded to call the roll.

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

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

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

Mr. DORGAN. Mr. President, the Cochran amendment requires a certification by the Secretary of Health and Human Services which we know from previous experience now cannot or will not be made by the Secretary of Health and Human Services.

Therefore, I was going to ask the Senator from Wyoming a couple of questions, if at some point he might come back so I can engage him in a colloquy.

The point of the Cochran amendment is that it will now nullify the entire amendment that was offered by myself, Senator SNOWE, and 33 other Senators who had cosponsored the amendment. I wanted to point out that in the amendment, it not only allowed for reimportation of prescription drugs—FDA-approved prescription drugs from other countries whose chain of custody was identical or virtually identical to ours so that the American people would have access to lower priced, FDA-approved prescription drugs—but we also included in that amendment, which would now be nullified because the Secretary of HHS will not be able to certify, counterfeit-resistant technologies.

Now, I believe those counterfeit-resistant technologies are as applicable to our existing drug supply domestically as they are to any potential imports that would be brought into this country.

I want to read just a couple of comments about this. Then I would like, if the Senator from Wyoming would be willing, to entertain some questions or at least engage in a colloquy on this subject. I would like to discuss with him the provisions in the bill that would be nullified by Senator COCHRAN's amendment because the Secretary could not certify, and so all of the amendments that we offered would be nullified. The provisions dealing with counterfeit-resistant technologies, it seems to me, probably should proceed because all of us are concerned about the issue of counterfeit drugs, whether it is through reimportation or counterfeit drugs in the existing drug supply.

All of the discussions about counterfeit drugs that have been had on the floor of the Senate have nothing to do with reimportation; it has to do with the existing circumstances. So the counterfeit-resistant technologies, that portion of the amendment—which will also now be nullified—I think should be restored. I have offered a second-degree amendment to do that, simply to restore for the current drug supply in this country the safety provisions that would exist with respect to the counterfeit-resistant technologies.

Let me read it for a moment. The provisions in the amendment were, the packaging of any prescription drugs would incorporate, one, a standardized numerical identifier unique to each package of such drug applied at the point of manufacturing and repackaging, in which case the numerical identifier shall be linked to the numerical identifier applied at the point of manufacturing; and, two, overt optically variable, counterfeit-resistant technologies that are visible to the naked eye, providing for visual identification of product authenticity without the need for readers, microscopes, lighting devices, or scanners, similar to that used by the Bureau of Engraving and Printing to secure U.S. currency, that are manufactured and distributed in a highly secure, tightly controlled environment.

But the point is, I held up a twenty-dollar bill yesterday on the floor of the Senate and said: This has designed into it—the architecture of this counterfeit-resistant bill has designed into it a lot of protections in order to prevent counterfeiting of the twenty-dollar bill.

We are all concerned about the counterfeiting of prescription drugs, so we have put a provision in the amendment that we had offered, something called counterfeit-resistant technology. My point is, it seems to me we should at least make that apply to the domestic drug supply, even if we have already made a decision we are going to nullify the opportunity for reimportation.

We will come back to that decision later. The Senate will debate that again and vote on that again. But for now, at least, it seems to me we should not lose the provisions of that amendment dealing with counterfeit-resistant technologies.

Might I ask the Senator from Wyoming, the ranking member on the committee, his feeling about adding that provision that would, I think, substantially safeguard the domestic drug supply?

Mr. ENZI. Mr. President, I appreciate the question. I appreciate the effort that has gone into adding ways the drug supply can be more safe in the United States. Of course, we are interested in that. The primary focus of the bill was to make sure the U.S. drug supply was as safe as possible.

There were a number of amendments, one of which was withdrawn last night, that dealt with Internet sales. That could have been Internet sales in the United States as well as Internet sales outside of the United States. The reason it was withdrawn is the sponsor of it did not want it to get polarized into a debate as to whether that would undo what you have been working on. It was not. It was to add some more safety and security.

Senator KENNEDY and I have been working on this FDA bill for over 2½ years now. We also have been working on some things that deal with pedigree and licensure in the United States as well as outside of the United States. We did not put that in. We didn't want it to be something, again, that would polarize people and maybe distract from being able to do it at a very logical time.

So most of our effort right now is to make sure we do not enter into some budget points of order, that we are able to accomplish the bill and get it to conference where additional changes will be made.

Our committee works maybe differently from others; I am not sure. I know it works differently from the Banking Committee that I also serve on. It has been one of the most contentious committees in the Senate. But over the last 2½ years we have changed that perspective a bit and really accomplished a lot.

One of the biggest changes we have had is the way that we do a bill. Before we tried to stuff it at every possible opportunity; that meant in committee as well. You will notice this bill had only 1 day of markup. That is phenomenal for that committee. Three days a week is not unusual for the committee. We got it out of there in 1 week, which helped us to understand the concerns of the people on the committee.

We promised to work on that when it went to the Senate floor. We have worked on it after it came to the floor. More amendments have been put in. We have worked with people. Senator DURBIN had one on food safety. We worked with him and got that in; anything that does not appear to polarize, does not appear to add budget points of order, and things that have been considered before, we are trying to work into this bill. New concepts, we would like to talk about them a little bit more, explore them a little bit more, but we want everything to be as safe as possible. That is what we are working for.

There are some huge costs that may potentially be involved in what you are talking about there. If the costs add to the costs of drugs, then someone has to pay it. Then, perhaps, we will be making less access to drugs. We do not want that, and I know you don't want that. Your focus has been on getting lower cost drugs to everyone.

It is the same with the amendment that Senator STABENOW has. We have worked on that for days. It is a concept that we have been working on before and held some hearings on. I think we have arrived at some compromises to put that in. We are trying to wind up with some bipartisan things that we can do to get it to conference where more can be done. And some of these issues we have revisited.

We are one of the busy committees on the Hill. We are holding a hearing as we speak. I had to leave that to come over to the floor to do just exactly this.

I appreciate the Senator's efforts and ideas and creativity. I hope he will work with us.

Mr. DORGAN. I thank the Senator from Wyoming for his response. It is true the bill on the floor of the Senate is a bill dealing with drug safety. But I think it is also the case that a lot of the discussion on the floor of the Senate has been about counterfeiting and about the potential danger counterfeiting would pose with respect to reimportation, and also the danger counterfeiting poses with respect to the existing drug supply.

If that is the case, it seems illogical to me not to include pedigrees and serial numbers and RFID technology and the latest counterfeit technology in this bill. What we had done with 33 of us cosponsoring the reimportation bill is, we understood with respect to reimportation you need to be sure it is safe before you proceed.

So we drafted a section on that, consulting with all of the experts. We spent a lot of time on it. We have worked on it for a couple of years now. That section, it seems to me, would vastly improve the underlying bill. Maybe it is not a consensus. I understand the pharmaceutical industry does not want to do pedigree and serial numbers, and so on, the way we have described it. But it seems to me it certainly should be the case that we add as much as we can to this bill—not load it down but add as much as we can on the issue of protecting against counterfeit drugs, whether it is through reimportation or the domestic drug supply.

I guess I do not quite understand—I don't believe there is a budget point of order. I don't believe we are talking about any dramatic new costs. In any event, I would expect we should not have a tradeoff of a less safe drug supply versus the cost of the drug. I think all of us want the same thing. I believe Senator KENNEDY and Senator ENZI would both want the safest possible drug supply we could have.

Again, I come back to this notion of, we spend a lot of time worrying about how to detect a counterfeit twenty-dollar bill, and we have engineered substantial safety precautions. Why should we not do the same with respect to this bottle of Lipitor, if I might have consent to show it again.

This is produced in Ireland. It contains a 20-milligram tablet of Lipitor to lower cholesterol. Why would we not want something on this bottle from the manufacturer that gives us the opportunity to understand the pedigree, the serial number, and so on? There are some markings on it, but we can do much better. That is the purpose of my offering a second-degree amendment, to preserve the counterfeiting and safety standard a bipartisan group of us has created. I would be happy to yield for a response if the Senator wishes.

Mr. ENZI. Mr. President, I would like to respond.

I like his example of the twenty-dollar bill or any other denomination. This has nothing to do with the pharmaceutical companies. This is a discussion Senator KENNEDY and I have had ongoing for a long time, and we brought in some technical people to figure out how we can provide that security in a number of different ways. The way that differs from the twenty-dollar bill is that for everybody who handles—not everybody, most people—twenty-dollar bills on a regular basis, the same design stays in play for a long time. But with the pill bottle, maybe the first pill bottle one gets will be the only pill bottle. Having the knowledge of what exactly to look for on there is not something we teach in school or in pharmacies or anywhere else. It has to be something that people can tell whether it truly is. That is what adds to the cost when it comes to pharmaceuticals. We are looking at inventors who are coming up with different ways all the time to make things secure, not just medicines. We haven't found the answer yet.

Mr. DORGAN. Might I ask the question, are you moving in your committee toward requiring a pedigree and serial numbers? Is that where you are going to move in committee to have consensus? That is what I understand.

Mr. ENZI. Mr. President, that is correct. We have been working on a pedigree and licensure amendment—it is actually structured as a separate bill—in anticipation of trying to add to this when we can find a solution that we feel comfortable with, and we haven't gotten there yet. I think we are close, but we haven't gotten there yet. It has been a joint effort with Senator KENNEDY and I and both our staffs.

Mr. DORGAN. Mr. President, if I may further, this is the first I understand that there is an issue with the anticounterfeit measures we have put in our reimportation bill. We have the counterfeit-resistant technologies that we have put in the bill. I guess if I hear the Senator from Wyoming correctly, he is not comfortable with those at this point. I had thought the issue was generally the philosophy of reimportation and pricing. Then I think we have a deeper chasm than I expected. I thought there was generally consensus that the technology that now exists, whether it is RFID or lots of new things that are available, the technology that exists should be used with respect to the latest available technology to resist counterfeiting. I thought there was perhaps a consensus on that. Maybe I was wrong. If there is a disagreement about whether we should have standardized identifiers, then I suppose there should be some hearings on that. I had thought we were beyond that point.

That was the purpose of my offering a second-degree amendment. I did not expect it would be controversial to apply, whether it is to the domestic drug supply or the potential reimportation at some future point, the counterfeit-resistant technologies that already exist to be made available if we simply require it.

Mr. ENZI. Mr. President, another technicality that we work on on this and a principle we have established that works well for the committee is we try not to be ultraspecific on what we are doing so that we are picking winners and losers. That is a difficulty we had with the amendment the Senator proposed as well. Not that it can't be worked with and come up with something that fits the criteria of the principle. One of the difficulties of debating things on the floor as a new amendment and unamendable is that usually there are other ideas, some principles, other ways of working with it that are very difficult to do from the floor standpoint.

That is why we start with the markup and some of the other things and keep working with them. I think you have to admit this has been pretty progressive in trying to get something done. There hasn't been the effort to stall things out. There has been a lot of opportunities to do that, but we have been trying to keep things going and hope to get something finished up on this bill so it can get to conference.

Mr. DORGAN. Mr. President, I certainly don't intend to stall this bill. This legislation is going to pass. I indicated yesterday I wanted to see what was in the managers' package. Several

of the proposed amendments, even at that point when I saw the package, were still under some reform or some change. Having reviewed it now, I can tell my colleagues I have no difficulty with the baby turtle provision, the pet baby turtle provision. I considered that at great length last night. I stayed awake considering it. But I decided to support the baby turtle provision and the tanning bed provision, for that matter, along with ginseng. I understand these are things that are being adjusted in the managers' package.

I have looked through it. I don't have a problem with the specifics of the managers' package. My issue today was to come to talk about the counterfeit-resistant technologies that will be available to fight the issue of counterfeit drugs. The reason I felt it important to do that, most of the discussion to defeat the Dorgan-Snowe amendment and to impose the Cochran amendment was because of the discussion on the floor, what if we get counterfeit drugs under this proposal. So the discussion was all about not the counterfeit drugs that have come in under the proposal but the counterfeit drugs that have already come in under existing circumstances. My thought is, if counterfeiting is a big problem, then the underlying bill dealing with drug safety should have the strongest possible provisions relating to counterfeit-resistant technologies. That is regrettably not the case.

I will end up voting for this bill when we get to final passage because it is a step forward. But it is not out there where it ought to be with respect to counterfeit-resistant technologies. I understand part of the reason is the pharmaceutical industry is not supportive of moving as far as we should move. At any rate, I appreciate the Senator responding to me. Frankly, it is fine on the floor to have a discussion. I don't think all discussion ought to be somewhere in committee. We ought to have pretty interesting discussions on the floor about what is in a bill and what is not, what we ought to add that would improve it. But I appreciate the Senator from Wyoming responding to me. As I indicated, I have a second-degree amendment along with a couple of others.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Ohio.

Mr. BROWN. Mr. President, Senator DORGAN is offering an important compromise. He is saying we should at least preserve the drug safety provisions in his reimportation amendment. These provisions are the result of significant discussion with public safety experts, and I believe the Senate should support the Dorgan amendment. Whether we agree on the issue of reimportation—and there is clearly a split in this body—we do agree on the importance of safety in our domestic supply. There have clearly been attempts to counterfeit inside the domestic supply. The Dorgan amendment brings us to a place that can help us answer those questions. I think the opponents to reimportation are wrong, but I understand they raise issues of drug safety. Those same issues of counterfeiting are present in our domestic supply, as Senator DORGAN said, under the law, under the situation we are in today.

It sort of begs the larger question of drug safety overall. One of the worst ways we compromise drug safety is by limiting access to affordable prescription drugs. That limitation of access is because of the high cost of prescription drugs. Too many of us know of situations where people have said to me, in Zanesville and Lima and Toledo and Cleveland: I had to cut a prescription in half so they last twice as long or I took the pills every other day. Until we can find ways, which this bill takes some steps in that direction with the citizen petition process and other things, of getting lower cost prescription drugs into people's hands when their doctors prescribe them, the reimportation issue was one way we could have done that better. I am hopeful we can work with Senator DORGAN on some of these issues to bring us to the point that we are satisfied that the domestic supply for prescription drugs is as safe as it can be.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Ohio for his comments. But I wish to give a little bit more of an answer to the Senator from North Dakota, who has invested a lot of time and effort over the years in a variety of these issues that deal with the safety of our drug supply. I have to tell him, we got his second-degree amendment. Anything we have had has been a very cursory look. We are willing to sit down. We hope his staff will sit down with my staff and take a look at it and see what can be done.

Mr. DORGAN. Might I point out, the second-degree amendment is language taken out of the Dorgan-Snowe bill that we filed months and months ago. It is identical language with respect to counterfeit-resistant technology. It is not new language.

Mr. ENZI. Mr. President, I am hoping that since we did not have a chance on drug importation—and I wish to make the point that that is importation, not reimportation—we didn't have a chance to sit down and work on that and work through it and see what changes could be made, it would only be logical that for a portion of that, we probably ought to sit down and look at it. We are never sure on a second-degree amendment whether it is exactly the same, but we didn't have the opportunity to work on it with the Senator. I think all the staffs that have been working on this have been working in a bipartisan way to come up with a solution. We will take a look at that specifically and see what can be done with it.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, I have an amendment which I filed last week with Senator BINGAMAN on conflict-of-interest issues before the advisory committees of the Food and Drug Administration. I understand there may be an objection—I hope there is not—to setting aside the pending amendment and calling this one up for consideration. I don't want to catch anyone off guard with my request. I hope the Senator from Wyoming will note what I am about to request. If it is not consistent with his current wishes, I am asking unanimous consent that the pending amendment be set aside and that we move to amendment No. 1034 which I have filed at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Reserving the right to object, there are several other people in that same position of wanting to call up amendments. We are trying to come up with a logical order, so I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. I thank the Senator. I wouldn't take it personally. The issue I am raising here needs to be dispelled.

What is the Food and Drug Administration? It is a relatively small Federal agency with a huge responsibility. We spend about $1.7 billion a year on the Food and Drug Administration in a huge Federal budget. This tiny agency is responsible for the safety of about 25 percent of all that we purchase as Americans. They have responsibility when it comes to drugs, devices, biologics, food, veterinary medicines, all sorts of things, equipment. This small agency has a huge responsibility. We give them more and more things to do, and we trust the integrity of the Food and Drug Administration. We believe the Food and Drug Administration giving its approval means something. We can trust it. They have reached a decision that something we are about to buy is safe and effective. For most Americans, that is the seal of approval.

How do they reach that level of integrity? They set up advisory committees. These are the wisest men and women they can find who take a close look at each one of the things they review and inspect to determine whether they truly are safe and effective. It is kind of a jury. The jury may be 10, 20, 30 different people who sit and make a decision.

These decisions are critically important. I don't think I overstate it when I say these decisions are life-and-death decisions. They will decide that a certain pill which a pharmaceutical company says will help you with your heart condition, in fact, is safe to take and is effective, it will do what it is supposed to do. If they make a bad decision and the pill is not safe, a person's health can be jeopardized. So truly these are life-and-death decisions the advisory committees make at the

Food and Drug Administration. In addition, these are very important economic decisions. Giving the seal of approval for a new drug means for that drug company the potential of making millions, if not billions, of dollars. So the stakes are high. Each time the advisory committee makes a decision, they know lives are on the line, and they also know a thumbs-up and a decision of approval can mean the stock of this company is going to rise, their profits will rise, they will make more money for shareholders, and they will have more money for research. It is a big undertaking.

So it is not unfair for us to ask: Who are the people who sit on these advisory committees? Who are the people who are the jurors who try to impartially look at these issues and decide what is best for the American people?

Well, it turns out we have had some problems—some significant problems—in the past. One would think it would be obvious to us that we don't want to appoint people to sit on the juries, on the advisory committees, who have a conflict of interest. What about someone who is on the payroll of the pharmaceutical company that wants a drug approved; would you want that person sitting on the advisory committee? What about someone who has earned $50,000 coincidentally speaking to this company's annual retreat in some Caribbean island; would you want that person on the advisory committee? What about someone who is on the payroll receiving money from a company that can stand to make millions of dollars if the decision goes the right way? The natural human reaction is: Well, shouldn't those people sit somewhere else? They shouldn't really be in the room if we are talking about their employer, if we are talking about someone who has paid them money. They shouldn't be part of this, should they? We want people sitting in that room who don't have any conflict of interest or any vested interest in the decision. We want people who are truly objective, dispassionate, and truthful. I think most Americans would agree. That is pretty obvious.

Well, it turns out that over time the Food and Drug Administration got a little bit lax, a little bit sloppy. Back 7 or 8 years ago, USA Today published a dramatic expose about these advisory committees. They came to the conclusion that the experts sitting on these advisory committees who were supposed to be independent many times had a direct financial interest in the decision they were about to make. How often did it occur? In 92 percent of the advisory committee meetings—this goes back 7 or 8 years now, but in 92 percent of the meetings, at least one member sitting in that room deliberating had a financial conflict of interest. At more than half of the meetings, half or more of the members of the committee had a conflict of interest. What difference does it make? Does it make any difference if the person deciding the fate of a product that means profit or loss for a major corporation is on the payroll of that corporation? I think it does. It turns out it was a problem then, which the Food and Drug Administration started to address but, unfortunately, has not addressed effectively.

Last week, a study by the New England Journal of Medicine, widely recognized and respected, examined the pharmaceutical industry's financial ties to doctors. Here is what they found:

> More than one-third of doctors report being reimbursed by the drug industry for the cost of attending professional meetings and continuing medical education; and almost 30 percent said they had been paid for consulting, giving lectures, or signing up patients for clinical trials.

So when it comes to doctors in general, it turns out that a third of them have a conflict of interest. So any patient walking into a doctor's office and the doctor says: You know, I think you should take XYZ drug, you would like to believe that doctor made that decision because they think that is the best drug for you or a member of your family. It is worrisome that in some instances, these doctors have a conflict of interest.

The New England Journal of Medicine also went on to say, in the words of a prominent Harvard expert, Jerry Avorn, the ''penetration of commerce into the province of science'' causes great concern. It is the same issue here when it comes to these advisory committees.

Now, the argument that comes back from the FDA and from the pharmaceutical industry is there just aren't enough smart people out there. We have to turn our employees and people we have on the payroll and people we have paid money to into these advisory committees because there aren't enough good people out there to sit on these advisory committees.

Well, I think the New York Times made a good observation when it comes to that. Here is what they said:

> Unless the Food and Drug Administration makes a more aggressive effort to find unbiased experts or medical researchers to start severing their ties with industry, a whiff of bias may taint the verdicts of many advisory panels.

Here is what they have found over and over again: These conflicts of interest can cause a problem.

Let's be very specific. In February of 2005, an FDA advisory committee considering the painkillers Vioxx, Bextra, and Celebrex, whether they should be sold to the public. There were 10 scientists sitting on that advisory committee who had conflicts of interest. They had some financial connection with the companies that made the products they were judging. Had the votes of those 10 scientists been excluded because of their conflicts of interest, the panel would have favored withdrawing Bextra from the market and blocking the return of Vioxx. Instead, with the 10 conflicted scientists and experts, they voted that the drugs return to the market. These drugs were very dangerous. People were having heart problems and other medical difficulties. They should never have been brought back to the market.

What impact did the presence of these people with conflicts of interest have on the deliberations? It could not have been positive. It could not have been objective. They came to this with some financial interest, at least in the companies that were affected by the decision.

Here is what my amendment does. The amendment says the Food and Drug Administration would be limited to only one waiver per advisory committee meeting.

Mr. President, I understand under a previous consent order that we are moving at 12:15 to the consideration of a judge who will be voted on in 20 minutes, Judge Kapala of Illinois. I would like to have the time start on that. I ask unanimous consent to close my remarks on my amendment, say a few words about Judge Kapala, and then the remaining 10 minutes for Senator SPECTER to speak.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I will be very brief because I see Senator SPECTER is on the floor.

So what I am trying to do is make sure we only have one waiver per meeting, one person sitting on that advisory committee per meeting who might have a conflict of interest.

We go on to say that any person with a financial interest could provide information to an Advisory Committee but can't be participating in or voting on the final decision. I think that only makes sense.

The third thing we say is that the Food and Drug Administration has to actively promote more objective scientific experts without conflicts of interest.

I don't think this is a radical proposal. Don't we want peace of mind at the end of the day that the advisory committee has made a decision based on science and medicine and what is good for America as opposed to the bottom-line profit-and-loss statement of the pharmaceutical company?

There is a lot of discussion on this floor about the safety of drugs and the products that the FDA considers. I hope this amendment, which is critical to the integrity of the FDA, is approved by my colleagues on a bipartisan basis. I hope to offer this amendment tomorrow after we have gone through this rough procedural patch.

EXECUTIVE SESSION

NOMINATION OF FREDERICK J. KAPALA TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS

The PRESIDING OFFICER. Under the previous order, the hour of 11:50 a.m. having arrived, the Senate will proceed to executive session for consideration of Executive Calendar No. 84, which the clerk will report.

The legislative clerk read the nomination of Frederick J. Kapala, of Illinois, to be United States District Judge for the Northern District of Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, let me say a few words about Judge Kapala. Frederick Kapala has been nominated by Senator OBAMA and myself to be a Federal district court judge in the Northern District of Illinois. Judge Kapala has served with distinction as a State court judge in Illinois for the past quarter century, and he has earned a great reputation. It is a very positive thing to say that 99 percent of the attorneys surveyed gave Judge Kapala a positive recommendation for his temperament, integrity, and management skills. He had a unanimous rating of ''well qualified'' by the American Bar Association, the highest rating a nominee can receive. He has been judged by many to be an excellent candidate for the Federal bench.

I have met with him personally. I have met his family. I like this man. I think he will serve our judiciary well. I hope when we vote on this in a few minutes he will receive an overwhelming vote of support.

Mr. President, I yield the floor.

Mr. OBAMA. Mr. President, I support the nomination of Judge Frederick J. Kapala to serve as a judge on the United States District Court for the Northern District of Illinois. Judge Kapala's career exemplifies a strong commitment to public service. He currently serves as an appellate judge on the Second District Appellate Court in Illinois, a position he has held since 2001. Prior to his service on the Second District Appellate Court, Judge Kapala was a circuit court judge for the 17th Judicial Circuit for Winnebago and Boone Counties for 7 years. Prior to that service, Judge Kapala was an Associate Circuit Court Judge for the same circuit for 12 years.

After graduating from the University of Illinois College of Law in 1976, Judge Kapala became an assistant State's attorney in Winnebago County. He made a brief foray into private practice, joining the law firm of Pedderson, Menzimer, Conde, Stoner, and Killoren in Rockford from 1977 to 1982.

Judge Kapala is a magna cum laude graduate of Marquette University. He proudly served his country in the U.S. Army on both Active and Reserve duty from 1970 to 1980.

Judge Kapala has dedicated his life and career to the public good. Whether it was his military service or his judicial service to the good people of Rockford and the counties of Winnebago and Boone, Judge Kapala has served with compassion and distinction.

I am pleased to join the Senate in confirming him to the United States District Court for the Northern District of Illinois.

The PRESIDING OFFICER. The senior Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I agree with the Senator from Illinois who has spoken in support of the nomination of Judge Frederick J. Kapala to be a U.S. district court judge for the Northern District of Illinois. He has an outstanding academic record—graduating magma cum laude from Marquette University in 1972, where he was Phi Beta Kappa. He obtained his law degree from the University of Illinois, where he was a moot court board member.

He has a professional career which is diversified and with extensive judicial experience. From 1970 to 1980, Judge Kapala served our country in the United States Army, on both active and reserve duty. He obtained the rank of Captain before his honorable discharge. Upon graduation from law school, he was assistant State's attorney—that is the prosecuting attorney in Illinois—for 1 year. He then practiced law for 5 years. He has been an associate circuit court judge from 1982 to 1994 and a circuit court judge for 7 years, until 2001. Since 2001, he has been an appellate court justice for the State of Illinois. He has extensive community activities. He was rated by the American Bar Association as unanimously ''well qualified.''

Mr. President, I ask unanimous consent that at the conclusion of my remarks, a summary of Judge Kapala's curriculum vitae be printed in the RECORD.

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

(See exhibit 1.)

Mr. SPECTER. My sense from prior confirmation proceedings and votes in the Senate is that Judge Kapala will receive a strong vote, probably unanimous.

IMMIGRATION REFORM

In the remaining time, I will discuss what we are doing on the immigration bill because there have been so many inquiries.

We all know the history of the immigration legislation from the 109th Congress. The Judiciary Committee reported out a bill. It came to the floor of the Senate, with many amendments, and it was passed with substantial bipartisan support. The House of Representatives had a very different configuration on the bill. They were concerned only with the border security, contrasted with the Senate bill, which was a comprehensive bill.

We have had numerous meetings in an effort to structure a consensus bill in the course of the last many weeks. For many weeks, we met on Tuesday, Wednesday, and Thursday from 4 o'clock to 6 o'clock, with as many as a dozen Republican Senators present, with the Secretary of Homeland Security and the Secretary of Commerce present. We have had substantial White House involvement reflecting the President's statement that he wants a comprehensive immigration reform bill. We have spent many hours on extended meetings with Democrats. There were half a dozen Democrats attending these meetings and a rather unique process illustrated last week where we met for 2½ hours with a dozen Senators being present. It is pretty hard to keep a dozen Senators sitting in one room at one time going over a great many ideas. We have come to an agreement on what we have called a ''grand bargain,'' which is the outline of an immigration bill.

There is no doubt that we need to protect our borders and we have legislated for fencing. We want to provide fencing to protect the major metropolitan areas, and we can't have a fence for the entire length of the border. We have proposed and are prepared to enact legislation which would provide for 6,000 additional Border Patrol agents to bring the number to 12,000. We are proposing very strong employer sanctions. We do not want employment in the United States to be a magnet for illegal immigration, and it is now technically possible to have foolproof identification. It can be costly and we are still working through the details, but there is no doubt we want to secure the border and stop illegal immigration as the first item.

We are talking about triggers so that we don't move ahead to dealing with the 11 million undocumented immigrants or dealing with a temporary worker program until we have solved the problem of securing the border and providing for identification so that there is a basis for using tough sanctions on the employers. But you can't do that unless they have a fair opportunity to know who is legal and who is illegal.

We are rejecting the idea of amnesty for the 11 million undocumented immigrants. They are going to have to earn being on the citizenship path at the end. It will be required that they pay taxes, have community roots, have a substantial period of employment, and that they learn English. We are going to do our best to deport those who have criminal records. There is a real security risk with some of the undocumented immigrants who have criminal records and where they do commit crimes. It is a practical impossibility to deport 11 million undocumented immigrants.

We are trying to structure a temporary worker program which is temporary, coming only for the purpose of filling needs and then returning to their in native countries. We are looking at a system so that if there are U.S.

citizens, people in this country who can take the jobs, they will have the first choice.

The majority leader has stated publicly his intention to proceed under rule XIV and file a bill this week—perhaps tomorrow, and it will be listed for floor debate next Monday. There is a lot of concern among Republicans about proceeding in that way with concern that the bill that was reported out of committee does not have widespread support and the bill that passed the Senate does not have widespread support. And that there is a disinclination how it will go. Nobody knows for sure, but there is a disinclination to support a motion to proceed, raising the possibility that there may be a filibuster there.

There is a concern in many quarters that we need more time. We have been proceeding diligently with very extended meetings. I have to confess there has been a fair amount of wheel spinning, but that we are not ready to proceed next Monday on the 14th to take up the bill the last 2 weeks before Memorial Day, as the leader has scheduled. I can understand the majority leader's concern about moving ahead and holding our feet to the fire to try to produce a bill but we are still working on it. Staff worked over the weekend. There was a meeting at the White House on Sunday. I had an extended discussion yesterday with Senator KENNEDY. Senator KENNEDY met with one of the Secretaries, and we are working at top speed.

It will certainly be preferable if we can come up with a bill that would not have to have S. 2611, which passed the Senate last year or the chairman's mark or the bill that came out of Judiciary. I have been asked about this every time I step into the corridor, so I thought it would be useful to give this brief summary, without impacting on Senator LEAHY's time. I will note that some Democratic time on the judicial nomination was taken up by Senator DURBIN earlier.

I yield the floor.

EXHIBIT 1

FREDERICK JOSEPH KAPALA, NORTHERN DISTRICT OF ILLINOIS

Judge Frederick Joseph Kapala was first nominated on December 6, 2006. He was renominated on January 9, 2007. A hearing was held on his nomination on March 13, 2007, and he was unanimously reported out of the Judiciary Committee on April 25, 2007.

Judge Kapala has truly outstanding academic and professional qualifications.

He received his B.A. magma cum laude, in 1972 from Marquette University where he was elected to Phi Beta Kappa and Pi Gamma Mu (social science honors). He received his J.D. from the University of Illinois College of Law in 1976. During law school, he participated in Moot Court and served as a member of the Moot Court Board.

From 1970 to 1980, Judge Kapala served our country in the United States Army, on both active and reserve duty. He obtained the rank of Captain before his honorable discharge.

After graduation from law school, Judge Kapala served for one year as an Assistant State's Attorney in the County of Winnebago, Illinois before joining the law firm of Pedderson, Menzimer, Conde, Stoner and Killoren in 1977. He practiced both litigation and transactional law with that firm until 1982.

Between 1981 and 1982, he also served part time as a Special Assistant Attorney General in the Illinois Attorney General's Office, prosecuting consumer fraud cases.

As a practitioner, Judge Kapala tried over 100 cases to verdict.

In 1982, Judge Kapala was first appointed to the state court bench as an Associate Circuit Court Judge for the 17th Judicial Circuit, a state trial court. While serving in this office, he was presiding judge of the juvenile court in Winnebago County from 1989 until 1991.

In 1994, Judge Kapala was first elected a full Circuit Court Judge in the same circuit, and since then, he has been re-elected twice. During his tenure in this capacity, Judge Kapala was appointed as the presiding judge of the criminal court division in Winnebago County from 1995 until 2001. In 2001, he was assigned to serve as a Judge of the Appellate Court of Illinois, Second District.

The ABA unanimously rated Mr. Kapala as ''Well Qualified.''

Mr. LEAHY. Mr. President, how much time does the Senator from Vermont have?

The PRESIDING OFFICER. The Senator from Vermont is recognized for 6 minutes.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 1327 and S. 1328 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LEAHY. Mr. President, we are making significant progress today with another confirmation of a lifetime appointment to the Federal bench. I am sure Frederick J. Kapala will be confirmed for the District Court for the Northern District of Illinois. His nomination is supported by the home State Senators. I thank Senator DURBIN for chairing the hearing on this nomination.

Judge Kapala serves as a state appellate judge on the Second District Appellate Court in Illinois. He has almost 20 years of experience as a state trial court judge. Before coming to the bench, he worked for the Rockford, Illinois law firm of Pedderson, Menzimer, Conde, Stoner and Killoren, and he worked as an Assistant State's Attorney in Winnebago County. Prior to his legal career, he served 10 years in the U.S. Army.

This will be the 17th judicial confirmation this year. The calendar just turned to the month of May, it is spring, and we have already confirmed as many judges as were confirmed during the entire 1996 session, when President Clinton's nominees were being reviewed by the Republican-controlled Senate majority. We have done as much in May in a Democrat-controlled Senate as the Republican-controlled Senate did in a whole year for President Clinton. That was a session when not a single circuit court nominee was confirmed. Of course, we have already confirmed two circuit court nominees in the early months of this session.

I mention this because it is somewhat frustrating to hear the gross misstatements made by some of the Republican leaders, such as Vice President CHENEY, Mr. Rove, and others, who speak for the President on the pace of judicial nominees. Not only is this the 17th judicial confirmation this year, it is also the 117th judicial confirmation in the approximately 2 years I have served as Judiciary chairman over the past 6 years. That exceeds by more than a dozen the confirmations Senator HATCH presided over during the 2 years he was Judiciary chairman. It also exceeds by more than a dozen the district court nominees confirmed during the two years he was Judiciary Chairman.

With the confirmation of Judge Hardiman to the Third Circuit earlier this year, the total circuit court confirmations achieved during my chairmanships, which have not yet extended over the 24 months of Senator HATCH's chairmanship, also exceed those achieved during his. I only mention this because if you listen to what comes down to being total mistruths by the Vice President or others, you would think we blocked the President's judges.

Actually, we have done far better for President Bush—far better than when a Republican majority was here and pocket filibustered 61 of President Clinton's nominees. It is a little known, and obviously unappreciated, fact that during the more than 6 years of the Bush Presidency, more circuit judges, more district judges, and more total judges have been confirmed while I served as Judiciary Committee Chairman than during the tenures of either of the two Republican Chairman working with Republican Senate majorities did.

The Administrative Office of the U.S. Courts lists 48 judicial vacancies. Yet, the President has sent only 25 nominations for these vacancies. Twenty-three of these vacancies—almost half—have no nominee. Of the 16 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for six of them.

Despite the harping and the criticism, the Judiciary Committee has been working hard to make progress on those nominations the President has sent to us. Of course, when he sends nominees that he knows are unacceptable to home state Senators, it is not a formula for success.

I congratulate Judge Kapala, and his family, on his confirmation today.

Mr. LEAHY. Mr. President, have the yeas and nays been requested?

The PRESIDING OFFICER. No.

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

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

The question is, Shall the Senate advise and consent to the nomination of Frederick J. Kapala, of Illinois, to be United States District Judge for the Northern District of Illinois?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut, (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. MCCAIN), the Senator from New Hampshire (Mr. SUNUNU), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 153 Ex.]

YEAS—91

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

NOT VOTING—9

Bennett	Feinstein	McCain
Biden	Johnson	Sununu
Dodd	Kennedy	Vitter

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

PRESCRIPTION DRUG USER FEE AMENDMENTS ACT OF 2007—Continued

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Maine is recognized.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1329 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

IRAQ

Mr. SCHUMER. Mr. President, this week we in Congress are continuing to work toward a solution in Iraq that both supports our troops and changes our mission away from policing a civil war to more narrowly focusing on what should be our first and foremost goal—fighting terrorism, counterterrorism, to make sure al-Qaida cannot set up a camp and strike at us.

I rise today because we are beginning. We have said all along that this is going to be a long battle. Because we do not have 61 votes in the Senate, because the President has the veto power and we certainly do not have 68 votes to override a veto in the Senate, we are going to have to continue to bring up resolution and amendment after resolution and amendment until we persuade our colleagues on the other side of the aisle to do what the American people want, to do what the American people asked for in November of 2006; that is, dramatically change the course in Iraq, the mission—greatly reduce the number of troops so we can keep some troops there who can fight terrorism, but that will be many fewer. Most will be out of harm's way.

We are getting good signs. First, 6 months ago President Bush said he wouldn't accept any benchmarks or any limitation. Now the word from the White House seems to be that they will accept some types of benchmarks or other types of language that would not just be a simple funding the troops without our other goal, changing the mission. But second and more significant, what I and my colleague from Washington—and I believe my colleague from Illinois will be speaking about—are seeing is our Republican colleagues begin to set their own timetables, their own deadlines. This weekend, House minority leader JOHN BOEHNER signaled that, as this debate wears on, the President will continue to lose support among the members of his own party.

> By the time we get to September or October, members are going to want to know how well this is working and, if it isn't, what is plan B?

That sure seems similar to what we are trying to do, although we want to do it now.

Mr. BOEHNER's comments are echoed by a number of other Republicans who are hearing back in their States and districts that we must change the mission in Iraq. There are many comments.

TRENT LOTT:

> I do think this fall we have to see some significant changes on the ground in Baghdad and other surrounding areas.

There are many more. One of those is JIM WALSH, from my home State of New York. Today, the New York Times reports that Mr. WALSH is replying to his constituents that he could soon be prepared to reassess our policy and begin withdrawing our troops.

Republican Congressman RAY LAHOOD is indicating he expects Republican members will grow increasingly ''nervous'' about the President's strategy.

Asked about the President's demand for a funding bill with no benchmarks, no conditions, and no reports, says Senator COLLINS, who just spoke here:

> Many of us on both sides of the aisle don't see that as viable.

We are going to try to come up with a very strong resolution that both supports our troops and changes the mission. But we know we are making progress because our Republican colleagues themselves have been setting timetables, benchmarks, and other types of goals—limitations that are not terribly dissimilar from ours.

We will continue this battle, this struggle to require the President to change course in Iraq. We eagerly await our Republican colleagues joining us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleague from New York. I know my colleague from Illinois, Senator DURBIN, will be here shortly as well to talk about a critical juncture at which we are now in terms of the war in Iraq.

Last week, both the House and Senate sent a very strongly worded bill to the President of the United States supporting our troops, saying we are there for them when they need us, but we also said it is time for a change of course in Iraq, that we can no longer leave our troops in the middle of a civil war. It is disappointing to all of us that the President chose to veto that bill and sent it back to us. But I think it is very important for us to set the context of where we are now as we look at what we are going to send back to the President.

These are the facts. There is increased violence in Baghdad as we speak. There is increased violence outside Baghdad today. In fact, over 100 American soldiers died last month alone, and at least 27 more American troops have been killed this month. In my home State of Washington, we got the sad news yesterday morning that six of our Fort Lewis soldiers were killed over the weekend. These are

families—husbands, children, grandchildren—who will be impacted forever and who will not forget.

Months ago, the President said to the American people that he was going to change his course by having a surge of American troops—25,000, 30,000, 40,000 new troops. They are now on the ground in Iraq. What we are seeing is increased violence inside and outside of Baghdad, more American soldiers losing their lives. And what are we looking at? An Iraqi Government that has not changed, has not stood up to the mark to care for their own country and make the tough decisions they need to make. The bill we sent to the President was designed to give him the tools to turn to Iraq and say: You need to take on your own battles and make these tough decisions. It is time for Iraqis to stand up. Four years after removing Saddam from Iraq, the Iraqis have still not made the political compromises necessary to bring peace to their own country. In fact, they are on pretty shaky ground today, even as we speak, as we hear of factions that may pull out.

Most important, what is happening here in our country? Mr. President, 64 percent of Americans and 65 percent of independents support setting a timetable for redeployment.

That is the ground we are now on, as the President vetoed that very important piece of legislation which funded our troops. We had funding for our veterans as they came home and important, critical funding for Katrina and other important causes.

Despite all the facts I just laid out—the increased violence, the soldiers being killed, the Iraqis not standing up for their own Government—we have seen Republicans on the other side of this aisle stubbornly stand with President Bush and refuse to set a timetable for our troops to come home, refuse to set a timeline to force Iraqis to take responsibility for their own future, and refuse to set a timetable to let Iraqis know we are not going to be there endlessly, month after month, year after year, for decades.

Mr. President, what is heartening to me today, after the President's veto, is we now are hearing from many of our Republican colleagues that they, too, believe we cannot continue to send a message that we will continue to be there forever.

Senator SCHUMER was just here on the Senate floor and spoke of some of our Republican colleagues who have been speaking out. House Minority Leader BOEHNER said:

> Over the course of the next 3 to 4 months, we'll have some idea how well the plan is working. Early signs are indicating there is clearly some success on a number of fronts. But, by the time we get to September or October, Members are going to want to know how well this is working, and if it isn't, what's Plan B.

We are now hearing, thankfully, our Republican colleagues set forth time tables of their own. I think it is important we listen to what they are saying because despite the fact they said no time tables in the bill, we are hearing them say there is a timeline; that this country cannot continue to send our troops to Iraq without Iraqis standing up.

Importantly, as well, we are hearing our Republican colleagues talk about benchmarks. We know benchmarks without consequences are pointless. But unlike the President, our Republican colleagues are starting to realize this and are breaking with the White House.

Senator SUSAN COLLINS said:

> Obviously, the President would prefer a straight funding bill with no benchmarks, no conditions, no reports . . . Many of us, on both sides of the aisle, don't see that as viable.

I hear that as very promising language from our colleagues on the other side. We are hearing from many others—Senator VOINOVICH, who spoke out this weekend. We are hearing from House minority whip ROY BLUNT, who says he ''can support binding benchmarks on the Iraqi Government tied to a 'consequences package,' so long as it would not put restrictions on the military.''

Mr. President, we support our troops. The bill we sent to the President last week supports our troops. Our troops have done everything we have asked them to do and more, and they have done it courageously. It is time now for us to give them the tools they need so the Iraqis will stand up and take control of their own government.

We can no longer simply say: We will stand down when you stand up to the Iraqi people. I hope our Republican colleagues will join with us in standing up as well, now, to send a strong message to the Iraqi people that it is time for our troops to get the support they need and to know that they will be brought home in a timely manner.

It is encouraging to hear the comments we are hearing. I hope they are met by the courage of our colleagues on the other side to stand with us, find some language we can agree on, and send the supplemental to the President. I hope that is what we can do over the next several days. I encourage our colleagues to work with us to do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent that I be recognized to speak as in morning business.

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

IRAQ SUPPLEMENTAL

Mr. DURBIN. Mr. President, for a long time in Washington, if you talked about a deadline or a timetable, the response from the President, from the administration, even from the Republican side of the aisle, was the same. When you talked about a specific end to this war, they argued: It endangers our troops.

I did not agree with that premise. In fact, I believed this was the only way to convince the Iraqis we were not going to stay forever. If they think the very best military in the world, the American military forces, will stay there indefinitely, there is no incentive for them to make the right decisions, the hard decisions to govern their own country.

Well, time has passed at great cost to our Nation. As of this morning, we have lost 3,361 of our best and brightest soldiers—3,361. The month of April was the deadliest month this year in Iraq: 104 American soldiers lost their lives. I think we all understand now that as each day passes, more American soldiers are in danger and, sadly, more will give their lives. So to wait for a month, two or three or four, is, sadly, to extend that period of time of danger.

Now we find from Republican leaders a new approach. No longer are they rejecting the idea of deadlines or timetables. In fact, they are starting to speak in more specific terms.

This is a quote from the Republican leader of the House, JOHN BOEHNER, who said:

> By the time we get to September or October, members are going to want to know how well this is working, and if it isn't, what's Plan B?

That, to me, sounds like a deadline of September or October.

Then, of course, our colleague from Mississippi, Senator LOTT, said:

> I do think this fall we have to see some significant changes on the ground, in Baghdad and other surrounding areas.

I think it is an indication that our colleagues on the other side of the aisle are hearing the same thing we hear when we go home: First, an immense pride in our men and women in uniform, pride as well in their families who have stood by them through this long struggle; an understanding of the sacrifices that are being made by our soldiers as well as those who love them so very much but, secondly, an understanding that this is a failed policy that the President is pursuing in Iraq.

This is the fifth year of this war. This war has lasted longer than World War II. It is now only exceeded in cost by the cost of World War II in today's dollars. It is an extremely expensive undertaking, first, in human life, with over 3,000 Americans dying, and then with thousands coming home injured, some very seriously injured, with traumatic brain injury and amputations.

Senator MURRAY of Washington has been a leader when it comes to the care for our returning soldiers and veterans. We know our system is breaking down and falling behind, increasing the sense of urgency I feel and many feel in Illinois, as I see them on the streets of Chicago and Springfield and all around my State. They understand this is a heavy cost we are paying.

When our friends on the Republican side of the aisle say all we need is maybe 4 or 5 more months, I hope they understand that time they are asking

for is time that will have a heavy price. They want us to buy some time for political purposes but at a heavy price.

We think, and I hope they will come to understand, we need to tell the Iraqis now they have the responsibility to govern and lead. If they fail, then American troops are not going to stay there indefinitely. Some worry when American troops leave, there may be an unstable situation in Iraq. That is entirely possible. That can happen if we leave in 10 months, 10 years, or 15 years.

They have to understand the responsibility of the future of Iraq lies in the hands of the Iraqis. We cannot put that burden on American soldiers and their families any longer. I am heartened by these statements from the Republican side that finally they understand we cannot stay there forever, that the policy of this administration has not succeeded, that we owe it to soldiers and their families to treat them humanely, to let them know they will be coming home to a hero's welcome soon.

Our colleagues, Senator JIM WEBB and CARL LEVIN, as well as JACK REED, have spoken out about the readiness of our troops, too. I worry about that. As the President has extended this war, far beyond what anyone ever dreamed of, those who voted for that authorization of force, as he has extended this war, have put pressure on our soldiers beyond anything we could have imagined.

We have extended the tours of duty for National Guard members to the longest period of time since World War II. We now know many of our soldiers are asked to stay on an additional 3 months after they have served 12. We know when they come home, they do not receive the rest they were promised, the time with their family. They are quickly reactivated and sent into battle.

This has to have an impact on morale. It certainly has a negative impact on their families. So I believe as we talk about how this war is to be waged and what the next stage will be, regardless of what our plan may be, it has to include readiness and a commitment to these troops. I think it is important that we say to the President: Don't send a single soldier into harm's way or into combat unless they have had the time to rest, unless they have been retrained and equipped, unless they are prepared to go to battle with all of the forces they need to come home safely.

Shortchanging our soldiers is not a strategy that we should follow in Iraq. Let's come up with a plan to start bringing these troops home. We sent one to the President last week. He, in a press conference, told the American people he was going to reject it. We haven't heard anything back from him since then. But, in the meantime, many members of his own party have decided it is time for them to finally speak up. We welcome them. We need them. We need them particularly on this supplemental bill.

Mr. President, if a handful of Republican Senators will now cross the aisle and join us, we can have a positive impact on changing this failed policy in Iraq. We can finally stand as one in a bipartisan way and say there is a better way; that the Iraqis cannot take long vacations while the members of their parliament relax as our soldiers risk their lives. We have to tell the Iraqis we are not going to stay indefinitely.

When leaders such as Mr. BOEHNER of Ohio speak of plan B, just remember what the B stands for. The B stands for bring our soldiers home. That is what we need to start doing in an orderly, sensible way as soon as possible.

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

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

Mr. SESSIONS. I ask unanimous consent to speak as in morning business.

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

IMMIGRATION

Mr. SESSIONS. Madam President, I want to take a few moments this afternoon to follow up on my remarks of last evening about concerns I have involving the immigration process that is ongoing in the Senate and what Senator REID, the Democratic leader, has indicated he plans to do.

I absolutely believe a framework exists for us to develop comprehensive immigration reform that can be worthy of the American people, to create a lawful system of immigration that will work. It will be difficult in a number of areas, but we can do that. A framework is being discussed, I know, because I have seen the PowerPoint presentations and some of the other discussions about it. A framework exists that could lead to effective immigration reform. There is no doubt that this Nation needs comprehensive immigration reform. The whole system is broken. Nothing about it works. The legal system is an embarrassment to us as a nation and a source of frustration to the American people. They rightly are concerned about it, and politicians don't seem to be. That is why we have had a problem for so long, and frustration and anger gets built up. People sometimes call in to radio stations and say things they shouldn't say that are unkind. A lot of it is a direct response to a failure of the Congress and the executive branch to do what is required to create a lawful system of immigration. For Heaven's sake, don't we all agree with that concept, a lawful system of immigration?

What interests should it serve? It should serve the national interest, the American interest. I asked Secretary Chertoff of Homeland Security and Secretary Gutierrez of Commerce at a hearing of the Judiciary Committee not long ago, what should a lawful system of immigration do? Should it not serve the national interest? They said: Yes, sir.

Professor Borjas, a Cuban refugee, at Harvard has written a book on immigration. He said: If you tell me what interest you wish to serve, I can help you draft an immigration policy that will work. For example, if you say it should be the national interest, I can help you achieve that. If you want to serve the interest of poor people around the world, I can help achieve that. He basically said in his book ''Heaven's Door,'' we could serve poor people around the world by just letting them all in. That would be in their interest. We know that. In 2000, we had 11 million people apply for 50,000 lottery slots. The names are drawn out of a hat randomly. Only 50,000 are drawn out a year. We had 11 million apply for those slots.

We have to look at the basics. More people want to come to this country than we can accept, and those whom we accept should be based on what is in our interest. How much more simple can it be than that? I submit that is a moral and legitimate basis.

We always have a humanitarian component to immigration. I would not reduce that. About 16 percent of those who come, thereabouts, are for humanitarian reasons. I think we will always want to have that available for people who are persecuted or otherwise need humanitarian relief. Fundamentally, the rest of our program ought to serve the national interest.

This is what has happened. There are supposedly bipartisan discussions going on—and I know they are going on—to try to take the framework that has been agreed on by the President, Cabinet members, and some Members and to flesh that out and develop an immigration policy. That hasn't reached fruition. I understand some of the leaders on the Democratic side have walked away. They are not prepared to follow through on the overall agenda item for a given area, this framework. When you start writing down the words that will actually effectuate what you promise to do, then people start backing off.

I have said a number of times on the floor that we have a great deal of interest in immigration reform, except that we need a lawful system which will work. If it is a system that will actually work, we find immediately people start objecting.

Senator REID has said these negotiators—I sometimes want to call them masters of the universe; I don't know who selected them—are meeting here and they are deciding the fate of American immigration. I want to say, well, let's see what they produce. I have told my constituents I hope they will discuss it, and maybe some agreement can be reached, one I could support. But I

promised my constituents—and every Senator ought to make this commitment—that I am going to read that bill. Just because people have great sounding words, if you don't read the words carefully and what they will actually mean in the effort to enforce immigration law, then you don't know what you are going to get. You are going to end up as we did in 1986, with a program that was an utter failure. The one we had last year would never have worked. It would have been a disastrous failure. It had no chance of being successful or ever achieving the ideas it purported.

Senator REID apparently is unhappy. He has the power, as the Democratic leader, to call up any piece of legislation he wants to call up. He has said: I am not happy with the speed of this. He has said he is going to call up, under the power of the majority leader under rule XIV, last year's bill, and that this will be on the floor. Then he will want the negotiators to continue to negotiate, and maybe they will figure out what would be better. Then he might substitute this newly negotiated bill that hasn't been written yet—nobody has seen a word of it—and then we will vote. That will make everybody happy.

Let me say this, with all sincerity: The American people know immigration is a big issue. It is an important issue; it really is. It says a lot about the nature of this country. Are we going to be a country that the world knows has laws that are never enforced, that our immigration policies make a mockery of the law, as they do today? Will we continue to see people all over the world get the idea in their heads—correct today, basically—that if they can just get into America, sooner or later we will make them citizens and give them everything, even if they came illegally? Is that the kind of message we want to send?

Senator REID has said he is going to bring up last year's bill. He also indicated that after last year's bill is introduced and maybe a compromise would be reached. Maybe they would substitute this compromise as a new bill which we have never seen before, nor the words in it.

Let me tell my colleagues, an immigration bill is not an itty-bitty thing. An immigration bill consists of a lot of pages. A group of us, about 15 of us, wrote to the majority leader and asked that we have 7 days—I thought that was way too short—to read the bill. Isn't that pathetic? The immigration bill last year was 700-plus pages. Seven hundred pages. This never before seen compromise version may be longer. At least last year's bill came out of the Judiciary Committee, and we had a chance to argue over it in there, although the train ran right through the Judiciary Committee and it ran through—basically through the floor of the Senate. But we began to read it before it was over, and I remember making a speech down here, several speeches, pointing out 17 loopholes in that bill, fatal flaws in the legislation. But anyway, it passed, but the House refused to even consider it.

Based on what was in the New York Times and Rollcall or The Hill or one of the publications, the plan would then presumably be for Senator REID to bring up last year's bill, which is unthinkable, in my view. It was fatally flawed. We will stay on that bill for some time, and then perhaps they will plop on it a substitute and take out all or parts of last year's bill and substitute an entirely new bill, 600, 700 or 800 pages, and then we will vote on it. That will be good for the masters of the universe, you see, because when you do that, there would not be time for the American people or for Lou Dobbs or Rush Limbaugh to find out what is in it and to tell the American people what is in it so they can get mad about it. That is basically what it is about. They want to slide it through with the least possible time to discuss it. I think that is irresponsible. It is wrong.

We should spend plenty of time on this legislation. We should go to the American people with honesty and integrity and tell them: Some of the things you want to do, Mr. and Mrs. America, we can't do. We are not going to be able to make immigration come out exactly like you would want it or exactly like I would want it. We are going to have to reach a compromise, but we understand we have a commitment to you, and that commitment is to create a system that will work in the future.

But I am worried about it because from what I am hearing, the system seems to be moving in a way that is going to create an opportunity to vote on a completely unseen immigration bill—nobody has read it except a little group—and move it through this Senate. Now, remember, the bill that passed last year was a bad piece of legislation, but it did pass this Senate. People thought it would die in the House, and sure enough, it did die in the House and it was never considered. They wouldn't even look at it. But I am not sure that is going to happen this time.

So we may have this plan in the works, and it will work something akin to this: Well, we spend 2 or 3 days talking about immigration, burning time and filibustering, filing cloture on a motion to proceed, and we get on the bill for a day or two and then all of a sudden a new bill comes on and in a day or two, it is passed. Hardly anybody knows what is in it or has had a chance to read it. Then it goes to the House of Representatives, where the Democratic majority now has a 15 seat, 16 seat or so majority over there; some of the Republicans would clearly be in favor of whatever passed out of the Senate. They don't have any way to delay votes over there, so the bill could be brought up and passed, the same bill, without any amendment. That could happen. Then it goes to the President and he signs it and then we will find out 2, 3 or 4 years from now whether it works.

I don't think it is going to work. I am worried about it. I am worried about it. I am worried there is not a commitment among the executive branch to enforce the immigration laws.

Anybody who would like to be elected President—the new executive branch leader has a commitment to ensuring a lawful system of immigration. That is all the American people want. They are not saying they don't want any immigrants in America.

So I am saying this because I am concerned this is where we are headed. I think it is unhealthy for the Senate. If we do that, we would have failed in an august responsibility. This is the body that is supposed to let the passions cool, where Senators look over important issues, think them through, and then make a decision on them. Also, the delay and the slowdown that goes on in the Senate is helpful so the American people can be advised on what their representatives are actually doing. So I am worried about it, and Senator REID's strategy is frightening to me.

So let me repeat: I believe the framework that has been mentioned for the drafting of a comprehensive immigration reform bill actually has the potential to be successful. But based on my experience in the 10 years I have been in the Senate and the debate we have seen on immigration, I am inclined to believe they will have positive-sounding words on the headlines in big print, but the real language will not effectuate the promises they make or the goals they set. We could end up with no progress whatsoever. We could end up with amnesty and no enforcement in the future.

That is what happened in 1986. If you remember, in 1986, they said there are probably a million people in the country illegally. The system was not working. We had to do something, so we should grant amnesty to the people who came illegally, contrary to law, and then we would develop a new system in the future so that this would be the amnesty to end all amnesties. There would be no more amnesties. Well, 3 million people showed up to take advantage of it rather than 1 million people, and in the 20-plus years—21 years—since, we now have found in our country an estimated 12 million to 20 million people here illegally. So now we want to, I guess, give amnesty again on a promise that we will have a system that will work in the future. But the American people, you see, are cynical about it. They are not comfortable with us anymore on this subject, and frankly they are right to be cynical. Because there are a lot of special interests out there who are asking for what is in their interests but not what is in the national interests. It is time for us to consider what is in the national interests and do the right

thing on immigration. I firmly believe we will do a better job of writing a bill that will work, a bill that will serve our national interests, that will create a lawful immigration system, if the American people know what is going on, because that is what they want.

The American people have been consistently right on this issue. Their instincts have been right consistently. Oh, there are some nutty folks out here who are mean spirited, there is no doubt about that, but they represent a very small number. The basic feeling of the American people is sound on immigration and has been. It is the Congress and the executive branches that have failed them for 50 years. We don't have to continue to fail the American people. We have a responsibility to make it work, and I am hopeful that in the discussions for the first time with Secretary Chertoff and Secretary Gutierrez helping behind the scenes to develop some plans that would actually work, we might even get this thing done. There is some possibility. I wouldn't have believed it, but now I am beginning to think it is possible.

But if at the last minute the special interest groups who seem to have dominated last year get their way, we would not be able to pass the bill we can be proud of. We would not pass a bill that will work, and we will be back in 10 years, 15 years, 20 years from now, dealing with another crisis.

So I will not go on anymore about it. I will mention what the framework, as I understood it, contained, that these PowerPoint presentations that were shown around and got leaked to the press, it has real improvement in border enforcement. We need that. That is essential. If you are serious about immigration, you want border enforcement. It set up as a goal a very effective job workplace enforcement, something that could actually work, using biometric identifying cards, helping the businesses and telling them exactly what they need to do so they can't be prosecuted or sued for doing something wrong. They are told exactly what to do and what will work. We can make the workplace cease to be the magnet for illegal jobs. That is very important, and it can be done. We need to deal compassionately and realistically with the people who are here illegally, but I don't believe that someone who broke the law in our country should be given every single benefit that we give to those who come lawfully. We will have to wrestle with that, and nobody is going to be happy, I am sure, with the way that comes out. That is the way it is with any big piece of legislation.

We need a genuine temporary seasonal worker program that is separate and apart from the program that would allow people to come into the country on a citizenship track. On the basic entry, citizenship entry into the United States, we need to be far more similar to Canada, which has a merit-based, skill-based system that evaluates applicants on what they bring to Canada: Do you speak English? Do you have an education? Do you have skills that Canada needs? It is a skill-based point system. It is objective and fair, and it serves the Canadian interests, and they are very happy with it. So is Australia, so is New Zealand, and I think the United Kingdom is also moving forward in this direction. A merit-based point system can actually be a framework for success. I understand that is being discussed. We do not need to promote such a framework, and then vote on a bill that doesn't create the merit-based point system when you read the fine print. That would be a failure.

So those are my concerns, and I will object with every ability I have, I will utilize every tool I have to ensure that whatever bill hits this floor, that Senators and the American people have time to evaluate it and an opportunity to know what is in it. But there are ways that this time and opportunity can be denied if the leadership is determined and can get the support. We could deny the American people that right, and it would be wrong to do so.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

TORNADO IN GREENSBURG, KANSAS

Mr. BROWNBACK. Madam President, I just returned from Greensburg, KS, yesterday, where we had a horrific tornado hit late Friday evening. I want to share with my colleagues some of the damage assessments, some of the pictures of what has taken place, and some of the needs we have for this community. It is a community I have been to a number of times while serving in different positions in Kansas. It is a wonderful community, full of community spirit, with people who have been there for a number of years. They have a celebration around a hand-dug well that is kind of an unusual event. It is the world's largest hand-dug well. You can go to the bottom of it, and I have done that.

Greensburg is a community with a lot of spirit in the middle of the State and in the middle of our country. Now it is experiencing this tremendous devastation. The tornado covered 40 miles in 90 minutes. It was first spotted at 8:24 p.m. last Friday 3 miles south of Sitka, KS, in Clark County.

The tornado tracked through six counties: Comanche, Kiowa, Edwards, Stafford, Pratt, and Barton. At 9:45 p.m., the tornado demolished Greensburg before wrapping north and dissipating before 10 p.m. Fortunately, the National Weather Service and a weather man out of Dodge City spotted it and warned the community, and the community had about a 20-minute warning that a tornado was coming and that it was a big one.

When Greensburg was struck, the tornado's wind forces exceeded 205 miles per hour, falling into the highest category on the Enhanced Fujita Scale, EF–5. The size of the tornado was 1.7 miles in diameter, which, if you know anything about tornadoes, is enormous. Twelve people have died as a result of this storm cell. They found another two individuals yesterday.

When a tornado hits—and you will see pictures here—often the houses will blow up in the process because of the air pressure outside of the house that is much reduced from the air pressure in the house, and there will be a blowing up of the house, or the wind comes in and hits it. It can be destroyed by the wind.

Thirteen people are still in the hospital, with four of them in critical condition today. There was some good news on Sunday. We found a person still alive underneath the rubble.

Ninety percent of the town has been destroyed, from Greensburg to the Northeast, which was hit by multiple tornadoes that were spawned by the same supercell thunderstorm. It is an older community. More than 50 percent of the population is 45 years of age or older, and 25 percent of the population is 65 years of age or older. Primarily, the economic drivers of the community are farming and oil and gas production.

We will need substantial assistance. I want to show pictures from the wreckage I toured yesterday. I am pleased to note that the President is coming tomorrow. I was there yesterday with the Governor and several members of the congressional delegation. Senator ROBERTS was there on Saturday. It is devastating to see.

Here you see a structure left standing there, which is a grain elevator. That is really the only structure left standing in the town. The courthouse is standing, but its roof has been ripped off. It is amazing people can actually survive something like this. Most people have storm shelters or basements they can go into, and they did with the warning, and some called other people in the community. All of these trees were denuded in the area, and the whole place was ripped and torn into shreds in the county and in this particular community.

This is one of the main structures in the downtown area of Greensburg. All of the brick around it is damaged.

They were able to keep the Greensburg sign still posted in this picture. These were taken when the storm system was still in the area. There was a tornado the next day within a mile of Greensburg, from the same supercell system. It dumped 10, 12 inches of rain in northeast Kansas.

You can still see ominous-looking clouds in this photo. It was very dicey over the entire weekend.

This was one of the more stable houses that remains standing in the area. I went into a house that was somewhat like this, which was built almost 100 years ago. I talked with the

owner. They were going to celebrate the 100-year anniversary for the house, which was built in 1908. He said, ''We didn't quite make it.'' The house is going to be demolished now. It will not survive.

This is a view of some of the damage to vehicles. This is a blank landscape in the backdrop. I wanted to give some views of what has taken place in the community. It has been completely and utterly destroyed.

I would like to note that FEMA has been questioned by me and by a number of my colleagues. Prior to Katrina, it had done a lot of good work that people had respected and appreciated. They felt there was a good group on the job. But then Katrina happened and you looked and said: Where is the FEMA that I knew that would go in and respond in these situations? We are watching carefully to see how FEMA responds to our situation, to our devastation.

I am pleased to state—and I talked with a number of individuals in the community—they are meeting the needs. The needs of the community are being met. They are there on the grounds, being aggressive in dealing with it. The people appreciate they are there. We are going to watch and make sure all of their needs are met.

I will ask my colleagues for assistance as well. This is a small, older community. It lacks much in the way of resources. We need help in this particular situation. We are going to be pushing—Senator ROBERTS and I—for 100-percent coverage on public assistance and on matters such as debris removal and repair and rebuilding public facilities: city hall, fire stations, hospitals, water/wastewater, city powerplant, and gas and diesel generators. The community lacks the resources to meet these needs. We will look to remove the 25-percent local match for FEMA funds. The entire town and their economy was destroyed. There is no way Greensburg can come up with the match of funds that is necessary in this community.

I also want to try something innovative. This is a community in the High Plains. The New Homestead Act is a bill that Senator DORGAN from North Dakota and I have been pushing for some time. I have been a lead cosponsor. As I said, it is a bill called the New Homestead Act. We have had many communities drained in the High Plains, particularly in the Midwest, because of a consolidation in agriculture primarily, but also other features, to where we have had out-migration in huge areas. This is a county that has experienced a lot of out-migration. I would like to see us use Kiowa County—Greensburg is the county seat—as a pilot project for the New Homestead Act.

The biggest concern, once we complete cleanup, is getting the people and their businesses back up and going. Here is a chance for us, given the level of public commitment in place and the desire to rebuild this community, to try this New Homestead Act that can work as a magnet to attract people back into these communities that have had difficulty transitioning from an agricultural economy to something else. This bill is to encourage people to move to rural areas that have depopulated. This bill will help repay college tuition loans for people who move back into the community, help folks buy their first home and set up individual homestead accounts to help people save for the future. Also, this bill will help pump capital to Main Street America through a rural venture capital fund.

I think these are things we can look at and say let's try this here and let's see it work. Let's see what we can model off of to help many places in the High Plains that have experienced this depopulation. We will be pushing also for an enhanced USDA rural development package.

There has been a controversy coming up that I think is unfortunate. That has been the question about whether there has been enough equipment from the National Guard—the Kansas National Guard, on the ground in Greensburg to take care of this atrocity, this disaster, or has too much been diverted to the war on terrorism and in Iraq. Yesterday, I asked specifically the Kansas adjutant general—the head of the Kansas National Guard: Do you have enough equipment on the ground to take care of Greensburg? He said: Yes, we have enough equipment.

I made the point: If you don't, we are going to push Fort Riley and other places to come up with this equipment.

He said: No, we have enough equipment.

Unfortunately, this has grown into a bit of a controversy as to whether there is sufficient equipment or if too much has been diverted to Iraq. The specific statement by Kansas' head of the National Guard—the adjutant general—says there is sufficient equipment on the ground to meet this need. I think it is important that be stated and that be clear because these needs are existing, but they are being met and the equipment is there.

I want to make sure that we can respond. I want to note, finally, to anybody who is interested, fortunately, because of the nature of the country and generous people in the United States, they want to help. They want to know what they can do for the people of Greensburg.

There are three places that I suggest they look to contribute: the American Red Cross, Salvation Army, and the United Way of the Plains in Wichita, KS. Those three groups are ones that are receiving and funneling funds into Greensburg. Being a small community, it didn't have these sorts of organizations there. But these groups do work. Cash donations are being accepted. There is no current need for donations in-kind, but I hope people will look back and come back in the future and consider that on in-kind items. Those groups would be helpful. The United Way of the Plains established a Greensburg disaster fund to which people can contribute. I hope people will consider contributing to those three entities.

We have a number of different groups that are stepping up, including Pizza Huts through Kansas, which are donating 20 percent of their profits on Thursday, May 10, to go to this United Way of the Plains—the Greensburg disaster fund. I hope other groups will also do that so Greensburg can rebuild and renew itself and grow into the future. These are tough times for this community, but it is a resilient community.

It impresses me when you see horrific disasters such as this, just a complete devastation, and you talk to the people and they want to rebuild and dig out and they want to go on. That is the resilience of the human spirit in the face of a horrendous disaster, loss of life and property, and a loss of almost an entire community. The people there were talking about how to rebuild. It is beautiful to see that.

We mourn their losses. The people of Greensburg and Kansas are thankful for all the prayers people have given for that community, in all of their tragedy and difficulty. They will be back and they will rebuild and they will go forward and raise the next generation of families in Greensburg and Kiowa County.

The country is going to help out, and I think the country will help in a powerful, positive way, and we will celebrate as Greensburg comes back.

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

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

IRAQ

Mr. REID. Madam President, today is a somber day in Nevada. Last night, a helicopter crashed in Austin, NV, killing all five crew members on board. It is believed the flight was from Fallon Naval Air Station.

Also yesterday, Nevada lost another soldier in Iraq—25-year-old SGT Coby Schwab—to an improvised explosive device.

Our State and our Nation mourn the loss of all six servicemembers who served with honor and courage. Our hearts and our prayers are with the families.

No one wants success in Iraq more than we in the Senate. I can think of no greater tribute we can pay to those six servicemembers and the more than 3,300 others who have lost their lives in Iraq than to reach a responsible and successful end to the war which has cost so much in so many different ways.

The Washington Post this morning ran an article entitled ''The Cost of

War, Unnoticed.'' It tells us that the war in Iraq is about to become the most expensive conflict in United States history, after World War II. But unlike World War II, which was fought all over the world—in faraway Japan, Africa, all the islands in the South Seas, all over Europe—the Iraq conflict is taking place in a country the size of the State of California.

Also unlike past wars, President Bush is putting the costs squarely on the shoulders of our children and grandchildren by financing it entirely through borrowing and raising the national debt.

Robert Hormats, a former Republican administration official, says:

> They tried to do this on the cheap and without a candid conversation with the American people about the cost. But the irony is the great wartime leaders have seen it in the opposite way.

From the beginning, President Bush has called this war a great challenge of our time. Yet his actions don't match his rhetoric. He has expected sacrifice from our troops now, but has pushed the sacrifice of American taxpayers years and years into the future and long past his term in office.

In 18 months, there will be a new election—18 months—to select a President. All Americans will continue to bear the financial burden of this war in the future, long past a new President assuming office. But right now, we are seeing the toll it is taking on our security at home.

In the wake of the tragic tornadoes that ripped through Kansas this past weekend, our National Guard did the best job it could there, a fantastic job, and we are grateful for their work, of course, but the toll of the war in Iraq crippled the ability of our National Guard to do the dangerous and heroic jobs they are charged with doing.

According to the Governor of Kansas, Kathleen Sebelius:

> Fifty percent of our trucks are gone. Our front loaders are gone. We are missing humvees that move people. We can't borrow them from other States because their equipment is gone. It's a huge issue for States across the country to respond to a disaster like this.

We can't expect our first responders to keep America safe if they don't have the supplies and the equipment to get the job done.

Our men and women in uniform, both active and in the Guard and Reserve, are bearing the bulk of the burden of this war. But we all pay a price, whether in death and injury to troops, or whether tremendous financial burden not yet fully realized, or whether in the inability of the Kansas National Guard to rescue and recover more quickly. That is why it is crucial and well past time to change course toward a successful and responsible end to the war.

We continue to negotiate with the White House and our Republican colleagues in Congress. We continue to stand firm in our belief that the time for a new direction has come. Even some of our Republican colleagues who have long supported the President on the war now seem to agree it can no longer be open-ended.

Yesterday my colleague Senator LOTT said:

> This fall we have to see some significant changes on the ground.

Over the weekend, House Minority Leader BOEHNER said:

> By the time we get to September or October, members are going to want to know how well this is working, and if it isn't, what's Plan B.

Just yesterday, my colleague Republican Leader MCCONNELL echoed Leader BOEHNER's sentiments.

> I am glad to hear them move to our view, to set their own timeline. But we can't wait until fall. We have to have a responsible plan B right now.

Plan B gradually reduces combat operations and refocuses our troops on protecting America's security throughout the world.

Our plan B begins to bring troops and equipment home, where they can protect American lives in Kansas and across the country.

Our plan B begins to reduce the financial burden that this war is weighing on our shoulders and the shoulders of future generations.

And our plan B puts the pressure on the Iraqi Government that will ultimately lead them to take responsibility for their own future.

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

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

Mr. REID. Madam President, there will be no more votes today. The managers are working to try to come up with a package that can be accepted. As I have indicated, the time on postcloture will run out sometime tonight about 10 or 11 o'clock. We hope it is not necessary to run the clock that long, but we are going to finish this bill in the morning, and we will see how many votes we have. We will try to be aware of people's schedules, but the Senate itself has a schedule we have to deal with. So we are going to do our best to finish this bill tomorrow and move on to other business.

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

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

(The remarks of Mr. INHOFE pertaining to the introduction of S. 1335 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. INHOFE. 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. ISAKSON. 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.

TRIBUTE TO SUSAN GORDON

Mr. ISAKSON. Mr. President, I will address the Senate as in morning business for a few minutes on two points of great personal privilege for me.

The first is, I read last week of the retirement of Susan Gordon, executive secretary and office manager of the Office of Legislative Counsel in the Georgia General Assembly. That might seem an odd thing for me to come to the Senate floor and talk about, but for me Susan is emblematic of all of the people who make us look good in this job of public service.

For 31 years, she served the people of Georgia and the Office of Legislative Counsel for the Georgia General Assembly. In my 17 years in that assembly, I can think of hundreds of times where Susan stayed late or went the extra mile to see to it that legislation was drafted, perfected, and got to the floor within the constraints of the general assembly. She never played Republicans over Democrats or Democrats over Republicans, and she loves the State of Georgia.

When I learned of Susan's retirement, it only seemed appropriate for me to memorialize on the Senate floor to her my appreciation for all she has done for me, and countless other legislators who have gone before me in Georgia would say precisely the same thing.

I say for all those others who work in our offices, in legislative counsel, and in the departments of government, the unsung heroes of this great thing we call democracy and public service, to all the ''Susan Gordons,'' thank you very much.

In particular, I thank the Susan Gordon I know in Atlanta, GA. I memorialize my thanks and appreciation for her 31 great years of service to me and the people of Georgia.

BIRTH OF CECILIA GAY MITCHELL

Mr. President, on a second point of personal privilege, at 4:33 p.m. on Sunday afternoon, my daughter, Julie, gave birth to Cecilia Gay Mitchell, my seventh grandchild.

With Mother's Day coming up on Sunday, I was struck while on the plane flying here on Monday by the generations of people before us, what they have done and the importance of family and the importance of motherhood.

You see, Gay is a family name on my wife's side: My wife's great-grandmother Gay Deam, my wife's mother Gay Davison, my wife Dianne Gay, my daughter Julie Gay, and now Cecilia

Gay—a fifth generation of Gays, all ladies, all but one a mother, all close and treasured by me.

I will never claim to be the equal of ROBERT BYRD in terms of his great Mother's Day speech, which I think we will all hear on Friday, but for me on the celebratory day where I celebrate the birth of a seventh grandchild and the fifth-generation Gay in our family and the Davison family and the Isakson family, I pay tribute to my daughter Julie, her husband Jay, and my expression of thanks to them on behalf of Dianne and me for the greatest present that could ever be given to a parent—that is the gift of a grandchild, especially a fifth-generation Gay.

I yield the floor. 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. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DURBIN. I ask unanimous consent to speak in morning business.

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

IMMIGRATION REFORM

Mr. DURBIN. Mr. President, in the coming weeks the Senate will again consider legislation to reform our broken immigration system. The Presiding Officer has been personally and deeply involved in this issue since coming to the Senate. I thank him for his leadership.

I think we all understand the challenge is substantial. If we want to solve the problem, we need a comprehensive approach that is tough but fair. We should improve border security by increasing manpower and deploying new technology. We should enforce the law against employers who are hiring millions of undocumented workers. And we need a realistic, honest approach to the 12 million undocumented immigrants who live and work in our country illegally.

Most importantly, we must ensure that immigration reform legislation protects the American economy and American workers as well.

I am concerned about the H–1B visa program as it is currently structured. I am afraid it is being abused by foreign companies to deprive qualified Americans of good jobs.

To address this problem, Senator GRASSLEY and I have introduced S. 1035, the H–1B and L–1 Visa Fraud Abuse Prevention Act of 2007. This is a bipartisan bill. It would overhaul the H–1B and L–1 visa programs to protect American workers and crack down on unscrupulous employers.

The H–1B visa program was designed to allow employers to attract and hire high-skilled foreign workers with specialized knowledge. H–1B visas are probably best known for their use in technology to import computer engineers and programmers.

I can't tell you how many leaders in industry, including one this afternoon, come into my office and say: We absolutely need H–1B visas. We can't find enough people with specialized education for our businesses. If you won't allow us to bring these workers in from overseas, we are going to be facing the possibility of taking our production facilities overseas where they live.

It is a compelling argument. I understand it on its face. But let me explain some of the problems with the current system and why Senator GRASSLEY and I believe the system needs to be changed.

Supporters claim the goal of the H–1B program is to help the American economy by allowing U.S. companies to hire needed foreign workers. The reality is that H–1B visas are being used to facilitate the outsourcing of American jobs to other countries. It seems counterintuitive that a visa that allows people to come into the United States could lead to jobs being outsourced overseas, but when you hear my illustrations, you will understand the conclusion.

A recent expose in the International Herald Tribune disclosed that 8 of the top 10 H–1B visa applicants last year were outsourcing firms with major operations in one country—India. So in many cases it wasn't the American high tech company using the H–1B visa that was given this opportunity but, rather, a firm, more likely in India than any other country, that was given the authority to use H–1B visas to send workers into the United States. The Herald Tribune concluded:

> As Indian outsourcing companies have become the leading consumers of the [H–1B] visa, they have used to it further their primary mission, which is to gain the expertise necessary to take on critical tasks performed by companies in the United States and perform them in India at a fraction of the cost.

According to this report, the Indian Government has been lobbying hard for the United States Government to increase the number of H–1B visas. Kamal Nath, the Indian Commerce Minister, was very blunt when he said recently that the H–1B visa ''has become the outsourcing visa.'' He concluded:

> If at one point you had X amount of outsourcing and now you have a much higher quantum of outsourcing, you need that many more visas.

That is a very candid statement by this commerce minister in India. It should give us pause as we think about this program, what it was designed to do and what it is actually doing.

In other words, the Indian Government wants more H–1B visas so Indian companies can outsource more American jobs to India.

Let me be clear. India is a valuable American partner in commerce, diplomacy, and many other endeavors. Indians who have come to the United States have made immeasurable contributions to the benefit of our country in so many ways. I trust them as great friends. But some in India today understand that we have a weakness in our visa system and are using it for their own economic advantage.

It is not surprising the Indian Government is advocating on behalf of Indian companies. The American Government should advocate on behalf of American companies. I don't criticize the Indian Government for doing that. But we should expect the same from our Government for our workers. We need to stand up to make sure American workers don't lose their jobs to outsourcing because of H–1B visas.

H–1B supporters claim we need more H–1B visas to stop American jobs from being outsourced. That was the logic behind H–1B visas. It appears the opposite is true. Under the current system, more H–1B visas will mean more outsourcing.

Let me give an example. Indian outsourcing company Wipro was No. 2 on the list of top applicants for H–1B visas in the year 2006. Wipro has more than 4,000 employees in the United States, and approximately 2,500 of them are here on H–1B visas. It is pretty clear that when it comes to Wipro's American operation, the majority of the workers are here on H–1B visas. Every year Wipro brings 1,000 new temporary workers here from India, while they send another 1,000 U.S. trained workers back to India. This is essentially an outsourcing factory.

Here is what the Herald Tribune concluded:

> Rather than building a thriving community of experts and innovators in the United States, the Indian firms seek to funnel work—and expertise—away from the country.

It is hard to believe, but it is perfectly legal to use the H–1B visa program for outsourcing. A foreign outsourcing company with a U.S. office can use H–1B visas to import workers from their home country, train the workers in the United States, and then outsource them back to their home country to populate businesses competing with the United States. They are not required to make any efforts to recruit American workers for these jobs. In fact, they can explicitly discriminate against American workers who apply for the same jobs by recruiting and hiring only workers from their home country.

Here is what the Labor Department says about the current law:

> H–1B workers may be hired even when a qualified U.S. worker wants the job, and a U.S. worker can be displaced from the job in favor of a foreign worker.

Is that what we had in mind with H–1B visas? That certainly wasn't the way it was explained to me. In fact, under current law, only employers who employ H–1B visa holders as a large percentage of their U.S. workforce are required to attempt to recruit American workers before bringing in foreign workers.

Senator GRASSLEY and I have taken a look at this system. We both reject the notion that what is wrong with the H–1B program is that we need more visas. We have to look at the system that generates these visas and the way they are used. The legislation we have introduced would overhaul the H–1B program, protecting American workers first, and stopping H–1Bs from being exploited as outsourcing visas.

Here are the highlights. First and foremost, we would require all employers who want to hire an H–1B worker to attempt to hire an American worker first. Employers would also be prohibited from using H–1B visas to displace American workers. You can't fire an American and turn around and appeal to our Government for an H–1B visa to bring someone in from overseas to replace that worker.

This is an important principle. We have to make it clear that companies doing business in the United States have to give first priority to American workers.

Our bill would require that before an employer may hire an H–1B worker, the employer must first advertise the job opening to American workers for 30 days on the Department of Labor Web site.

Some companies that abuse the H–1B visa program are so brazen, they say ''no Americans need apply'' in their job advertisements. Hundreds of such ads have been posted on line. They say things such as ''H–1B visa holders only'' or ''we require candidates for H–1B from India.''

Is that what we have in mind, to create this perverse discrimination against American workers? That isn't the way it was explained to me. Our H–1B reform bill would prohibit this blatant discriminatory practice.

There is another serious problem with the H–1B visa program. Federal oversight is virtually nonexistent. Under current law there are many roadblocks to effective Government enforcement. For example, the Department of Labor does not have the authority to open an investigation of an employer suspected of abusing the H–1B program unless the Department receives a formal complaint, even if the employer's application is clearly fraudulent. Even if there is a complaint, the Labor Secretary—and this is something that is almost unique in our law—must personally authorize the opening of an investigation.

These restrictions in the law are aggravated by lax Government enforcement. According to the Department of Homeland Security's own Inspector General, Homeland Security has violated the law by approving thousands of H–1B applications in excess of the annual cap of 65,000. The Government Accountability Office found that the Labor Department approves over 99.5 percent of H–1B petitions it receives, including those that on their face clearly violate the law.

There is virtually no Government oversight of potential abuse in this system. The Labor Department's inspector general has concluded that the H–1B program is ''highly susceptible to fraud.'' Remember, this program was designed to help the American economy, to help create jobs and prosperity in our country. Our Government is not even watching it closely to make sure that fraud isn't being perpetrated.

The bill Senator GRASSLEY and I are proposing would give the Government more authority to conduct employer investigations and streamline the investigative process. Currently, the Labor Department is only authorized to review applications for ''completeness and obvious inaccuracies.'' Our bill would give the Labor Department more authority to review employers' H–1B applications for ''clear indicators of fraud or misrepresentation of material fact.''

Our bill would authorize the Labor Department to conduct random audits of any company that uses the H–1B program and require the Department of Labor to conduct annual audits of companies that employ large numbers of H–1B workers. We would also increase the penalties for companies that violate H–1B visa rules and authorize the hiring of 200 additional Government investigators to oversee and enforce the H–1B program.

Last month, the government began accepting H–1B visa petitions for Fiscal Year 2008. In the first 24 hours, the government received 150,000 petitions for 65,000 slots, supposedly for the whole year. Based on last year's statistics, it is likely that the top petitioners for visas were companies from India. They understand the system. They understand how to make this profitable. But this is not the way it has been described to most Members of Congress. It certainly isn't consistent with our intent.

There is another program I wish to mention, the L–1 visa. The L–1 visa allows companies to transfer certain employees from foreign facilities to the United States for up to 7 years.

Experts have concluded that some employers use the L–1 program to evade restrictions on the H–1B program, because the L–1 program doesn't have an annual cap and doesn't include even minimal protections for American workers. As a result, efforts to reform the H–1B program are unlikely to succeed if the L–1 program is not overhauled at the same time.

The bill Senator GRASSLEY and I have prepared would reform the L–1 program. We would establish for the first time whistleblower protections for those who call attention to employer abuses of L–1 programs, and for the first time we would authorize the Government to investigate and audit L–1 employers suspected of violating the law.

Before we are persuaded to increase the number of H–1B visas, we have to reform the program to protect American workers first and to stop H–1Bs from being used as outsourcing visas that send jobs and business away from America. That is what our bill would do, and that is what Senator GRASSLEY and I will be pushing for as the Senate considers comprehensive immigration reform legislation.

I know this immigration debate is contentious, controversial, and some think it is politically dangerous, but it is long overdue. The current immigration system in America has failed us.

We now have upwards of 800,000 undocumented immigrants who come across the borders each year. That has to change. We have to reach a point where we have control of our borders. Some of the measures that have been suggested during the course of the debate I think are extreme. We don't have to move in that direction.

I recently met with Senators from Mexico who were visiting the Capital last week and encouraged them to join with us in a joint effort between the United States and Mexico to police the border, to try to make sure there is less exploitation of people who are coming across for jobs or for moving drugs or contraband—whatever the reason may be. I think more cooperation would go a long way between our two countries.

We also need to be sensitive and cognizant of the burden facing many employers in this country. If someone presents themselves, in downstate Illinois in a meat-packing plant, with a name and a Social Security number and a local address, what is the responsibility of the employer today? It certainly isn't to launch a full-scale investigation. If the papers presented to that employer appear to be legal on their face, most employers will hire the person. They may learn later on that the documents were fraudulent.

How can we change that system? I think we need to move toward some form of identification that is reliable so the person carrying the card who is here in a legal and temporary employment status can prove their identity to the employer, so that the system is able to police itself more.

We also need to deal with the reality of 12 million undocumented people currently here. I know all about these folks because almost 90 percent of our casework in our Senate office deals with immigration. I have met many of them and their families. We need to find a fair way to hold them accountable, to make certain that over a period of time they can earn their way into legal status. They have to have a job and no criminal record; they have to pay a fine, pay their taxes, learn English, whatever it takes, to make sure that over a period of time, it is clear they have every intention to be a citizen of this country, and a good one. In that way, they can earn their way, over many years, into a position of citizenship or permanent legal status.

This country is great because of the immigrants who came here. My mother was one of them. I am very proud of that fact and happy to serve in a State

that would elect me and in a State that has so many immigrants who can tell the same story I have to tell.

I think the immigrant spirit is something that has made America a unique country. I think of people who, in their foreign lands, get up one day and say: We are not going to take it anymore. We are coming to America. We have a better chance. That is the kind of get-up-and-go we like to see that has made this a much better country.

I think we can capture that spirit in real, comprehensive immigration reform and avoid abuses such as those I have just described with the H–1B program and at the end of the day have a program and a law supported by both political parties that will really move us forward as a Nation.

Mr. DURBIN. 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. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AUTOMOBILE SENSOR DEVICE

Mr. NELSON of Florida. Mr. President, in the month of April, 16 children in this country have been backed over and killed by an automobile backing out of the driveway. Each of us can visualize what I am saying right now because we have a car in the garage or in our home driveway, we walk around to make sure there are no obstructions and then get into our car, and we really don't know that a small child may, in fact, have gotten in the way.

Last year, over 200 children in this country—in the United States alone—over 200 children were killed by these kinds of accidents. Last month, of the 16 who were killed nationwide, 3 of them were in Florida. I have had come to me moms and dads who have agonized and who have gone through the grieving of losing a child. A couple from Boca Raton, FL, who have spurred a national effort, came to me. Their child was only 5 feet in front of the mom, and out backs a car as they are walking down the sidewalk and it was too late; that child is gone.

It is so easily fixable with our technology. If you rent an Avis rent-a-car and it is a high-end car, it already has a built-in device that has a sensor in the back. Higher end automobiles such as the Lexus have a television screen with a little camera mounted in the rear. The sensor emits a beep, and the frequency of the beep increases as you get closer and closer to an object. It is estimated that such a device may cost in the range of $50.

So the question is, Are we going to encourage the automobile manufacturers to include this to stop these kinds of needless deaths? Increasingly, the Members of the Senate are going to hear from moms and dads who have gone through the grief of losing a child that could have been prevented. So it is my hope we will get some action.

I now bring to the attention of the Senate that it is my understanding this is getting ready to be put on the consent calendar in the House of Representatives, and it is my understanding we would consider this under unanimous consent here in the Senate, and we could then save some children's lives; otherwise, their parents will grieve forever.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRADE

Mr. BROWN. Mr. President, our trade policy is fundamentally flawed. Years of wrongheaded trade pacts have sent millions of jobs overseas and have devastated far too many of our communities and have opened our Nation to new and serious homeland security concerns.

When we open our borders to trade, as we should, we open them to national security threats. Congress must assure the American people that we have done everything within our power to protect their safety, health, and welfare while promoting trade.

It is estimated that less than 10 percent of foreign cargo is inspected before entering our country—only 10 percent.

We must both ensure our ports are operating securely and with clear lines of accountability—unlike the deal to transfer ownership of six U.S. ports to a State-owned company controlled by the United Arab Emirates that this administration approved about a year ago.

The decision to allow a UAE-controlled company had significant national security implications, including warnings that the UAE was a financial and travel outlet for known terrorists. It took leaders of both political parties, here and in the House of Representatives, to call attention to this enormous blunder.

Something else may be happening. This administration has recently signed a free-trade deal with South Korea and will soon ask this Congress to approve it under fast track, or trade promotion authority. One of the major goals South Korea sought in these negotiations was securing special treatment for products made in the Kaesong Industrial Complex, located in North Korea.

In Kaesong, South Korea, companies employ more than 11,000 North Korean workers. South Korea intends to expand the complex over the next few years and will employ close to 70,000—70,000—North Koreans by the end of this year, according to a Congressional Research Service report. U.S. negotiators had vehemently opposed including the Kaesong complex in the trade deal. But then, in a rush to sign a deal, our trade negotiators backed off—as they too often do when it comes to representing our national interests—and allowed room for future negotiations on the Kaesong complex.

This is a dangerous precedent, and it opens this agreement to a series of national security questions:

How much income, for example, does this Kaesong complex currently provide the North Korean Government? How much income can we anticipate it providing North Korea under its expansion plans? How are these North Korean workers treated? Under a fair trade agreement, would our government's actions be no different than the repressive North Korean Government?

Free-trade agreements, as currently written, live well beyond political administrations. We can't predict the future decisions and intentions of the South Korean Government, nor any other trading partners. As national security concerns continue to accompany efforts to promote trade, Congress must take proactive steps to ensure our homeland security needs are secured every bit as much as our economic well-being.

Last week, Senator DORGAN of North Dakota and I introduced the Trade-Related American National Security Enhancement and Accountability—TRANSEA—Act. This act requires the Office of U.S. Trade Representative, in collaboration with the Department of State, the Department of Justice, the Department of Homeland Security, and the Department of Agriculture to submit a report to Congress detailing the national security considerations of proposed trade agreements prior to commencing negotiations and the trade agreement again after concluding the trade negotiations.

The bill also requires future trade agreements negotiated by the administration to include a national security waiver that allows the President to suspend any terms of the agreement should it be required in the interests of United States national security.

Lastly, as a final safeguard, the legislation creates a new Congressional Executive Commission on Trade Security, which requires the appointment of Commissioners by both political parties in both Chambers of this Congress. The Commissioners will be charged with annually certifying that the terms of the free-trade agreement do not pose a threat to U.S. national security interests.

Should the Commission find that compliance with the agreement would pose a threat, the President would be obligated to exercise his or her waiver to the extent necessary to ensure the safety and security of the United States.

In a post-9/11 world, U.S. economic policy can no longer be simply viewed

in a vacuum of bottom lines and profit margins. Homeland Security Secretary Michael Chertoff said in 2006:

We have to balance the paramount urgency of security against the fact that we still want to have a robust global trading system.

It is the responsibility of our Government to ensure that while opening markets for our exporters—again, as we should—our first priority remains the safety and the security of the American people.

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. BROWN. 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. BROWN. Mr. President, I, first, thank Senator ENZI, the distinguished Senator from Wyoming, for his terrific work, both as the ranking member of the Health, Education, Labor and Pension Committee, but more precisely today and yesterday for the work he has done on this legislation in working out agreements on a set of very complicated issues.

His staff has been terrific in explaining some of the more archaic parts of this legislation, and I am very appreciative. I know Senator KENNEDY is very appreciative, and I know Members on both sides of the aisle are as well. So I thank him for his leadership and his reasonableness in helping us to move forward in a particularly important way on this very important bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that it be in order for the Senate to consider, en bloc, the following list of amendments that has been cleared by both managers; that the amendments, as modified, if modified, be considered and agreed to, the motions to reconsider be laid upon the table:

Amendments Nos. 985, 1011, 1009, 1026, 987, 1006, 1005, 1004, 1041, 1019, 1053, 1050, 1049, 1047 and 1056; and that amendments Nos. 983 and 988 be withdrawn; that a colloquy between Senators GREGG and KENNEDY be entered into the CONGRESSIONAL RECORD and then amendment No. 993 be withdrawn; further that any statements relating to amendments in this agreement be inserted in the RECORD; that when the Senate resumes consideration of S. 1082 tomorrow, Wednesday, May 9, the only amendments remaining in order be the following:

Grassley amendment No. 1039, a Grassley amendment No. 998, and a Durbin amendment No. 1034; that at the close of morning business, the Senate resume S. 1082, and there be a total of 60 minutes of debate remaining, to run concurrently on the bill and remaining amendments; with 10 minutes under the control of Senator GRASSLEY or his designee; 5 minutes under the control of Senator DURBIN or his designee; and the remaining time equally divided and controlled between the chairman and ranking member or their designees; that upon the use or yielding back of that time, there be 2 minutes of debate equally divided and controlled prior to a vote in relation to the Grassley amendment No. 1039; that upon disposition of that amendment, there be 2 minutes of debate prior to a vote in relation to the Grassley amendment No. 998; that upon disposition of that amendment, there be 2 minutes of debate prior to a vote in relation to the Durbin amendment No. 1034; that upon disposition of that amendment, the committee substitute, as modified and amended, be agreed to, and the motion to reconsider be laid upon the table; the bill be read for a third time; the Senate proceed to vote on passage of the bill; with the above occurring without further intervening action or debate; that upon passage the motion to reconsider be laid upon the table, and the title amendment, which is at the desk, be agreed to and the motion to reconsider be laid upon the table; further, that the cloture motion on the bill be withdrawn.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 985, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR TROPICAL DISEASES.

Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

''SEC. 524. PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR TROPICAL DISEASES.

''(a) DEFINITIONS.—In this section:

''(1) AIDS.—The term 'AIDS' means the acquired immune deficiency syndrome.

''(2) AIDS DRUG.—The term 'AIDS drug' means a drug indicated for treating HIV.

''(3) HIV.—The term 'HIV' means the human immunodeficiency virus, the pathogen that causes AIDS.

''(4) NEGLECTED OR TROPICAL DISEASE.—The term 'neglected or tropical disease' means—

''(A) HIV, malaria, tuberculosis, and related diseases; or

''(B) any other infectious disease that disproportionately affects poor and marginalized populations, including those diseases targeted by the Special Programme for Research and Training in Tropical Diseases cosponsored by the United Nations Development Program, UNICEF, the World Bank, and the World Health Organization.

''(5) PRIORITY REVIEW.—The term 'priority review', with respect to a new drug application described in paragraph (6), means review and action by the Secretary on such application not later than 180 days after receipt by the Secretary of such application, pursuant to the Manual of Policies and Procedures of the Food and Drug Administration.

''(6) PRIORITY REVIEW VOUCHER.—The term 'priority review voucher' means a voucher issued by the Secretary to the sponsor of a tropical disease product that entitles such sponsor, or a person described under subsection (b)(2), to priority review of a new drug application submitted under section 505(b)(1) after the date of approval of the tropical disease product.

''(7) TROPICAL DISEASE PRODUCT.—The term 'tropical disease product' means a product that—

''(A) is a new drug, antibiotic drug, biological product, vaccine, device, diagnostic, or other tool for treatment of a neglected or tropical disease; and

''(B) is approved by the Secretary for use in the treatment of a neglected or tropical disease.

''(b) PRIORITY REVIEW VOUCHER.—

''(1) IN GENERAL.—The Secretary shall award a priority review voucher to the sponsor of a tropical disease product upon approval by the Secretary of such tropical disease product.

''(2) TRANSFERABILITY.—The sponsor of a tropical disease product that receives a priority review voucher under this section may transfer (including by sale) the entitlement to such voucher to a sponsor of a new drug for which an application under section 505(b)(1) will be submitted after the date of the approval of the tropical disease product.

''(3) LIMITATION.—A sponsor of a tropical disease product may not receive a priority review voucher under this section if the tropical disease product was approved by the Secretary prior to the date of enactment of this section.

''(c) PRIORITY REVIEW USER FEE.—

''(1) IN GENERAL.—The Secretary shall establish a user fee program under which a sponsor of a drug that is the subject of a priority review voucher shall pay to the Secretary a fee determined under paragraph (2). Such fee shall be in addition to any fee required to be submitted by the sponsor under chapter VII.

''(2) FEE AMOUNT.—The amount of the priority review user fee shall be determined each fiscal year by the Secretary and based on the anticipated costs to the Secretary of implementing this section.

''(3) ANNUAL FEE SETTING.—The Secretary shall establish, before the beginning of each fiscal year beginning after September 30, 2007, for that fiscal year, the amount of the priority review user fee.

''(4) PAYMENT.—

''(A) IN GENERAL.—The fee required by this subsection shall be due upon the filing of the new drug application under section 505(b)(1) for which the voucher is used.

''(B) COMPLETE APPLICATION.—An application described under subparagraph (A) for which the sponsor requests the use of a priority review voucher shall be considered incomplete if the fee required by this subsection is not included in such application.

''(5) OFFSETTING COLLECTIONS.—Fees collected pursuant to this subsection for any fiscal year—

''(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Food and Drug Administration; and

''(B) shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts.''.

AMENDMENT NO. 1011, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. CITIZENS PETITIONS AND PETITIONS FOR STAY OF AGENCY ACTION.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by this Act, is amended by adding at the end the following:

''(s) CITIZEN PETITIONS AND PETITIONS FOR STAY OF AGENCY ACTION.—

''(1) IN GENERAL.—

''(A) NO DELAY OF CONSIDERATION OR APPROVAL.—

''(i) IN GENERAL.—With respect to a pending application submitted under subsection (b)(2) or (j), if a petition is submitted to the

Secretary that seeks to have the Secretary take, or refrain from taking, any form of action relating to the approval of the application, including a delay in the effective date of the application, clauses (ii) and (iii) shall apply.

''(ii) NO DELAY OF CONSIDERATION OR APPROVAL.—Except as provided in clause (iii), the receipt and consideration of a petition described in clause (i) shall not delay consideration or approval of an application submitted under subsection (b)(2) or (j).

''(iii) NO DELAY OF APPROVAL WITHOUT DETERMINATION.—The Secretary shall not delay approval of an application submitted under subsection (b)(2) or (j) while a petition described in clause (i) is reviewed and considered unless the Secretary determines, not later than 25 business days after the submission of the petition, that a delay is necessary to protect the public health.

''(B) DETERMINATION OF DELAY.—With respect to a determination by the Secretary under subparagraph (A)(iii) that a delay is necessary to protect the public health the following shall apply:

''(i) Not later than 5 days after making such determination, the Secretary shall publish on the Internet website of the Food and Drug Administration a detailed statement providing the reasons underlying the determination. The detailed statement shall include a summary of the petition and comments and supplements, the specific substantive issues that the petition raises which need to be considered prior to approving a pending application submitted under subsection (b)(2) or (j), and any clarifications and additional data that is needed by the Secretary to promptly review the petition.

''(ii) Not later than 10 days after making such determination, the Secretary shall provide notice to the sponsor of the pending application submitted under subsection (b)(2) or (j) and provide an opportunity for a meeting with appropriate staff as determined by the Commissioner to discuss the determination.

''(2) TIMING OF FINAL AGENCY ACTION ON PETITIONS.—

''(A) IN GENERAL.—Notwithstanding a determination made by the Secretary under paragraph (1)(A)(iii), the Secretary shall take final agency action with respect to a petition not later than 180 days of submission of that petition unless the Secretary determines, prior to the date that is 180 days after the date of submission of the petition, that a delay is necessary to protect the public health.

''(B) DETERMINATION OF DELAY.—With respect to a determination by the Secretary under subparagraph (A) that a delay is necessary to protect the public health the following shall apply:

''(i) Not later than 5 days after making the determination under subparagraph (A), the Secretary shall publish on the Internet website of the Food and Drug Administration a detailed statement providing the reasons underlying the determination. The detailed statement should include the state of the review of the petition, the specific outstanding issues that still need to be resolved, a proposed timeframe to resolve the issues, and any additional information that has been requested by the Secretary of the petitioner or needed by the Secretary in order to resolve the petition and not further delay an application filed under subsection (b)(2) or (j).

''(ii) Not later than 10 days after making the determination under subparagraph (A), the Secretary shall provide notice to the sponsor of the pending application submitted under subsection (b)(2) or (j) and provide an opportunity for a meeting with appropriate staff as determined by the Commissioner to discuss the determination.

''(3) VERIFICATIONS.—

''(A) PETITIONS FOR REVIEW.—The Secretary shall not accept a petition for review unless it is signed and contains the following verification: 'I certify that, to my best knowledge and belief: (a) this petition includes all information and views upon which the petition relies; (b) this petition includes representative data and/or information known to the petitioner which are unfavorable to the petition; and (c) information upon which I have based the action requested herein first became known to the party on whose behalf this petition is filed on or about _____. I received or expect to receive payments, including cash and other forms of consideration, from the following persons or organizations to file this petition: _____. I verify under penalty of perjury that the foregoing is true and correct.', with the date of the filing of such petition and the signature of the petitioner inserted in the first and second blank space, respectively.

''(B) SUPPLEMENTAL INFORMATION.—The Secretary shall not accept for review any supplemental information or comments on a petition unless the party submitting such information or comments does so in written form and that the subject document is signed and contains the following verification: 'I certify that, to my best knowledge and belief: (a) I have not intentionally delayed submission of this document or its contents; and (b) the information upon which I have based the action requested herein first became known to me on or about _____. I received or expect to receive payments, including cash and other forms of consideration, from the following persons or organizations to submit this information or its contents: _____. I verify under penalty of perjury that the foregoing is true and correct.', with the date of the submission of such document and the signature of the petitioner inserted in the first and second blank space, respectively.

''(4) ANNUAL REPORT ON DELAYS IN APPROVALS PER PETITION.—The Secretary shall annually submit to the Congress a report that specifies—

''(A) the number of applications under subsection (b)(2) and (j) that were approved during the preceding 1-year period;

''(B) the number of petitions that were submitted during such period;

''(C) the number of applications whose effective dates were delayed by petitions during such period and the number of days by which the applications were so delayed; and

''(D) the number of petitions that were filed under this subsection that were deemed by the Secretary under paragraph (1)(A)(iii) to require delaying an application under subsection (b)(2) or (j) and the number of days by which the applications were so delayed.

''(5) EXCEPTION.—This subsection does not apply to a petition that is made by the sponsor of the application under subsection (b)(2) or (j) and that seeks only to have the Secretary take or refrain from taking any form of action with respect to that application.

''(6) REPORT BY INSPECTOR GENERAL.—The Office of Inspector General of the Department of Health and Human Services shall issue a report not later than 2 years after the date of enactment of this subsection evaluating evidence of the compliance of the Food and Drug Administration with the requirement that the consideration by the Secretary of petitions that do not raise public health concerns remain separate and apart from the review and approval of an application submitted under subsection (b)(2) or (j).

''(7) DEFINITION.—For purposes of this subsection, the term 'petition' includes any request for an action described in paragraph (1)(A)(i) to the Secretary, without regard to whether the request is characterized as a petition.''.

AMENDMENT NO. 1009, AS MODIFIED

At the end of title II, insert the following:

Subtitle ____—Antibiotic Access and Innovation

SEC. 2____. INCENTIVES FOR THE DEVELOPMENT OF, AND ACCESS TO, CERTAIN ANTIBIOTICS.

(a) IN GENERAL.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by this Act, is further amended by adding at the end the following:

''(s) ANTIBIOTIC DRUGS SUBMITTED BEFORE NOVEMBER 21, 1997.—

''(1) ANTIBIOTIC DRUGS APPROVED BEFORE NOVEMBER 21, 1997.—

''(A) IN GENERAL.—Notwithstanding any provision of the Food and Drug Administration Modernization Act of 1997 or any other provision of law, a sponsor of a drug that is the subject of an application described in subparagraph (B)(i) shall be eligible for, with respect to the drug, the 3-year exclusivity period referred to under clauses (iii) and (iv) of subsection (c)(3)(E) and under clauses (iii) and (iv) of subsection (j)(5)(F), subject to the requirements of such clauses, as applicable.

''(B) APPLICATION; ANTIBIOTIC DRUG DESCRIBED.—

''(i) APPLICATION.—An application described in this clause is an application for marketing submitted under this section after the date of enactment of this subsection in which the drug that is the subject of the application contains an antibiotic drug described in clause (ii).

''(ii) ANTIBIOTIC DRUG.—An antibiotic drug described in this clause is an antibiotic drug that was the subject of an application approved by the Secretary under section 507 of this Act (as in effect before November 21, 1997).

''(2) ANTIBIOTIC DRUGS SUBMITTED BEFORE NOVEMBER 21, 1997, BUT NOT APPROVED.—

''(A) IN GENERAL.—Notwithstanding any provision of the Food and Drug Administration Modernization Act of 1997 or any other provision of law, a sponsor of a drug that is the subject of an application described in subparagraph (B)(i) may elect to be eligible for, with respect to the drug—

''(i)(I) the 3-year exclusivity period referred to under clauses (iii) and (iv) of subsection (c)(3)(E) and under clauses (iii) and (iv) of subsection (j)(5)(F), subject to the requirements of such clauses, as applicable; and

''(II) the 5-year exclusivity period referred to under clause (ii) of subsection (c)(3)(E) and under clause (ii) of subsection (j)(5)(F), subject to the requirements of such clauses, as applicable; or

''(ii) a patent term extension under section 156 of title 35, United States Code, subject to the requirements of such section.

''(B) APPLICATION; ANTIBIOTIC DRUG DESCRIBED.—

''(i) APPLICATION.—An application described in this clause is an application for marketing submitted under this section after the date of enactment of this subsection in which the drug that is the subject of the application contains an antibiotic drug described in clause (ii).

''(ii) ANTIBIOTIC DRUG.—An antibiotic drug described in this clause is an antibiotic drug that was the subject of 1 or more applications received by the Secretary under section 507 of this Act (as in effect before November 21, 1997), none of which was approved by the Secretary under such section.

''(3) LIMITATIONS.—

''(A) EXCLUSIVITIES AND EXTENSIONS.—Paragraphs (1)(A) and (2)(A) shall not be construed to entitle a drug that is the subject of

an approved application described in subparagraphs (1)(B)(i) or (2)(B)(i), as applicable, to any market exclusivities or patent extensions other than those exclusivities or extensions described in paragraph (1)(A) or (2)(A).

''(B) CONDITIONS OF USE.—Paragraphs (1)(A) and (2)(A)(i) shall not apply to any condition of use for which the drug referred to in subparagraph (1)(B)(i) or (2)(B)(i), as applicable, was approved before the date of enactment of this subsection.

''(4) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding section 125, or any other provision, of the Food and Drug Administration Modernization Act of 1997, or any other provision of law, and subject to the limitations in paragraphs (1), (2), and (3), the provisions of the Drug Price Competition and Patent Term Restoration Act of 1984 shall apply to any drug subject to paragraph (1) or any drug with respect to which an election is made under paragraph (2)(A).''.

(b) TRANSITION RULE.—With respect to a patent issued on or before the date of enactment of this Act, any patent information required to be filed with the Secretary under subsection (b)(1) or (c)(2) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) to be listed on a drug to which subsection (s)(1) of such section 505 (as added by this section) applies shall be filed with such Secretary not later than 60 days after the date of enactment of this Act.

SEC. 2___. ANTIBIOTICS AS ORPHAN PRODUCTS.

(a) PUBLIC MEETING.—The Commissioner of Food and Drugs shall convene a public meeting and, if appropriate, issue guidance, regarding which serious and life-threatening infectious diseases, such as diseases due to gram-negative bacteria and other diseases due to antibiotic-resistant bacteria, potentially qualify for available grants and contracts under subsection (a) of section 5 of the Orphan Drug Act (21 U.S.C. 360ee(a)) or other incentives for development.

(b) GRANTS AND CONTRACTS FOR THE DEVELOPMENT OF ORPHAN DRUGS.—Subsection (c) of section 5 of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended to read as follows:

''(c) For grants and contracts under subsection (a) there are authorized to be appropriated—

''(1) such sums as already have been appropriated for fiscal year 2007; and

''(2) $35,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 2___. IDENTIFICATION OF CLINICALLY SUSCEPTIBLE CONCENTRATIONS OF ANTIMICROBIALS.

(a) DEFINITION.—In this section, the term ''clinically susceptible concentrations'' means specific values which characterize bacteria as clinically susceptible, intermediate, or resistant to the drug (or drugs) tested.

(b) IDENTIFICATION.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), through the Commissioner of Food and Drugs, shall identify and periodically update clinically susceptible concentrations.

(c) PUBLIC AVAILABILITY.—The Secretary, through the Commissioner of Food and Drugs, shall make such clinically susceptible concentrations publicly available within 30 days of the date of identification and any update under this section.

(d) EFFECT.—Nothing in this section shall be construed to restrict, in any manner, the prescribing of antibiotics by physicians, or to limit the practice of medicine, including for diseases such as Lyme and tick-borne diseases.

SEC. 2___. EXCLUSIVITY OF CERTAIN DRUGS CONTAINING SINGLE ENANTIOMERS.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S. C. 355), as amended by this subtitle, is amended by adding at the end the following:

''(t) CERTAIN DRUGS CONTAINING SINGLE ENANTIOMERS.—

''(1) IN GENERAL.—For purposes of subsections (c)(3)(E)(ii) and (j)(5)(F)(ii), if an application is submitted under subsection (b) for a non-racemic drug containing as an active ingredient a single enantiomer that is contained in a racemic drug approved in another application under subsection (b), the applicant may, in the application for such non-racemic drug, elect to have the single enantiomer not be considered the same active ingredient as that contained in the approved racemic drug, if—

''(A)(i) the single enantiomer has not been previously approved except in the approved racemic drug; and

''(ii) the application submitted under subsection (b) for such non-racemic drug—

''(I) includes full reports of new clinical investigations (other than bioavailability studies)—

''(aa) necessary for the approval of the application under subsections (c) and (d); and

''(bb) conducted or sponsored by the applicant; and

''(II) does not rely on any investigations that are part of an application submitted under subsection (b) for approval of the approved racemic drug; and

''(B) the application submitted under subsection (b) for such non-racemic drug is not submitted for approval of a condition of use—

''(i) in a therapeutic category in which the approved racemic drug has been approved; or

''(ii) for which any other enantiomer of the racemic drug has been approved.

''(2) LIMITATION.—

''(A) NO APPROVAL IN CERTAIN THERAPEUTIC CATEGORIES.—Until the date that is 10 years after the date of approval of a non-racemic drug described in paragraph (1) and with respect to which the applicant has made the election provided for by such paragraph, the Secretary shall not approve such non-racemic drug for any condition of use in the therapeutic category in which the racemic drug has been approved.

''(B) LABELING.—If applicable, the labeling of a non-racemic drug described in paragraph (1) and with respect to which the applicant has made the election provided for by such paragraph shall include a statement that the non-racemic drug is not approved, and has not been shown to be safe and effective, for any condition of use of the racemic drug.

''(3) DEFINITION.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'therapeutic category' means a therapeutic category identified in the list developed by the United States Pharmacopeia pursuant to section 1860D–4(b)(3)(C)(ii) of the Social Security Act and as in effect on the date of enactment of this subsection.

''(B) PUBLICATION BY SECRETARY.—The Secretary shall publish the list described in subparagraph (A) and may amend such list by regulation.

''(4) AVAILABILITY.—The election referred to in paragraph (1) may be made only in an application that is submitted to the Secretary after the date of enactment of this subsection and before October 1, 2012.''.

SEC. 2___. REPORT.

Not later than January 1, 2012, the Comptroller General of the United States shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives that examines whether and how this subtitle has—

(1) encouraged the development of new antibiotics and other drugs; and

(2) prevented or delayed timely generic drug entry into the market.

AMENDMENT NO. 1026, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. PUBLICATION OF ANNUAL REPORTS.

(a) IN GENERAL.—The Commissioner on Food and Drugs shall annually submit to Congress and publish on the Internet website of the Food and Drug Administration, a report concerning the results of the Administration's pesticide residue monitoring program, that includes—

(1) information and analysis similar to that contained in the report entitled ''Food and Drug Administration Pesticide Program Residue Monitoring 2003'' as released in June of 2005;

(2) based on an analysis of previous samples, an identification of products or countries (for imports) that require special attention and additional study based on a comparison with equivalent products manufactured, distributed, or sold in the U.S. (including details on the plans for such additional studies), including in the initial report (and subsequent reports as determined necessary) the results and analysis of the Ginseng Dietary Supplements Special Survey as described on page 13 of the report entitled ''Food and Drug Administration Pesticide Program Residue Monitoring 2003'';

(3) information on the relative number of interstate and imported shipments of each tested commodity that were sampled, including recommendations on whether sampling is statistically significant, provides confidence intervals or other related statistical information, and whether the number of samples should be increased and the details of any plans to provide for such increase; and

(4) a description of whether certain commodities are being improperly imported as another commodity, including a description of additional steps that are being planned to prevent such smuggling.

(b) INITIAL REPORTS.—Annual reports under subsection (a) for fiscal years 2004 through 2006 may be combined into a single report, by not later than June 1, 2008, for purposes of publication under subsection (a). Thereafter such reports shall be completed by June 1 of each year for the data collected for the year that was 2-years prior to the year in which the report is published.

(c) MEMORANDUM OF UNDERSTANDING.—The Commissioner of Food and Drugs, the Administrator of the Food Safety and Inspection Service, the Department of Commerce, and the head of the Agricultural Marketing Service shall enter into a memorandum of understanding to permit inclusion of data in the reports under subsection (a) relating to testing carried out by the Food Safety and Inspection Service and the Agricultural Marketing Service on meat, poultry, eggs, and certain raw agricultural products, respectively.

AMENDMENT NO. 987, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. HEAD START ACT AMENDMENT IMPOSING PARENTAL CONSENT REQUIREMENT FOR NONEMERGENCY INTRUSIVE PHYSICAL EXAMINATIONS.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by adding at the end the following:

''SEC. 657A. PARENTAL CONSENT REQUIREMENT FOR NONEMERGENCY INTRUSIVE PHYSICAL EXAMINATIONS.

''(a) IN GENERAL.—A Head Start agency shall obtain written parental consent before administration of any nonemergency intrusive physical examination of a child in connection with participation in a program under this subchapter.

''(b) DEFINITION.—The term 'nonemergency intrusive physical examination' means, with respect to a child, a physical examination that—

''(1) is not immediately necessary to protect the health or safety of the child involved or the health or safety of another individual; and

''(2) requires incision or is otherwise invasive, or involves exposure of private body parts.''.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit agencies from using established methods, for handling cases of suspected or known child abuse and neglect, that are in compliance with applicable Federal, State, or tribal law.

AMENDMENT NO. 1006, AS MODIFIED

Strike section 505(o)(6)(C)(i) of the Federal Food, Drug, and Cosmetic Act, as added by this Act, and insert the following:

''(i) health care providers who prescribe the drug have particular training or experience, or are specially certified (which training or certification with respect to the drug shall be available to any willing provider from a frontier area in a widely available training or certification method (including an on-line course or via mail) as approved by the Secretary at minimal cost to the provider);''.

Add at the end of section 505(o)(6)(F) of the Federal Food, Drug, and Cosmetic Act, as added by this Act, the following: ''The Secretary shall promulgate regulations for how a physician may provide the drug under the mechanisms of section 561.''.

AMENDMENT NO. 1005, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. SAFETY OF FOOD ADDITIVES.

Not later than 90 days after the date of enactment of this Act, the Food and Drug Administration shall issue a report on the question of whether substances used to preserve the appearance of fresh meat may create any health risks, or mislead consumers.

AMENDMENT NO. 1004, AS MODIFIED

At the end of the bill, add the following:

TITLE ____—DOMESTIC PET TURTLE MARKET ACCESS

SEC. ___. SHORT TITLE.

This title may be cited as the ''Domestic Pet Turtle Market Access Act of 2007''.

SEC. ___. FINDINGS.

Congress makes the following findings:

(1) Pet turtles less than 10.2 centimeters in diameter have been banned for sale in the United States by the Food and Drug Administration since 1975 due to health concerns.

(2) The Food and Drug Administration does not ban the sale of iguanas or other lizards, snakes, frogs, or other amphibians or reptiles that are sold as pets in the United States that also carry salmonella bacteria. The Food and Drug Administration also does not require that these animals be treated for salmonella bacteria before being sold as pets.

(3) The technology to treat turtles for salmonella, and make them safe for sale, has greatly advanced since 1975. Treatments exist that can nearly eradicate salmonella from turtles, and individuals are more aware of the causes of salmonella, how to treat salmonella poisoning, and the seriousness associated with salmonella poisoning.

(4) University research has shown that these turtles can be treated in such a way that they can be raised, shipped, and distributed without having a recolonization of salmonella.

(5) University research has also shown that pet owners can be equipped with a treatment regimen that allows the turtle to be maintained safe from salmonella.

(6) The Food and Drug Administration should allow the sale of turtles less than 10.2 centimeters in diameter as pets as long as the sellers are required to use proven methods to treat these turtles for salmonella.

SEC. ___. SALE OF BABY TURTLES.

Notwithstanding any other provision of law, the Food and Drug Administration shall not restrict the sale by a turtle farmer, wholesaler, or commercial retail seller of a turtle that is less than 10.2 centimeters in diameter as a pet if—

(1) the State or territory in which such farmer is located has developed a regulatory process by which pet turtle farmers are required to have a State license to breed, hatch, propagate, raise, grow, receive, ship, transport, export, or sell pet turtles or pet turtle eggs;

(2) such State or territory requires certification of sanitization that is signed by a veterinarian who is licensed in the State or territory, and approved by the State or territory agency in charge of regulating the sale of pet turtles;

(3) the certification of sanitization requires each turtle to be sanitized or treated for diseases, including salmonella, and is dependant upon using the Siebeling method, or other such proven non-antibiotic method, to make the turtle salmonella-free; and

(4) the turtle farmer or commercial retail seller includes, with the sale of such a turtle, a disclosure to the buyer that includes—

(A) information regarding—

(i) the possibility that salmonella can recolonize in turtles;

(ii) the dangers, including possible severe illness or death, especially for at-risk people who may be susceptible to salmonella poisoning, such as children, pregnant women, and others who may have weak immune systems, that could result if the turtle is not properly handled and safely maintained;

(iii) the proper handling of the turtle, including an explanation of proper hygiene such as handwashing after handling a turtle; and

(iv) the proven methods of treatment that, if properly applied, keep the turtle safe from salmonella;

(B) a detailed explanation of how to properly treat the turtle to keep it safe from salmonella, using the proven methods of treatment referred to under subparagraph (A), and how the buyer can continue to purchase the tools, treatments, or any other required item to continually treat the turtle; and

(C) a statement that buyers of pet turtles should not abandon the turtle or abandon it outside, as the turtle may become an invasive species to the local community, but should instead return them to a commercial retail pet seller or other organization that would accept turtles no longer wanted as pets.

SEC. ___. FDA REVIEW OF STATE PROTECTIONS.

The Commissioner of Food and Drugs may, after providing an opportunity for the affected State to respond, restrict the sale of a turtle only if the Secretary of Health and Human Services determines that the actual implementation of State health protections described in this title are insufficient to protect consumers against infectious diseases acquired from such turtle at the time of sale.

AMENDMENT NO. 1041, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. IMPROVING GENETIC TEST SAFETY AND QUALITY.

Not later than 30 days after the date of enactment of this Act, the Secretary shall enter into a contract with the Institute of Medicine to conduct a study to assess the overall safety and quality of genetic tests and prepare a report that includes recommendations to improve Federal oversight and regulation of genetic tests. Such study shall take into consideration relevant reports by the Secretary's Advisory Committee on Genetic Testing and other groups and shall be completed not later than 1 year after the date on which the Secretary entered into such contract.

AMENDMENT NO. 1019

(Purpose: To express the sense of the Senate concerning orphan disease treatment in children)

At the appropriate place, insert the following:

SEC. ___. ORPHAN DISEASE TREATMENT IN CHILDREN.

(a) FINDING.—The Senate finds that parents of children suffering from rare genetic diseases known as orphan diseases face multiple obstacles in obtaining safe and effective treatment for their children due mainly to the fact that many Food and Drug Administration-approved drugs used in the treatment of orphan diseases in children may not be approved for pediatric indications.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Food and Drug Administration should enter into a contract with the Institute of Medicine for the conduct of a study concerning measures that may be taken to improve the likelihood that Food and Drug Administration-approved drugs that are safe and effective in treating children with orphan diseases are made available and affordable for pediatric indications.

AMENDMENT NO. 1053

(Purpose: To modify provisions related to pediatric testing and medical products)

On page 226, line 4, strike ''later'' and insert ''if the determination made under subsection (d)(3) is made less''.

On page 228, line 3, strike ''later'' and insert ''if the determination made under subsection (d)(3) is made less''.

On page 233, line 12, insert '', such as expertise in child and adolescent psychiatry,'' after ''expertise''.

On page 233, line 15, strike ''including'' and insert ''which may include''.

On page 233, between lines 18 and 19, insert the following:

''(C) ACTION BY COMMITTEE.—The committee established under this paragraph may perform a function under this section using appropriate members of the committee under subparagraph (B) and need not convene all members of the committee under subparagraph (B) in order to perform a function under this section.

''(D) DOCUMENTATION OF COMMITTEE ACTION.—The committee established under this paragraph shall document for each function under paragraphs (2) and (3), which members of the committee participated in such function.

On page 234, line 1, strike ''determine'' and insert ''make a recommendation to the Secretary''.

On page 235, line 2, strike ''and''.

On page 235, line 6, strike ''.'';'' and insert ''; and''

On page 235, between lines 6 and 7, insert the following:

''(H) the number of times the committee established under paragraph (1) made a recommendation to the Secretary under paragraph (3), the number of times the Secretary did not follow such a recommendation to accept reports under subsection (d)(3), and the number of times the Secretary did not follow such a recommendation to reject such reports under section (d)(3).

''(5) COMMITTEE.—The committee established under paragraph (1) is the committee established under section 505B(f)(1).'';

On page 260, lines 17 through 19, strike ''of a letter, or a written request under section 505A that was declined by the sponsor or holder'' and insert ''of a written request under section 505A that was declined by the sponsor or holder, or a letter referencing such declined written request,''.

On page 261, line 3, strike ''appropriate'' and insert ''appropriate, for the labeled indication or indications,''.

On page 263, line 14, insert '', such as expertise in child and adolescent psychiatry,'' after ''expertise''

On page 263, between lines 19 and 20, insert the following and redesignate the remaining paragraphs accordingly:

''(2) ACTION BY THE COMMITTEE.—The committee established under paragraph (1) may perform a function under this section using appropriate members of the committee under paragraph (1) and need not convene all members of the committee under paragraph (1) in order to perform a function under this section.

''(3) DOCUMENTATION OF COMMITTEE ACTION.—For each drug or biological product, the committee established under this paragraph shall document for each function under paragraph (4) or (5), which members of the committee participated in such function.

On page 265, between lines 18 and 19, insert the following:

''(7) COMMITTEE.—The committee established under paragraph (1) is the committee established under section 505A(f)(1).

On page 289, line 16, strike ''**SURVEILLANCES**'' and insert ''**POSTMARKET SURVEILLANCE**''.

On page 289, line 17, strike ''SURVEILLANCES'' and insert ''SURVEILLANCE''.

On page 290, strike lines 9 through 12 and insert the following:

''(iii) that is intended to be—

''(I) implanted in the human body for more than 1 year; or

''(II) a life-sustaining or life-supporting device used outside a device user facility.

On page 290, line 15, strike ''of an'' and all that follows through ''section 510(k) only for'' on line 19, and insert ''or clearance of''.

AMENDMENT NO. 1050

(Purpose: To provide for color certification reports)

At the end of the bill, add the following:

SEC. ___. COLOR CERTIFICATION REPORTS.

Section 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379e) is amended by adding at the end the following:

''(g) COLOR CERTIFICATION REPORTS.—Not later than—

''(1) 90 days after the close of a fiscal year in which color certification fees are collected, the Secretary shall submit to Congress a performance report for such fiscal year on the number of batches of color additives approved, the average turn around time for approval, and quantifiable goals for improving laboratory efficiencies; and

''(2) 120 days after the close of a fiscal year in which color certification fees are collected, the Secretary shall submit to Congress a financial report for such fiscal year that includes all fees and expenses of the color certification program, the balance remaining in the fund at the end of the fiscal year, and anticipated costs during the next fiscal year for equipment needs and laboratory improvements of such program.''.

AMENDMENT NO. 1049, AS MODIFIED

Beginning on page 104, strike line 23 and all that follows through line 14 on page 105 and insert the following:

''(II) the amount equal to one-fifth of the excess amount in item (bb), provided that—

''(aa) the amount of the total appropriation for the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) exceeds the amount of the total appropriation for the Food and Drug Administration for fiscal year 2007 (excluding the amount of fees appropriated for such fiscal year), adjusted as provided under subsection (c)(1); and

''(bb) the amount of the total appropriations for the process of human drug review at the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) exceeds the amount of appropriations for the process of human drug review at the Food and Drug Administration for fiscal year 2007 (excluding the amount of fees appropriated for such fiscal year), adjusted as provided under subsection (c)(1).

In making the adjustment under subclause (II) for any fiscal year 2008 through 2012, subsection (c)(1) shall be applied by substituting '2007' for '2008.'''.

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON IMPORTATION FROM A FOREIGN FOOD FACILITY THAT DENIES ACCESS TO FOOD INSPECTORS.

Notwithstanding any other provision of law, no food product may be imported into the United States that is the product of a foreign facility registered under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) that refuses to permit United States inspectors, upon request, to inspect such facility or that unduly delays access to United States inspectors.

At the appropriate place, insert the following:

SEC. ___. COUNTERFEIT-RESISTANT TECHNOLOGIES.

Notwithstanding any other provision of this Act, the requirement that the Secretary of Health and Human Services certify that the implementation of the title of this Act relating to the Importation of Prescription Drugs will pose no additional risk to the public's health and safety and will result in a significant reduction in the cost of covered products to the American consumer shall not apply to the requirement that the Secretary require that the packaging of any prescription drug incorporates—

(1) not later than 18 months after the date of enactment of this Act, a standardized numerical identifier (which, to the extent practicable, shall be harmonized with international consensus standards for such an identifier) unique to each package of such drug, applied at the point of manufacturing and repackaging (in which case the numerical identifier shall be linked to the numerical identifier applied at the point of manufacturing); and

(2) not later than 24 months after the date of enactment of this Act for the 50 prescription drugs with the highest dollar volume of sales in the United States, based on the calendar year that ends of December 31, 2007, and, not later than 30 months after the date of enactment of this Act for all other prescription drugs—

(A) overt optically variable counterfeit-resistant technologies that—

(i) are visible to the naked eye, providing for visual identification of product authenticity without the need for readers, microscopes, lighting devices, or scanners;

(ii) are similar to that used by the Bureau of Engraving and Printing to secure United States currency;

(iii) are manufactured and distributed in a highly secure, tightly controlled environment; and

(iv) incorporate additional layers of nonvisible convert security features up to and including forensic capability; or

(B) technologies that have a function of security comparable to that described in subparagraph (A), as determined by the Secretary.

At the appropriate place, insert the following:

SEC. ___. ENHANCED AQUACULTURE AND SEAFOOD INSPECTION.

(a) FINDINGS.—Congress finds the following:

(1) In 2007, there has been an overwhelming increase in the volume of aquaculture and seafood that has been found to contain substances that are not approved for use in food in the United States.

(2) As of May 2007, inspection programs are not able to satisfactorily accomplish the goals of ensuring the food safety of the United States.

(3) To protect the health and safety of consumers in the United States, the ability of the Secretary of Health and Human Services to perform inspection functions must be enhanced.

(b) HEIGHTENED INSPECTIONS.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') is authorized to, by regulation, enhance, as necessary, the inspection regime of the Food and Drug Administration for aquaculture and seafood, consistent with obligations of the United States under international agreements and United States law.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(1) describes the specifics of the aquaculture and seafood inspection program;

(2) describes the feasibility of developing a traceability system for all catfish and seafood products, both domestic and imported, for the purpose of identifying the processing plant of origin of such products; and

(3) provides for an assessment of the risks associated with particular contaminants and banned substances.

(d) PARTNERSHIPS WITH STATES.—Upon the request by any State, the Secretary may enter into partnership agreements, as soon as practicable after the request is made, to implement inspection programs regarding the importation of aquaculture and seafood.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING CERTAIN PATENT INFRINGEMENTS.

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

(1) Innovation in developing life-saving prescription drugs saves millions of lives around the world each year.

(2) The responsible protection of intellectual property is vital to the continued development of new and life-saving drugs and future growth of the United States economy.

(3) In order to maintain the global competitiveness of the United States, the United States Trade Representative's Office of Intellectual Property and Innovation develops and implements trade policy in support of vital American innovations, including innovation in the pharmaceutical and medical technology industries.

(4) The United States Trade Representative also provides trade policy leadership and expertise across the full range of interagency initiatives to enhance protection and enforcement of intellectual property rights.

(5) Strong and fair intellectual property protection, including patent, copyright, trademark, and data protection plays an integral role in fostering economic growth and development and ensuring patient access to the most effective medicines around the world.

(6) There are concerns that certain countries have engaged in unfair price manipulation and abuse of compulsory licensing. Americans bear the majority of research and development costs for the world, which could undermine the value of existing United States pharmaceutical patents and could impede access to important therapies.

(7) There is a growing global threat of counterfeit medicines and increased need for the United States Trade Representative and other United States agencies to use available trade policy measures to strengthen laws and enforcement abroad to prevent harm to United States patients and patients around the world.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States Trade Representative should use all the tools at the disposal of the Trade Representative to address violations and other concerns with intellectual property, including through—

(A) bilateral engagement with United States trading partners;

(B) transparency and balance of the annual ''Special 301'' review and reviews of compliance with the intellectual property requirements of countries with respect to which the United States grants trade preferences;

(C) negotiation of responsible and fair intellectual property provisions as part of bilateral and regional trade agreements; and

(D) multilateral engagement through the World Trade Organization (WTO); and

(2) the United States Trade Representative should develop and submit to Congress a strategic plan to address the problem of countries that infringe upon American pharmaceutical intellectual property rights and the problem of countries that engage in price manipulation.

At the appropriate place, insert the following:

SEC. ___. CONSULTATION REGARDING GENETICALLY ENGINEERED SEAFOOD PRODUCTS.

The Commissioner of Food and Drugs shall consult with the Assistant Administrator of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration to produce a report on any environmental risks associated with genetically engineered seafood products, including the impact on wild fish stocks.

At the appropriate place, insert the following:

SEC. ___. REPORT ON THE MARKETING OF CERTAIN CRUSTACEANS.

Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Secretary of Commerce, shall submit to the Health, Education, Labor, and Pensions Committee and the Committee on Commerce, Science, and Transportation of the Senate, a report on the differences between taxonomy of species of lobster in the subfamily *Nephropinae*, and species of langostino, specifically from the infraorder *Caridea* or *Anomura*. This report shall also describe the differences in consumer perception of such species, including such factors as taste, quality, and value of the species.

AMENDMENT NO. 1047

(Purpose: To modify provisions relating to direct-to-consumer advertisements)

Strike subparagraphs (E) and (F) of section 505(o)(5) of the Federal Food, Drug, and Cosmetic Act, as added by this Act, and insert the following:

''(E) SPECIFIC DISCLOSURES.—

''(i) SERIOUS RISK; SAFETY PROTOCOL.—If the Secretary determines that advertisements lacking a specific disclosure about a serious risk listed in the labeling of a drug or about a protocol to ensure safe use described in the labeling of the drug would be false or misleading, the risk evaluation and mitigation strategy for the drug may require that the applicant include in advertisements of the drug such disclosure.

''(ii) DATE OF APPROVAL.—If the Secretary determines that advertisements lacking a specific disclosure of the date a drug was approved and disclosure of a serious risk would be false or misleading, the risk evaluation and mitigation strategy for the drug may require that the applicant include in advertisements of the drug such disclosure.

''(iii) SPECIFICATION OF ADVERTISEMENTS.—The Secretary may specify the advertisements required to include a specific disclosure under clause (i) or (ii).

''(iv) REQUIRED SAFETY SURVEILLANCE.—If the approved risk evaluation and mitigation strategy for a drug requires the specific disclosure under clause (ii), the Secretary shall—

''(I) consider identifying and assessing all serious risks of using the drug to be a priority safety question under subsection (k)(3)(B);

''(II) not less frequently than every 3 months, evaluate the reports under subsection (k)(1) and the routine active surveillance as available under subsection (k)(3) with respect to such priority drug safety question to determine whether serious risks that might occur among patients expected to be treated with the drug have been adequately identified and assessed;

''(III) remove such specific disclosure requirement as an element of such strategy if such serious risks have been adequately identified and assessed; and

''(IV) consider whether a specific disclosure under clause (i) should be required.

On page 101, strike lines 7 through 9.

At the end of the bill, add the following:

SEC. ___. CIVIL PENALTIES; DIRECT-TO-CONSUMER ADVERTISEMENT.

(a) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

''(g)(1) Any applicant (as such term is used in section 505(o)) who disseminates a direct-to-consumer advertisement for a prescription drug that is false or misleading and a violation of section 502(n) shall be liable to the United States for a civil penalty in an amount not to exceed $150,000 for the first such violation in any 3-year period, and not to exceed $300,000 for each subsequent violation committed after the applicant has been penalized under this paragraph any time in the preceding 3-year period. For the purposes of this paragraph, repeated dissemination of the same or similar advertisement prior to the receipt of the written notice referred to in paragraph (2) for such advertisements shall be considered as 1 violation.

''(2) A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after providing written notice to the applicant to be assessed a civil penalty and an opportunity for a hearing in accordance with this paragraph and section 554 of title 5, United States Code. If upon receipt of the written notice, the applicant to be assessed a civil penalty objects and requests a hearing, then in the course of any investigation related to such hearing, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation, including information pertaining to the factors described in paragraph (3).

''(3) Upon the request of the applicant to be assessed a civil penalty, the Secretary, in determining the amount of a civil penalty, shall take into account the nature, circumstances, extent, and gravity of the violation or violations, including the following factors:

''(A) Whether the applicant submitted the advertisement or a similar advertisement for review under section 736A.

''(B) Whether the applicant submitted the advertisement for prereview if required under section 505(o)(5)(D).

''(C) Whether, after submission of the advertisement as described in subparagraph (A) or (B), the applicant disseminated the advertisement before the end of the 45-day comment period.

''(D) Whether the applicant failed to incorporate any comments made by the Secretary with regard to the advertisement or a similar advertisement into the advertisement prior to its dissemination.

''(E) Whether the applicant ceased distribution of the advertisement upon receipt of the written notice referred to in paragraph (2) for such advertisement.

''(F) Whether the applicant had the advertisement reviewed by qualified medical, regulatory, and legal reviewers prior to its dissemination.

''(G) Whether the violations were material.

''(H) Whether the applicant who created the advertisement acted in good faith.

''(I) Whether the applicant who created the advertisement has been assessed a civil penalty under this provision within the previous 1-year period.

''(J) The scope and extent of any voluntary, subsequent remedial action by the applicant.

''(K) Such other matters, as justice may require.

''(4)(A) Subject to subparagraph (B), no applicant shall be required to pay a civil penalty under paragraph (1) if the applicant submitted the advertisement to the Secretary and disseminated such advertisement after incorporating any comment received from the Secretary.

''(B) The Secretary may retract or modify any prior comments the Secretary has provided to an advertisement submitted to the Secretary based on new information or changed circumstances, so long as the Secretary provides written notice to the applicant of the new views of the Secretary on the advertisement and provides a reasonable time for modification or correction of the advertisement prior to seeking any civil penalty under paragraph (1).

''(5) The Secretary may compromise, modify, remit, with or without conditions, any civil penalty which may be assessed under paragraph (1). The amount of such penalty, when finally determined, or the amount charged upon in compromise, may be deducted from any sums owned by the United States to the applicant charged.

''(6) Any applicant who requested, in accordance with paragraph (2), a hearing with respect to the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty, may file a petition for de novo judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such applicant resides or transacts business. Such a petition may only be filed within the 60-day period beginning on the date the order making such assessments was issued.

''(7) If any applicant fails to pay an assessment of a civil penalty—

''(A) after the order making the assessment becomes final, and if such applicant does not file a petition for judicial review of the order in accordance with paragraph (6); or

''(B) after a court in an action brought under paragraph (6) has entered a final judgment in favor of the Secretary,

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (6) or date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.''.

(b) DIRECT-TO-CONSUMER ADVERTISEMENT.—

(1) IN GENERAL.—Section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)) is amended by inserting after the first sentence the following: ''In the case of an advertisement for a prescription drug presented directly to consumers in television or radio format that states the name of the drug and its conditions of use, the major statement relating to side effects, contraindications, and effectiveness referred to in the previous sentence shall be stated in a clear and conspicuous (neutral) manner.''.

(2) REGULATIONS TO DETERMINE NEUTRAL MANNER.—The Secretary of Health and Human Services shall by regulation establish standards for determining whether a major statement, relating to side effects, contraindications, and effectiveness of a drug, described in section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)) (as amended by paragraph (1)) is presented in the manner required under such section.

AMENDMENT NO. 1056

(Purpose: To require the FDA to conduct consumer testing to determine the appropriateness of the labeling requirements for indoor tanning devices)

At the appropriate place, insert the following:

SEC. ___. REPORT BY THE FOOD AND DRUG ADMINISTRATION REGARDING LABELING INFORMATION ON THE RELATIONSHIP BETWEEN THE USE OF INDOOR TANNING DEVICES AND DEVELOPMENT OF SKIN CANCER OR OTHER SKIN DAMAGE.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), acting through the Commissioner of Food and Drugs, shall determine—

(1) whether the labeling requirements for indoor tanning devices, including the positioning requirements, provide sufficient information to consumers regarding the risks that the use of such devices pose for the development of irreversible damage to the eyes and skin, including skin cancer; and

(2)(A) whether modifying the warning label required on tanning beds to read, ''Ultraviolet radiation can cause skin cancer'', or any other additional warning, would communicate the risks of indoor tanning more effectively; or

(B) whether there is no warning that would be capable of adequately communicating such risks.

(b) CONSUMER TESTING.—In making the determinations under subsection (a), the Secretary shall conduct appropriate consumer testing, using the best available methods for determining consumer understanding of label warnings.

(c) PUBLIC HEARINGS; PUBLIC COMMENT.—The Secretary shall hold public hearings and solicit comments from the public in making the determinations under subsection (a).

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Congress a report that provides the determinations under subsection (a). In addition, the Secretary shall include in the report the measures being implemented by the Secretary to significantly reduce the risks associated with indoor tanning devices.

AMENDMENTS NOS. 1039, 998, AND 1034, EN BLOC

Mr. BROWN. I now call up amendments Nos. 1039, 998 and 1034, en bloc, and ask that once they are reported by number they be set aside.

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

The legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN], for Mr. GRASSLEY and for Mr. DURBIN, proposes amendments Nos. 1039, 998, 1034, en bloc.

The amendments are as follows:

AMENDMENT NO. 1039

(Purpose: To clarify the authority of the Office of Surveillance and Epidemiology with respect to postmarket drug safety pursuant to recommendations by the Institute of Medicine).

At the end of subtitle E of title II, insert the following:

SEC. 2__. AUTHORITY OF THE OFFICE OF SURVEILLANCE AND EPIDEMIOLOGY.

With respect to all actions of the Food and Drug Administration related to postmarketing drug safety, including labeling changes, postapproval studies, and restrictions on distribution or use of drugs with serious risks, the Office of Surveillance and Epidemiology (or successor office) of such Administration and the Office of New Drugs (or successor office) of such Administration shall make decisions jointly. In the event of a disagreement with respect to an action related to postmarketing drug safety, including labeling changes, postapproval studies, and restrictions on distribution or use of drugs with serious risks, between such 2 offices, the Commissioner of Food and Drugs shall make the decision with respect to such action.

AMENDMENT NO. 998

(Purpose: To provide for the application of stronger civil penalties for violations of approved risk evaluation and mitigation strategies)

At the appropriate place in section 505(o) of the Federal, Food, Drug, and Cosmetic, as added by section 202, insert the following:

''(9) CIVIL MONETARY PENALTY.—Notwithstanding any other provision of this Act, an applicant (as such term is defined for purposes of this section) that knowingly fails to comply with a requirement of an approved risk evaluation and mitigation strategy under this subsection shall be subject to a civil money penalty of $250,000 for the first 30-day period that the applicant is in noncompliance, and such amount shall double for every 30-day period thereafter that the requirement is not complied with, not to exceed $2,000,000.''.

AMENDMENT NO. 1034

(Purpose: To reduce financial conflict of interest in FDA Advisory Panels)

In title II, strike subtitle D and insert the following:

Subtitle D—Conflicts of Interest

SEC. 241. CONFLICTS OF INTEREST.

(a) IN GENERAL.—Subchapter A of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by inserting at the end the following:

''SEC. 712. CONFLICTS OF INTEREST.

''(a) DEFINITIONS.—For purposes of this section:

''(1) ADVISORY COMMITTEE.—The term 'advisory committee' means an advisory committee under the Federal Advisory Committee Act that provides advice or recommendations to the Secretary regarding activities of the Food and Drug Administration.

''(2) FINANCIAL INTEREST.—The term 'financial interest' means a financial interest under section 208(a) of title 18, United States Code.

''(b) APPOINTMENTS TO ADVISORY COMMITTEES.—

''(1) RECRUITMENT.—

''(A) IN GENERAL.—Given the importance of advisory committees to the review process at the Food and Drug Administration, the Secretary, through the Office of Women's Health, the Office of Orphan Product Development, the Office of Pediatric Therapeutics, and other offices within the Food and Drug Administration with relevant expertise, shall develop and implement strategies on effective outreach to potential members of advisory committees at universities, colleges, other academic research centers, professional and medical societies, and patient and consumer groups. The Secretary shall seek input from professional medical and scientific societies to determine the most effective informational and recruitment activities. The Secretary shall also take into account the advisory committees with the greatest number of vacancies.

''(B) RECRUITMENT ACTIVITIES.—The recruitment activities under subparagraph (A) may include—

''(i) advertising the process for becoming an advisory committee member at medical and scientific society conferences;

''(ii) making widely available, including by using existing electronic communications channels, the contact information for the Food and Drug Administration point of contact regarding advisory committee nominations; and

''(iii) developing a method through which an entity receiving funding from the National Institutes of Health, the Agency for Healthcare Research and Quality, the Centers for Disease Control and Prevention, or the Veterans Health Administration can identify a person who the Food and Drug Administration can contact regarding the nomination of individuals to serve on advisory committees.

''(2) EVALUATION AND CRITERIA.—When considering a term appointment to an advisory committee, the Secretary shall review the expertise of the individual and the financial disclosure report filed by the individual pursuant to the Ethics in Government Act of 1978 for each individual under consideration for the appointment, so as to reduce the likelihood that an appointed individual will later require a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in subsection (c)(3) of this section for service on the committee at a meeting of the committee.

''(3) PARTICIPATION OF GUEST EXPERT WITH FINANCIAL INTEREST.—Notwithstanding any other provision of this section, an individual with a financial interest with respect to any matter considered by an advisory committee may be allowed to participate in a meeting of an advisory committee as a guest expert if the Secretary determines that the individual has particular expertise required for the meeting. An individual participating as a guest expert may provide information and expert opinion, but shall not participate in the discussion or voting by the members of the advisory committee.

''(c) GRANTING AND DISCLOSURE OF WAIVERS.—

''(1) IN GENERAL.—Prior to a meeting of an advisory committee regarding a 'particular matter' (as that term is used in section 208 of title 18, United States Code), each member of

the committee who is a full-time Government employee or special Government employee shall disclose to the Secretary financial interests in accordance with subsection (b) of such section 208.

''(2) FINANCIAL INTEREST OF ADVISORY COMMITTEE MEMBER OR FAMILY MEMBER.—No member of an advisory committee may vote with respect to any matter considered by the advisory committee if such member (or an immediate family member of such member) has a financial interest that could be affected by the advice given to the Secretary with respect to such matter, excluding interests exempted in regulations issued by the Director of the Office of Government Ethics as too remote or inconsequential to affect the integrity of the services of the Government officers or employees to which such regulations apply.

''(3) WAIVER.—The Secretary may grant a waiver of the prohibition in paragraph (2) if such waiver is necessary to afford the advisory committee essential expertise.

''(4) LIMITATIONS.—

''(A) ONE WAIVER PER COMMITTEE MEETING.—Notwithstanding any other provision of this section, with respect to each advisory committee, the Secretary shall not grant more than 1 waiver under paragraph (3) per committee meeting.

''(B) SCIENTIFIC WORK.—The Secretary may not grant a waiver under paragraph (3) for a member of an advisory committee when the member's own scientific work is involved.

''(5) DISCLOSURE OF WAIVER.—Notwithstanding section 107(a)(2) of the Ethics in Government Act (5 U.S.C. App.), the following shall apply:

''(A) 15 OR MORE DAYS IN ADVANCE.—As soon as practicable, but in no case later than 15 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in paragraph (3) applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code (popularly known as the Freedom of Information Act and the Privacy Act of 1974, respectively)) on the Internet website of the Food and Drug Administration—

''(i) the type, nature, and magnitude of the financial interests of the advisory committee member to which such determination, certification, or waiver applies; and

''(ii) the reasons of the Secretary for such determination, certification, or waiver.

''(B) LESS THAN 30 DAYS IN ADVANCE.—In the case of a financial interest that becomes known to the Secretary less than 30 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in paragraph (3) applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code) on the Internet website of the Food and Drug Administration, the information described in clauses (i) and (ii) of subparagraph (A) as soon as practicable after the Secretary makes such determination, certification, or waiver, but in no case later than the date of such meeting.

''(d) PUBLIC RECORD.—The Secretary shall ensure that the public record and transcript of each meeting of an advisory committee includes the disclosure required under subsection (c)(5) (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code).

''(e) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary shall submit to the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives a report that describes—

''(1) with respect to the fiscal year that ended on September 30 of the previous year, the number of vacancies on each advisory committee, the number of nominees received for each committee, and the number of such nominees willing to serve;

''(2) with respect to such year, the aggregate number of disclosures required under subsection (c)(5) for each meeting of each advisory committee and the percentage of individuals to whom such disclosures did not apply who served on such committee for each such meeting;

''(3) with respect to such year, the number of times the disclosures required under subsection (c)(5) occurred under subparagraph (B) of such subsection; and

''(4) how the Secretary plans to reduce the number of vacancies reported under paragraph (1) during the fiscal year following such year, and mechanisms to encourage the nomination of individuals for service on an advisory committee, including those who are classified by the Food and Drug Administration as academicians or practitioners.

''(f) PERIODIC REVIEW OF GUIDANCE.—Not less than once every 5 years, the Secretary shall review guidance of the Food and Drug Administration regarding conflict of interest waiver determinations with respect to advisory committees and update such guidance as necessary.''.

(b) CONFORMING AMENDMENT.—Section 505(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)) is amended by—

(1) striking paragraph (4); and

(2) redesignating paragraphs (5), (6), (7), and (8) as paragraphs (4), (5), (6), and (7), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

The PRESIDING OFFICER. The amendments are set aside.

The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I congratulate everybody on reaching the point we just reached with the unanimous consent agreement that was done. I thank the Senator from Ohio for his tremendous work on the committee and then on the floor, and on working through some of these amendments.

I particularly thank Senator KENNEDY for his efforts. He is having a spectacular day. I am sure actually he is probably on a plane again now. He represented the United States at the unification treaty signing in Ireland today. He left as soon as we finished voting last night, traveled through the night, attended that ceremony, and will travel virtually through the night tonight to get back again so he will be here for tomorrow morning's votes.

That is just the kind of tireless dedication that he puts in on international issues, as well as the issues that come before our committee. I am very impressed with the stamina he has and the capability he has to do all these things.

This has been a long road and it has had a few lumps in it, but there has been cooperation on both sides. The staff people who have worked on this have gone into excruciating detail on every amendment to make sure it would do what people said it would do and that it would work, both in a United States context and in an international context.

I think we have progressed to a point where we can do three votes and then final passage tomorrow and have this on the way to having the Food and Drug Administration reformed so they have more tools in the toolbox and can get the job done that we have always been expecting, and have more confidence that our food and drug supply in the United States will be safe.

Everybody has been tremendously cooperative. We look forward to finishing in the morning.

I yield the floor.

Mr. KOHL. Mr. President, I rise to elaborate on a food safety amendment that has been accepted on both sides.

Under current law, the FDA's most decisive legal recourse for dealing with suspect food imports is to stop them at our boarder. My amendment strengthens the FDA's hand by providing explicit authority under section 415 of the Federal Food, Drug and Cosmetics Act, to proactively deny entry of all food products from questionable suppliers if they fail to cooperate and allow timely inspection of their facilities.

Events of recent weeks have made clear that the FDA's ability to inspect foreign food is inadequate. In the case of melamine tainted wheat gluten from China, FDA inspectors were forced to wait more than 2 weeks before the Chinese Government would grant them access. Two weeks is unacceptable. There is simply no excuse for such delays if you want to ship food into this country. FDA must be able to respond quickly to identify threats and protect public health and safety.

My amendment provides a succinct and direct legal basis for the FDA to seek access and inspect foreign food facilities on demand. If a foreign exporter to the United States delays access for FDA inspectors unnecessarily, the FDA can stop all food imports from that firm immediately thereby denying them access to our markets. If an exporter does not want to let the FDA inspect its firm—on FDA's schedule—that exporter can't ship to this country. It is that simple. For the vast majority of firms and countries, this is not a problem. But for those times it is needed, it will be an important tool.

This amendment will not fix all of the problems that are out there. This Congress needs to do some thorough oversight and develop a comprehensive plan to improve food safety and security. I intend to participate in that process and will exercise my prerogatives as chairman of the Agriculture Appropriations Subcommittee to see that the FDA follows through.

Again, I appreciate the help of Senators KENNEDY and ENZI and their talented staff in getting this amendment included in this bill. They have been very helpful, and I look forward to providing them any assistance they need in order to keep this in conference.

AMENDMENT NO. 993

Mr. GREGG. Mr. President, last week, the FDA just sent out a warning to American consumers regarding purchasing medications from certain Internet sites because the FDA cannot verify that the drugs purchased over those sites are going to be safe or that they won't be counterfeit. We need to give the FDA the authority and the resources to address the issue of unsafe Internet pharmacies and the Gregg Internet pharmacy amendment does just that. It creates a comprehensive framework to assure consumers that they can shop with confidence, knowing that the drugs they purchase online will be safe and effective. Hopefully, we will address this important and timely drug safety issue, if not now, at least before this bill completes the whole process and comes back from the conference committee

Mr. KENNEDY. I thank the Senator from New Hampshire for his interest and work on this important issue. Ensuring that people have access to safe and effective medications when purchasing prescription drugs online is an important part of our efforts in the area of drug safety. The Dorgan legislation in this bill includes some provisions on the issue of Internet pharmacies, but I am willing to work with my colleague and our colleagues in the Senate to enhance these provisions to address the important issues he has raised over the course of this debate.

Mr. ENZI. I would also like to take the opportunity to express my support for the need to address the issue of unsafe Internet pharmacies. We have worked very hard in other portions of this bill to ensure the safety of prescription drugs on the market, and as this bill advances, I look forward to working with you both to enhance the provisions in this bill relating to the safety of Internet pharmacies.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

MORNING BUSINESS

Mr. BROWN. I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes.

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

IN RECOGNITION OF TOM CLEWELL

Mr. REID. Mr. President, I rise today to recognize the contributions of Tom Clewell to Sparks, NV. After serving the city of Sparks for more than 36 years, Tom retired from his 3-year post as fire chief on May 4, 2007.

Tom is a native Nevadan, attending school in Reno and raising a family in Sparks. He joined the Sparks Fire Department as a temporary firefighter in April 1971, and eventually climbed the ranks to become the city's 10th fire chief in its history. He served in many roles throughout his time with the Sparks Fire Department including operator, captain, battalion chief, and division chief.

Throughout his 36 years, Tom led the fire department through many changes in Sparks. For example, Tom reorganized the department creating four division chiefs. Tom also encouraged greater training of firefighters in Sparks. He also managed the rapid growth surrounding Sparks and introduced fire prevention measures as housing developments began heading toward the foothills.

Upon his retirement, the city manager of Sparks said, ''Tom has been one of the greatest leaders I have ever been associated with.'' That quote speaks volumes about Tom's leadership. I have known Tom for many years. His professional accomplishments are numerous, but I think Tom would likely describe his family as his greatest honor. He is the proud father to Angela and Lindsey. He shares in this joy with his wife Francine.

I am privileged to have the opportunity to honor Tom Clewell before the United States Senate today. I am certain that in his retirement Tom will continue to serve the citizens of Sparks with the dedication he has shown over the past 36 years and I wish him well on his future endeavors.

GENOCIDE ACCOUNTABILITY ACT

Mr. DURBIN. Mr. President, S. 888, the Genocide Accountability Act, is the first legislation produced by the Senate Judiciary Committee's new Subcommittee on Human Rights and the Law, which I chair. It is bipartisan legislation that I introduced with Senator TOM COBURN, ranking member of the Human Rights and the Law Subcommittee, Senator PATRICK LEAHY, chairman of the Judiciary Committee, and Senator JOHN CORNYN.

The Genocide Accountability Act would close a legal loophole that prevents the U.S. Justice Department from prosecuting individuals who have committed genocide. Under current law, genocide is only a crime if it is committed within the United States or by a U.S. national outside the United States. The Genocide Accountability Act would amend 18 U.S.C. 1091, the Genocide Convention Implementation Act, to allow prosecution of non-U.S. nationals who are brought into or found in the United States for genocide committed outside the United States.

I recently received a letter from David Scheffer, U.S. Ambassador at Large for War Crimes from 1997 to 2001, which makes clear the impact that the Genocide Accountability Act could have. Ambassador Scheffer's letter explains that the loophole in our genocide law hindered the U.S. Government's efforts to secure the apprehension and prosecution of former Cambodian dictator Pol Pot, one of the worst war criminals of the 20th century. If the Genocide Accountability Act had been law when Pol Pot was alive and at large, maybe the United States would have been able to bring him to justice.

The Genocide Accountability Act recently passed the Senate unanimously. I am hopeful that in short order the House of Representatives will pass it and the President will sign it into law.

The United States should have the ability to bring to justice individuals who commit genocide, regardless of where their crime takes place and regardless of whether they are a U.S. national. The Genocide Accountability Act would end this immunity gap in U.S. law.

Mr. President, I ask unanimous consent to have Ambassador Scheffer's letter to which I referred printed in the RECORD.

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

CENTER FOR INTERNATIONAL
HUMAN RIGHTS,
April 6, 2007.

Re lost opportunities to achieve international justice.

Senator RICHARD DURBIN,
Chairman, Subcommittee on Human Rights and the Law, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR DURBIN: you have asked me to recount how limitations in U.S. federal law during the 1990's prevented the Clinton Administration, in which I served as U.S. Ambassador at Large for War Crimes Issues (1997–2001), from ensuring the speedy apprehension and prosecution of the former Cambodian leader, Pol Pot, on charges of genocide, crimes against humanity, or war crimes (''atrocity crimes'') prior to his death in March 1998. Because such limitations in U.S. law remain, particularly with respect to the crime of genocide, it may be useful for Members of Congress to consider how historically devastating was this lost opportunity to achieve some measure of justice for the deaths of an estimated 1.7 million Cambodians under Pol Pot's rule from 1975 to 1979.

In June 1997 the then two co-prime ministers of Cambodia, Hun Sen and Norodom Ranariddh, sent a letter to the Secretary-General of the United Nations seeking assistance to establish an international criminal tribunal that would render justice to the senior Khmer Rouge leaders, none of whom had been prosecuted with the sole exception of a highly dubious in absentia trial of Pol Pot and his foreign minister, Ieng Sary, in a Cambodia in 1979 shortly after the fall of the Khmer Rouge regime. The jointly-signed letter in June 1997 opened two pathways of action by the Clinton Administration: the first continues to this day, namely how to investigate and prosecute surviving senior Khmer Rouge leaders and bring them to justice before a credible court of proper jurisdiction; the second interrelated issue dealt with effective measures to apprehend and hold suspects in custody until they could be brought to trial.

Since no international criminal tribunal existed in 1997 that was specially designed to

investigate and prosecute senior Khmer Rouge leaders and because the judicial and political situations within Cambodia did not favor domestic prosecution at that time, we began in late June 1997 to examine options for prosecution of Pol Pot and his leadership colleagues before a yet-to-be-created international tribunal or before either U.S. federal courts or foreign domestic courts. We were receiving signals that Pol Pot, who had been in hiding since his fall from power in 1979, might be located and in a position either to be captured or to surrender in a manner that would facilitate his transfer to a court of competent jurisdiction.

Among all the options we examined at the time, the most desirable was the establishment of an international criminal tribunal by authorization of the U.N. Security Council acting under U.N. Charter Chapter VII enforcement authority. This was the means by which the International Criminal Tribunals for the Former Yugoslavia and Rwanda were created. I pursued that option until the summer of 1999, when various factors made it unrealistic and required a change of strategy that ultimately resulted in the creation of a hybrid domestic court in Cambodia called the Extraordinary Chambers in the Courts of Cambodia. But because, beginning in mid-1997, we began to experience episodes where the prospects of capturing Pol Pot (and later one of his top officials, Ta Mok), were quite high, I needed to find a jurisdiction (U.S. or foreign) which would receive Pol Pot and hold him until the international criminal tribunal could be created and then he could be transferred to the jurisdiction of that tribunal. If we chose or were compelled (by virtue of no foreign country accepting Pol Pot) to transfer Pol Pot to U.S. territory, we had to be prepared to prosecute him before a U.S. court in the event the U.N. Security Council failed to create an international criminal tribunal with jurisdiction to prosecute senior Khmer Rouge leaders.

But Pol Pot was not a natural candidate for a genocide prosecution before any U.S. court. Under 18 U.S.C. §1091(d) (1999), only an American citizen who is charged with committing genocide anywhere in the world or anyone (including an alien) who commits genocide in the United States can be prosecuted. This seemed incredulous to me at the time, given the prima facie case against Pol Pot for atrocity crimes, including genocide, and this rare opportunity to capture and bring him to justice. Instead of stepping forward immediately and making U.S. courts available to prosecute this notorious individual, I had to wade into a thicket of diplomacy to try to find a willing government somewhere who would accept Pol Pot (if captured) and either detain him until an international criminal tribunal was created or prosecute him in its own courts.

Nonetheless, efforts were made by the Justice Department (beginning in late June 1977) to explore options under U.S. law for a possible prosecution of Pol Pot if he were captured and brought to U.S. territory. Initially, attention focused on whether any U.S. official personnel were victims of the atrocity crimes of the Pol Pot regime. The roster of federal agencies from which personnel could be identified for this purpose was set forth in 18 U.S.C. §1114. The Central Intelligence Agency was not listed in that roster of agencies. U.S. courts would have had jurisdiction over a crime committed (in this situation, in Cambodia) against U.S. personnel from one of the designated agencies in Section 1114. However, no such individual could be identified by the Justice Department. Therefore, we lost our best opportunity for jurisdiction for the reason that, according to the Justice Department research, no U.S. government personnel (at least from the agencies identified in Section 1114) lost their lives under the Pol Pot regime. There were American citizens who died in Cambodia during the relevant period (1975–1979) of Pol Pot's rule, but they did not qualify under U.S. law at the time as triggering federal jurisdiction.

There was a second rational for prosecution of Pol Pot which arose in March 1998 when we were very close to achieving apprehension of Pol Pot and flying him out of Cambodia or Thailand to U.S. territory. Justice Department officials put forward a theory called the ex post facto limitation analysis. It was a high risk gamble in federal court that rested, essentially, as I recall, on applying the customary law principles codified in the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to the events that transpired in Cambodia in the late 1970's, and joining those principles with the President's broad authority under the foreign affairs powers of the U.S. Constitution. One must remember that the Genocide Convention Implementation Act of 1988 (the Proxmire Act) was not adopted until 1988 and thus acts of genocide committed during the late 1970's would not have qualified in any event for U.S. prosecution even if the standard grounds for personal or territorial jurisdiction under the law were satisfied. The Justice Department officials warned that there was no assurance whatsoever that a federal court would be persuaded by the ex post facto limitation analysis and if the judicial effort failed, then Pol Pot might walk away free from U.S. detention and onto U.S. territory. Ultimately, by September 1998, the Attorney General signaled her unwillingness to attempt prosecution if Pol Pot were brought to U.S. territory for any period other than a very temporary stay (see below).

Of comparable concern to my Justice colleagues in 1997, 1998, and 1999 when either Pol Pot or Ta Mok or other senior Khmer Rouge leaders were within our sights for apprehension or surrender in Cambodia, was how to defeat a habeas corpus petition by any one of them if they were detained on U.S. territory or held by U.S. authorities on foreign territory. That concern meant that Justice needed to be confident there was enough evidence on the detainee to make a prima facie case against him or at least provide sufficient documentation to the court to ensure that the habeas petition would be defeated. Although this concern was relevant for Pol Pot, it became extremely significant with respect to other senior Khmer Rouge leaders (such as Khieu Samphan, Ieng Sary, Ta Mok, Nuon Chea, and others) for whom the evidence had not yet been collected to a degree and in a manner that satisfied the Justice officials.

In response to this concern, the Justice Department deployed lawyers to Yale University in New Haven, where documents from the Pol Pot era were being stored, and ultimately to the Documentation Center for Cambodia in Phnom Penh, to examine documents that might implicate senior Khmer Rouge leaders. I seem to recall that those research efforts left the lawyers still concerned about whether a federal court would dismiss a habeas challenge from any one of the senior Khmer Rouge leaders.

These were critical arguments to factor into the overall strategy. Justice officials advised that they would not want to hold Pol Pot or his colleagues on U.S. territory for more than about ten days if there was no likelihood of bringing them to trial before a federal court. They also could not rationalize any perpetual detention that would unquestionably survive a habeas challenge. If we were not prepared to prosecute the senior Khmer Rouge leaders in federal court, including under the high-risk strategy of ex post facto limitation analysis, then any detention on U.S. territory must be exceptionally temporary (no more than ten days), thus essentially serving as a way-station to a confirmed onward destination (namely, a foreign national court or an international criminal tribunal).

These significant concerns, prompted by the absence of a genocide law that had jurisdiction over Pol Pot and senior Khmer Rouge leaders and by concerns over habeas corpus challenges in the federal courts, pointed us to a detention strategy that stood a much better chance of defeating, if not avoiding, a habeas challenge and ultimately using a jursdiction (national or international) willing to prosecute these individuals.

When the net was closing in on Pol Pot in March 1998, we arranged with Palau that it serve as a likely destination for Pol Pot, who would be flown there by U.S. aircraft with the permission of the Government of Palau and the Government of Cambodia. U.S. Marshalls would guard Pol Pot until a suitable jurisdiction could be found for his trial (and we knew that might take some time). After Pol Pot's sudden and untimely (not to mention mysterious) death in Cambodia in late March 1998, we focused on using Palau as a detention site for any other senior Khmer Rouge leaders who could be apprehended and, with the permission of the Government of Cambodia, transported out of Cambodia (or Thailand if anyone of them had crossed the border during a chase) to Palau to await a final destination for trial. But the dynamics of custody evolved following Pol Pot's death. Arrangements for potential detention on Palau were finalized and by August and September 1998, the internal argument prevailed that any custody on Palau should be joint custody by Cambodian and American guards, undertaken at the request of the Cambodian Government, and preferably (though it was not essential) achieved even at the request of the detainee. At that point, we knew that most potential detainees (senior Khmer Rouge leaders) did not wish to be incarcerated in Cambodia. Indeed, we knew that shortly bcfore his death Pol Pot had reportedly told journalist Nate Thayer that he was prepared to go to the United States to face justice. We also knew by September 1998 that Ta Mok was not willing to surrender for a trial in Cambodia, but we wondered whether that was a signal that he might agree to stand trial outside of Cambodia.

The joint custody arrangement on Palau, especially if it could be supplemented by the request of the detainee himself, could greatly strengthen the Justice Department's case in the event of a habeas corpus challenge to federal court by anyone of the detainees that might be held in Palau. Even though Palau was by then an independent nation, its former U.S. territorial status and the fact of U.S. custody on Palau raised enough concerns that the shield of joint Cambodian-American custody, the request of the Government of Cambodia, and the approval of the Government of Palau all combined to reassure us of the viability of a Palau detention site. One indeed was created; U.S. Marshalls were deployed in anticipation of arrivals of captured senior Khmer Rouge leaders; and even the U.S. Ambassador to the Philippines, who included Palau in his portfolio, at one point stood ready at the site to receive the suspects. I need to emphasize, however, that Palau was seen strictly as a relatively temporary detention site until a proper and willing national jurisdiction could be found or, with the possibility of an international criminal tribunal, created for

purposes of investigating and prosecuting these individuals. But we had no expectation of it taking more than several months to find suitable jurisdiction (particularly given the high-profile reality of Pol Pot finally in custody and our hope that having him in custody would spur Security Council interest in finding a means to prosecute him).

As it turned out, not a single senior Khmer Rouge leader was ever captured with the assistance of U.S. authorities. The cooperation of the Cambodian Government for detention of suspects at Palau collapsed by early 1999. The plan would have been activated if our efforts to capture Pol Pot had not been scuttled by his sudden death in late March 1998. Our vigorous efforts to capture Ta Mok (or secure his surrender) during the rest of 1998 and into early 1999 finally were overtaken when he was captured by Cambodian forces and detained in Phnom Penh. Other senior Khmer Rouge leaders surrendered under arrangements that kept them out of prison in Cambodia, with the exception of Kang Kek Ieu (alias Comrade Duch), the chief of the notorious Tuol Sleng prison, who remains imprisoned to this day by Cambodian authorities in Phnom Penh. So the habeas corpus concerns never were tested even under the remote circumstances that would have been presented with a joint custody arrangement in Palau.

The other story in this saga concerns my efforts to find the alternative jurisdiction before which Pol Pot and his colleagues could be held until transferred to a newly established international criminal tribunal or prosecuted for genocide and other atrocity crimes. In all of these efforts, which I will describe briefly, the fact that the United States was incapable of prosecuting the crime of genocide against Pol Pot and the senior Khmer Rouge leaders was diplomatically crippling. It forced me to concede that the United States had not stepped up to the plate itself with some reasonable application of universal jurisdiction for genocide. How could I credibly persuade other governments to stretch their domestic law to prosecute Pol Pot et al. when the United States was not prepared to do so (and had as much if not more reason to try to do so in the case of Cambodia than, say, Sweden, Denmark, Norway, or Spain). If the United States had had the legal tools wit which to prosecute Pol Pot, but was hampered for some political or logistical reason, at least then I could have argued with credibility that a foreign government also has the responsibility to step forward and bring this man to justice. So I was dealt a very weak hand.

I pursued two tracks of diplomatic strategy to find a jurisdiction willing and able to prosecute Pol Pot and the senior Khmer Rouge leaders. Both tracks were launched immediately in June 1997 when the first opportunity arose to apprehend Pol Pot. The first track was to approach countries either with some capability in their domestic criminal codes to exercise a form of universal jurisdiction over genocide and/or crimes against humanity or (we thought) might be willing to find an innovative way to prosecute Pol Pot. These countries at first included Canada and Denmark and later, in April 1998, expanded to include Germany, Spain, Norway, Sweden, Australia, and Israel. Each one of them declined the opportunity I presented to receive Pol Pot for trial in the event the United States Government arranged for his capture and then transport to such country. Each one also declined the opportunity to hold Pol Pot temporarily until a suitable national court or international criminal tribunal could be found or created for the purpose of prosecuting Pol Pot and other senior Khmer Rouge leaders.

The second track of diplomatic strategy was to persuade U.N. Security Council members to join us in approving the establishment of an international criminal tribunal to investigate and prosecute the senior Khmer Rouge leaders (including Pol Pot while he was still alive). This proposal went through various stages of evolution, and included plans for sharing certain functions, such as the prosecutor and the appeals chamber, with the International Criminal Tribunal for the Former Yugoslavia (ICTY). In late April and early May of 1998 I worked closely with the U.S. Mission to the United Nations to formally present a draft resolution, with a draft statute for the tribunal appended, to other Security Council members for their consideration. Concerns by other members arose as to germaneness for the Council (i.e., whether there still existed a threat to international peace and security in Cambodia that would trigger Security Council jurisdiction), whether the ICTY's jurisdiction (or perhaps that of the International Criminal Tribunal for Rwanda) should be expanded, whether the Government of Cambodia would formally request such a tribunal (which one permanent member considered essential), and how the cost would be borne. China and Russia, in particular, balked at the proposal and refused to indicate any support whatsoever. Tribunal fatigue on the Security Council also took hold to slow down the Cambodia option. Another key factor was the advent of the permanent International Criminal Court and concerns that an initiative on Cambodia would shift attention and resources away from that key priority for many of the Security Council members (permanent and non-permanent).

Without any leverage to threaten U.S. prosecution in the absence of an international criminal tribunal, I could only press the merits of the issue as hard as possible, knowing that achieving international justice for the atrocity crimes of the Pol Pot regime was not a high priority for most other governments. Indeed, for some it may have been viewed as a threat to their own national interests. I would have benefited, however, if at key junctures in the negotiations over an international criminal tribunal I could have asked whether our colleagues on the Security Council would be more comfortable with a U.S. federal court examining the evidence or would they find more palatable a tribunal of international composition investigating Pol Pot's deeds. I never had the opportunity to offer that choice in my talks.

By August 1999 I had exhausted my final efforts to achieve a Security Council international criminal tribunal with both the Government of Cambodia and with other Security Council members. At that point the Clinton Administration shifted its focus to creating a hybrid court in Cambodia and intensive efforts led by late 2000 to what became the Extraordinary Chambers in the Courts of Cambodia, approved initially by the Cambodian National Assembly in early 2001. But by August 1999 the prospect of looking to the United States as a plausible jurisdiction for prosecution of genocide in Cambodia already had become a distant memory.

In conclusion, I would stress that the inability of U.S. courts to prosecute Pol Pot and the senior Khmer Rouge leaders contributed to significant delays in bringing these individuals to justice, delays that reverberate to this day as the Extraordinary Chambers in the Courts of Cambodia struggle to overcome one obstacle after another before proceeding to indictments and trials. Several key suspects died before they could be brought to trial, including Pol Pot, Ke Pauk, and Ta Mok. Their fates—dead before justice could be rendered—did not necessarily have to become the historical record. We could have moved much faster and more decisively in 1997 and 1998 to secure their custody, ensure proper medical care, and bring them before a court of either national or international jurisdiction if the reality of U.S. jurisdiction for at least the crime of genocide had existed. If we seek to influence others to prosecute the crime of genocide, and if we aspire to arming our diplomats with the arguments they need to influence other governments to accept their responsibilities for international justice, we must be able to demonstrate that our courts have, within reasonable parameters, the jurisdiction to prosecute the crime of genocide. Even if such jurisdiction may rest upon the discretion of, say, the Attorney General under certain extreme circumstances, we must be able to use it for the worthy purpose of credible justice.

During the final negotiations for the Rome Statute of the International Criminal Court in July 1998, I presented the U.S. position that with respect to the crime of genocide, the International Criminal Court should exercise universal jurisdiction. That U.S. position in the negotiations was partly influenced by our unfortunate experience with Pol Pot months earlier.

I would hope that given all of this experience-stretching back to the Holocaust and even earlier, and given the logic that must apply to ending the crime of genocide, U.S. law at long last could reflect the illegality of genocide committed by anyone anywhere in the world and the ability of our courts to prosecute the perpetrators of genocide, including when they are non-citizens who stand on U.S. soil.

Respectfully,

DAVID SCHEFFER,
Mayer, Brown, Rowe & Maw/Robert A. Helman Professor of Law, Director, Center for International Human Rights, Northwestern University School of Law.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS BRIAN BOTELLO

Mr. GRASSLEY. Mr. President, it is with sadness that I pay tribute today to a young man from Iowa who gave his life in service to his country. PFC Brian A. Botello was killed on April 29, 2007, while serving in Iraq as part of the 3rd Squadron, 61st Cavalry Regiment, 2nd Infantry Division. My prayers go out to his mother Karyn, in Alta, IA, and his father Tony in Michigan. They can be proud of their son's honorable service and the tremendous sacrifice he made for his country. All Americans owe a debt of gratitude to Brian Botello. His memory will live on along those other patriots who have laid down their lives for the cause of freedom.

I know that Brian's loss will be felt particularly deeply in the small town of Alta where he grew up. I know that flags have been flown at half mast and everyone from his neighbors to classmates from high school to members of his church are sharing stories and grieving as they remember Brian. I hope that they are able to take comfort in the fact that Brian Botello died honorably as an American patriot and he is now in a better place.

GOOD FRIDAY AGREEMENT

Mrs. CLINTON. Mr. President, today marks a historic moment for Northern

Ireland and for countless people in Ireland, Great Britain, the United States, and around the world who have prayed and hoped and worked for lasting peace.

Today, the devolved Government of Northern Ireland stands up to govern peacefully and democratically. The commitment of everyone involved, their constructive negotiations, their sacrifice, and their faith led us to this day of a new government and renewed hope.

I am proud of the role my husband and I were able to play in helping to bring about peace in Northern Ireland and to help make today possible.

Of course, some doubted that lasting peace could be possible. So many had lived through decades of violence, hate, and ill will; so many had buried loved ones. So many were resigned to what had felt, for them, inevitable: their children and their children's children would suffer the same fate. Their children were destined to grow up, go to school, and start their own families in the shadow of history and hostility. In recent months and years hope was fading. But not for the people of Northern Ireland who have endured great hardships who said to their leaders, ''It is time for peace.''

I remember in my visits to Northern Ireland meeting with women and men, leaders and citizens, who shared the same longing for peace, the same hopes for their children, and the same desire for a better future. It was this spirit that triumphed, that rose above the bad blood, that helped a people overcome a difficult legacy, to escape that shadow. It was this spirit that led to the signing of the Good Friday Agreement in 1998. It is this spirit that we honor on a historic day.

I remember when Bill, Chelsea, and I traveled to Ireland in 1996. It was an important trip for lasting peace, and it was a memorable trip for me personally—among the most special in my time in the White House. In Ireland, I met the Nobel prizewinning poet Seamus Heaney. His words would become the theme for our visit and for this moment in Irish history.

History says, Don't hope
On this side of the grave,
But then, once in a lifetime
The longed-for tidal wave
Of justice can rise up
And hope and history rhyme.

For mothers and fathers, husbands and wives, and sons and daughters of Northern Ireland, history said to them ''don't hope.'' But they hoped.

When we traveled through Ireland in 1996, I spent time with women working for peace. I was struck by so many who had suffered but did not suffer without hope; women who lost husbands and sons and loved ones but did not lose faith.

I will always carry the memory of 65-year-old Joyce McCartan, a remarkable woman who founded the Women's Information Drop-in Center in 1987 after her 17-year-old son was shot dead by Protestant gunman. She had lost more than a dozen family members to violence. Joyce and other women had set up the center as a safe house, a place for women of both religions to convene and talk over their needs and fears. I remember Joyce saying, ''It takes women to bring men to their senses.''

I met with Joyce and several women sitting around a table who described over tea how worried they were when their sons and husbands left the house and relieved when they arrived safely home. When I left our meeting, Joyce gave me a teapot to remember them by. Joyce died before having the chance to see the Good Friday Agreement and before this historic day. But when I spoke at the first memorial lecture in her honor in 1997 in Belfast, I brought with me that teapot. I put the teapot on the podium and spoke of the courage of Irish women like Joyce who, at kitchen tables and over pots of tea, helped chart a path to peace. She helped make lasting peace possible; she helped write the song in which hope and history could rhyme. I still fill with emotion whenever I see that teapot or think about her.

I hope we can continue to draw inspiration from these stories of courage. There are countless people like Joyce whose names we will never know who helped make this day possible.

I also want to commend the political parties. Many people have suffered deep losses and the healing process will continue far into the future. I praise everyone involved, especially Prime Minister Blair and Taoiseach Bertie Ahern, who stayed strong when it seemed hope was fading. I know that the Catholic and Protestant leaders who have been working to see this day become reality are grateful for a bright and prosperous Northern Ireland.

During my last visit to Northern Ireland and Ireland I had the pleasure of seeing familiar faces and to visit with party leaders who I know all wanted a new day and a new beginning. And I commend political leaders like Gerry Adams of Sinn Fein, the Reverend Ian Paisley of the DUP, and all the others past and present who have worked hard.

I also want to remember the efforts of people like Senator George Mitchell, John Hume, David Trimble, Martin McGuinness, David Ervine Seamus Mallon and Mo Mowlam; people involved so deeply in the negotiations leading up to the 1998 agreement. The sacrifices and compromises made back then formed the basis of today's devolved government.

So many worked so hard and sacrificed so much over the past years and I think we must acknowledge everyone for their work and their endurance in traveling the long and difficult road to reach today's milestone.

I want to commend my colleagues here in the Senate and across the Rotunda in the House, people like Senators TED KENNEDY, CHRIS DODD, and PATRICK LEAHY; Congressmen RICHIE NEAL, JOE CROWLEY, JIM WALSH, PETER KING, BRIAN HIGGINS. I want to commend everyone who labored to show the support of the American people and the Congress. Thank you for your leadership.

I have been proud to work among civic and business leaders on a variety of cross-border, cross-community efforts designed to spread the prosperity that is possible when people work together. I am grateful for the business leaders who have been strong partners in furthering the peace process and for the contributions they make to society in spurring job growth, economic investment, and trade throughout Ireland and beyond.

What has happened—and what is happening—in Northern Ireland should serve as a model for peace and reconciliation in our world and I believe people will look back upon these times and realize how truly great the accomplishment is for humanity.

I also want to recognize the Irish and Scots-Irish Americans who helped make the United States what it is today. Not only does today mark a victory for the people of Northern Ireland, today also marks the 62nd anniversary of Victory in Europe, which helped usher in peace and prosperity across Europe and the world.

The movement toward lasting peace in Northern Ireland is a model for how we, as a nation, can engage the rest of the world. But the progress we are commemorating today represents a larger note of hope: peace is possible.

I want to honor the leaders who now assume great responsibility to govern, heal and lead Northern Ireland into a new era. America must always stand with those working on behalf of Northern Ireland, and all people working and longing for a brighter, peaceful, more hopeful future.

HONORING FORMER SENATOR ROBERT STAFFORD

Mr. HATCH. Mr. President, I wish to speak today in remembrance of former Senator Robert Stafford, who passed away this past December and for whom we will be having a memorial service this evening.

I personally remember Bob as a moderate voice in the Senate, never putting partisan politics above his principled ideals. He and I served together on the Senate Committee of Labor and Human Resources in the early 1980s, beginning when I was a relatively young first-term Senator chairing the committee and Bob was beginning his third decade of congressional service. I often found Bob's advice and counsel to be helpful in handling many of the issues which came before the committee.

I, personally, remember what a profound influence Bob had on the Labor and Human Resources Committee while I was chairman. As a young chairman and a relatively new Member

of the Senate, I was sometimes frustrated with the way Bob and Senator Lowell Weicker often voted with the Democrats on almost every issue. This disparity of views within my committee forced me to work even harder to forge worthwhile and well-thought-out bipartisan compromises in order to move important legislation. This proved to be an enormous challenge but one that shaped my career and made me a better legislator. There is no question that challenges and beliefs of Bob and Lowell made me the legislator I am today.

Bob was born in 1913 in Rutland, VT. As a product of the Rutland public schools, he attended Middlebury College and received his first degree in 1935. He graduated from Boston University Law School in 1938 and immediately began what would be a long and distinguished career in public service.

Immediately after graduating from law school, Bob served as a Rutland County prosecuting attorney. In 1942, he left the prosecutor's office to serve our country in World War II. Enlisting in the Navy as a lieutenant commander, he served in active duty for the duration of the war.

Bob returned home to Rutland, VT, in 1947 and became a Vermont state's attorney. He served in that capacity for 4 years before volunteering to serve in our Nation's military in another foreign conflict, this time in Korea. Bob once again served honorably in the Navy from 1951 to 1953.

Returning home again in 1953, Robert began his career in Vermont State politics. I think both Senators LEAHY and SANDERS would agree that Bob was iconic figure in Vermont's political history.

Bob worked in the Vermont Attorney General's Office from 1953 to 1957, serving those last 2 years as Vermont's attorney general. In 1957, he was elected Lieutenant Governor, and in 1959, he was elected to be the State's Governor.

After rising quickly to the top of Vermont state politics, he was elected to Vermont's only seat in the House of Representatives in 1960 and, after being elected to five successive terms, he resigned his seat in 1971 to accept appointment to the Senate, temporarily filling the vacancy left by the death of Senator Winston L. Prouty.

Though he began his Senate tenure as a temporary replacement, Bob would, in many ways, become a permanent part of this institution. He won a special election in 1972 to serve out the remainder of Senator Prouty's term, and he would remain Vermont's Senator for 17 more years, retiring on his own terms in 1989.

As an educated man himself, he was always a champion of higher education. In fact, our Nation's most prominent student loan program was renamed after Bob during his last term in office.

He also played an important role in modernizing Federal disaster relief. In 1988, President Reagan signed into law the Robert T. Stafford Disaster Relief and Emergency Assistance Act, which created the system in place today by which a Presidential disaster declaration of an emergency triggers financial and physical assistance through the Federal Emergency Management Agency, FEMA. Obviously, Bob was instrumental in passing this landmark legislation.

During his time in Congress, Bob and I worked together to reform parts of the Federal entitlement system and to trim the fat from costly Federal programs. Although he and I would often disagree, I always enjoyed hearing his persuasive arguments to articulate his commitment. Even if you didn't agree with Bob's politics, you had to respect the thoughtful and genuine effort he put in to formulating his opinions and arguing his positions. I appreciated Bob very much for his convictions and his passion.

Mr. President, in Bob, our Nation has lost an elder statesman and a principled leader. His leadership and tireless public service are examples for all of us who have aspired to serve this great Nation. I am grateful for this evening's opportunity to remember his service and to reflect on his example.

LEARNING FROM KATRINA

Mr. LAUTENBERG. Mr. President, once we were able to see beyond the death, destruction, and suffering that Hurricane Katrina wrought, we saw that America is unprepared for a megacatastrophe. We learned that lesson at the expense of those in the gulf states.

Nevertheless, our vulnerability is not limited to Louisiana, Mississippi, and Texas, or to our Southern Atlantic States.

Fifty-seven percent of Americans live in areas prone to earthquakes, hurricanes, or other massive disasters. We know about the quakes that have rocked California, Oregon, and Alaska. But the largest earthquake to strike the continental U.S. was centered in New Madrid, MO, in 1811. It rattled a swath of land that spanned from Mississippi to Michigan, from Pennsylvania to Nebraska.

Twenty States, including Hawaii, and States that share a shoreline with the Atlantic Ocean and Gulf of Mexico, face the threat of hurricanes or severe storms every year.

New Jersey experienced the second most severe storm in its history just last month. These downpours forced nearly 5,000 New Jerseyans to evacuate their homes and led to the deaths of at least three.

Increasing numbers of people make those areas of vulnerability their homes every day. Eight out of the eleven most costly U.S. natural catastrophes have occurred since 2001.

The failures of Katrina—from neglected levies to negligent leadership—must be acknowledged and addressed now, before the next catastrophe strikes. We have a moral obligation to learn from that experience.

America needs an integrated program that unifies State and Federal policies to prepare and protect American families from the devastation of natural catastrophes.

There are steps we can and must take—and we must take them today.

We must prevent unnecessary loss of life and property by encouraging State and local governments to enact sensible building codes and land use policies that recognize the exposure to natural catastrophes.

We must support first responders with the equipment, training, and personnel needed to save lives and reduce property damage.

We must educate consumers and provide them the tools they need to prepare for catastrophes and protect their families and homes from harm.

We must establish a rigorous process of continuous improvement by learning from past mistakes and assessing recovery efforts after every disaster to identify ways to continually improve our ability to recover from catastrophes.

My Senate colleagues, the warnings before Hurricane Katrina were shamefully ignored and unheeded, the response was slow and erratic, and this Nation paid an enormous price.

We have been warned. We must learn from the lessons of Katrina and exhibit the leadership America needs to be prepared and protected from catastrophes to come.

PRESIDENT ÁLVARO URIBE

Mr. DOMENICI. Mr. President, I would like to speak for a moment today about a recent Washington Post editorial and President Álvaro Uribe of Colombia.

I noted with interest the Washington Post Sunday editorial concerning criticism President Uribe has received lately. I believe the Washington Post made some good points and asked the right questions. Like, why do some Americans heap criticism on a man who is one of our few allies in a region dominated by the likes of Hugo Chavez and Fidel Castro and who has dedicated himself to ending the violence in his country and bringing justice to Columbia?

I agree with the Washington Post, that perhaps we should be more discerning in who we criticize and treat those who would be friends to the United Sates with a little more deference.

Additionally, I ask unanimous consent that an editorial concerning President Uribe from the Washington Post be printed in the RECORD.

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

[From the Washington Post, May 6, 2007]

ASSAULT ON AN ALLY: WHY ARE DEMOCRATS SO ''DEEPLY TROUBLED'' BY COLOMBIA'S ÁLVARO URIBE?

Colombian President Álvaro Uribe may be the most popular democratic leader in the

world. Last week, as he visited Washington, a poll showed his approval rating at 80.4 percent—extraordinary for a politician who has been in office nearly five years. Colombians can easily explain this: Since his first election in 2002, Mr. Uribe has rescued their country from near-failed-state status, doubling the size of the army and extending the government's control to large areas that for decades were ruled by guerrillas and drug traffickers. The murder rate has dropped by nearly half and kidnappings by 75 percent. For the first time thugs guilty of massacres and other human rights crimes are being brought to justice, and the political system is being purged of their allies. With more secure conditions for investment, the free-market economy is booming.

In a region where populist demagogues are on the offensive, Mr. Uribe stands out as a defender of liberal democracy, not to mention a staunch ally of the United States. So it was remarkable to see the treatment that the Colombian president received in Washington. After a meeting with the Democratic congressional leadership, Mr. Uribe was publicly scolded by House Majority leader Nancy Pelosi (D-Calif.), whose statement made no mention of the ''friendship'' she recently offered Syrian dictator Bashar al-Assad. Human Rights Watch, which has joined the Democratic campaign against Mr. Uribe, claimed that ''today Colombia presents the worst human rights and humanitarian crisis in the Western hemisphere''—never mind Venezuela or Cuba or Haiti. Former vice president Al Gore, who has advocated direct U.S. negotiations with the regimes of Kim Jong Il and Mahmoud Ahmadinejad, recently canceled a meeting with Mr. Uribe because, Mr. Gore said, he found the Colombian's record ''deeply troubling.''

What could explain this backlash? Democrats claim to be concerned—far more so than Colombians, apparently—with ''revelations'' that the influence of right-wing paramilitary groups extended deep into the military and Congress. In fact this has been well-known for years; what's new is that investigations by Colombia's Supreme Court and attorney general have resulted in the jailing and prosecution of politicians and security officials. Many of those implicated come from Mr. Uribe's Conservative Party, and his former intelligence chief is under investigation. But the president himself has not been charged with wrongdoing. On the contrary: His initiative to demobilize 30,000 right-wing paramilitary fighters last year paved the way for the current investigations, which he and his government have supported and funded.

In fact, most of those who attack Mr. Uribe for the ''parapolitics'' affair have opposed him all along, and for very different reasons. Some, like Sen. Patrick J. Leahy (D-Vt.), reflexively resist U.S. military aid to Latin America. Colombia has received more than $5 billion in economic and military aid from the Clinton and Bush administrations to fight drug traffickers and the guerrillas, and it hopes to receive $3.9 billion more in the next six years. Some, like Rep. Sander M. Levin (D-Mich.), are eager to torpedo Colombia's pending free-trade agreement with the United States. Now that the Bush administration has conceded almost everything that House Democrats asked for in order to pass pending trade deals, protectionist hard-liners have sized on the supposed human rights ''crisis'' as a pretext to blackball Colombia.

Perhaps Mr. Uribe is being punished by Democrats, too, because he has remained an ally of George W. Bush even as his neighbor, Venezuela's Hugo Chavez, portrays the U.S. president as ''the devil.'' Whatever the reasons, the Democratic campaign is badly misguided. If the Democrats succeed in wounding Mr. Uribe or thwarting his attempt to consolidate a democracy that builds its economy through free trade, the United States may have to live without any Latin American allies.

2007 NATIONAL TEACHER DAY

Mr. DOMENICI. Mr. President, today I recognize May 8, 2007 as National Teacher Day.

Teachers play a vital role in our society. They are a driving force in the course this great Nation takes. The molding of young minds is a daunting task. Yet teachers willingly accept the challenge with open arms. Being a former math teacher, I know the great challenges teachers face every day. Teachers often have thankless jobs, getting little appreciation for the myriad of tasks they do on a daily basis. They tie shoes, wipe noses, dab tears, and provide comfort all without asking for anything in return. Teachers are disciplinarians, educators, and friends. Their job is truly invaluable and priceless. Teachers give each student a toolbox full of essential tools to use, training them for many of life's situations that might come their way. These tools give students the confidence to face each day prepared for living.

Historian Henry Adams said, ''A teacher affects eternity; he can never tell where his influence stops.'' I couldn't agree more. Educators all over the country teach and train America's next generation. Students are given direction and guidance for their futures from their teachers. Teachers can be very influential in the lives of their students, and thus influence generations of people to come.

Let me take this opportunity to recognize Ms. Tamara Tiong for her recent nomination for the National Teacher of the Year Award. Ms. Tiong is a special education teacher at Dulce Elementary School in Dulce, NM, and has taught for 8 years. She is a shining example of what all teachers strive to be: challenging, encouraging, and compassionate. I thank Ms. Tiong today for her great service and wish her many more years of teaching and training America's youth.

Join me today in saying thank you to our teachers for all they do. They deserve our thanks and support. Thank you, teachers, for every life you have touched and every life you will touch in the future.

VOTE EXPLANATION

Mr. OBAMA. Mr. President, yesterday, the Senate took two rollcall votes. The first vote was on Senator COCHRAN's second degree amendment, S.A. 1010, to Senator DORGAN's prescription drug importation amendment, S.A. 990. The Cochran amendment passed the Senate by a 49 to 40 vote. The second vote was on the motion to invoke cloture on the committee substitute amendment to the Prescription Drug User Fee Amendment Act of 2007, S. 1082, which was agreed to by an 82 to 8 vote.

Although I was unable to be present for these two votes, I would like to state for the record how I would have voted. I would have opposed Senator COCHRAN's amendment which requires the Secretary of HHS to certify that drug importation would not pose any safety risk to consumers. As a matter of practice, the Secretary is not able to certify that any drug from any facility, here in the United States or abroad, would not pose a safety risk. As such, this amendment effectively would block the implementation of Senator DORGAN's amendment.

The fact that the Cochran amendment passed is unfortunate. It is unconscionable that Americans are paying on average twice as much for life-saving drugs as citizens of other countries, and our State and Federal health programs are struggling to bear these costs.

Finally, my HELP Committee colleagues have spent months negotiating and drafting the Prescription Drug User Fee Amendment Act, which contains a number of critical reauthorizing and drug safety provisions. I would have voted in favor of cloture on this bill and look forward to its passage later this week.

THE MATTHEW SHEPARD ACT OF 2007

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 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 August 22, 2002, in San Francisco, CA, Jack Broughton and his female companion, Jean Earl, beat two women outside a gay poetry event. Police reported that Earl began kicking and punching people while shouting anti-gay epithets at the event's participants. After being kicked out, Broughton and Earl beat a 34-year-old woman outside. Broughton then punched the first victim's partner, who joined in the scuffle. The first victim suffered minor injuries, for which she was treated at a hospital.

According to reports, the victim's were attacked solely because of their sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

TRIBUTE TO PRUDENTIAL AWARD MASSACHUSETTS HONOREES

• Mr. KERRY. Mr. President, today it is my pleasure to congratulate and honor two young Massachusetts students who have achieved national recognition for exemplary volunteer service in their communities. Alyssa Bickoff of Brookline and David Poritz of Amherst have been named State honorees in the 2007 Prudential Spirit of Community awards program. One high school student and one middle school student from each State are honored annually.

Alyssa Bickoff, an eighth-grader at Solomon Schechter Day School in Newton, is being honored for her efforts in raising nearly $25,000 to help find a cure for ALS, or Lou Gehrig's disease. Alyssa's father lost a best friend to the neuromuscular disease, which motivated her commitment to help raise money to fund the research necessary to find a cure. Alyssa raised this money by selling specially inscribed wristbands and participating in fundraising walks. The money that Alyssa raised has been used not only to fund research, but has also purchased wheelchairs and mobility items for patients. Alyssa's story is a true example of hope for a brighter America.

David Poritz, a senior at Amherst Regional High School, is recognized for founding a nonprofit organization dedicated to helping communities adversely affected by oil contamination in the Amazon River basin of Ecuador. David researched cases involving oil contamination in Ecuador. He spent a month learning to speak Spanish fluently, and then organized a drive throughout New England collecting 12,500 pairs of shoes for children in Ecuador. Since then, David's organization, Esperanza International, Inc., has raised money to furnish educational materials to impoverished schools, and provide medical supplies and support to local clinics. He has guided groups of students and teachers to the Ecuadorian jungle, spoken with Ecuadorian cancer patients, and served as a liaison for doctors and other medical specialists visiting the area. David believes in the importance of reaching out and helping those in need. His attitude and dedication to help the people of Ecuador is highly commendable and inspiring to other young Americans.

In light of numerous statistics that indicate that Americans today are less involved in their communities than they once were, it is vital that we encourage and support the kind of selfless contributions both of these young people have made. People of all ages need to think about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like David and Alyssa are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought these young role models to our attention—The Prudential Spirit of Community Awards—was created by Prudential Financial in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. Over the past 11 years, the program has become the Nation's largest youth recognition effort based solely on community service, and has honored more than 75,000 young volunteers at the local, State and national level.

Both Alyssa Bickoff and David Poritz should be extremely proud to have been singled out from the thousands of dedicated volunteers who participated in this year's program. As part of their recognition, they will come to Washington in early May, along with 100 other 2007 Spirit of Community honorees from across the country, for several days of special events, including visits to their Senators' offices on Capitol Hill.

I applaud both of them for their initiative in seeking to make their communities better places to live, and for the positive impact they have had on the lives of others. I also would like to salute other young people in my State who were named Distinguished Finalists by The Prudential Spirit of Community Awards for their outstanding volunteer service. They are: Matthew Chase of Dover-Sherborn High School in Dover, Kelsey Chisholm of Lynnfield High School in Lynnfield, Cieu Lan Dong of Cambridge, Elizabeth Handel of Needham High School in Needham, Gregg Katz of Nipmuc Regional High School in Upton, and Courtney Mota, Dighton-Rehoboth Regional High School of Rehoboth.

All of these young people have demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserve our sincere admiration and respect. Their actions show that young Americans can—and do—play important roles in their communities, and that America's community spirit continues to hold tremendous promise for the future.•

MESSAGES FROM THE HOUSE

At 2:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 30. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project.

H.R. 407. An act to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, and for other purposes.

H.R. 487. An act to amend the Cheyenne River Sioux Tribe Equitable Compensation Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir Project, and for other purposes.

H.R. 1025. An act to authorize the Secretary of the Interior to conduct a study to determine the feasibility of implementing a water supply and conservation project to improve water supply reliability, increase the capacity of water storage, and improve water management efficiency in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas.

H.R. 1080. An act to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.

H.R. 1114. An act to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes.

H.R. 1140. An act to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, and for other purposes.

H.R. 1642. An act to direct the Secretary of Veterans Affairs to ensure that, to the extent possible, an enhanced-use lease for a homeless housing project at the Department of Veterans Affairs facility known as the Sepulveda Ambulatory Care Center, located in North Hills, California, shall provide that such housing project shall be maintained as a sober living facility for veterans only, and for other purposes.

H.R. 1737. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 124. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

At 5:07 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, with an amendment, in which it requests the concurrence of the Senate:

S. Con. Res. 21. Concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

The message further announced that the House insists upon its amendment to the concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, that Mr. SPRATT, Ms. DELAURO, Mr. EDWARDS, Mr. RYAN of

Wisconsin, and Mr. BARRETT of South Carolina be the managers of the conference on the part of the House.

MEASURES REFERRED

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

H.R. 30. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project; to the Committee on Energy and Natural Resources.

H.R. 407. An act to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 487. An act to amend the Cheyenne River Sioux Tribe Equitable Compensation Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir Project, and for other purposes; to the Committee on Indian Affairs.

H.R. 1140. An act to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1642. An act to direct the Secretary of Veterans Affairs to ensure that, to the extent possible, an enhanced-use lease for a homeless housing project at the Department of Veterans Affairs facility known as the Sepulveda Ambulatory Care Center, located in North Hills, California, shall provide that such housing project shall be maintained as a soberliving facility for veterans only, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1737. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

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

S. 1312. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1080. An act to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.

H.R. 1114. An act to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–1819. A communication from the General Counsel, Department of Defense, transmitting, the report of (3) legislative proposals relative to the National Defense Authorization Bill for fiscal year 2008; to the Committee on Armed Services.

EC–1820. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the specific amounts of staff years of technical effort to be allocated for each defense Federally Funded Research and Development Center during fiscal year 2008; to the Committee on Armed Services.

EC–1821. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, the report of the initiation of a multi-function standard competition of the Communications-Information Support Flight at Patrick Air Force Base, Florida; to the Committee on Armed Services.

EC–1822. A communication from the Counsel for Legislation and Regulations, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Certification and Funding of State and Local Fair Housing Enforcement Agencies'' ((RIN2529–AA90)(Docket No. FR–4748–F–02)) received on May 7, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1823. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–300, –400, –500, –600, –700, –800 and –900 Series Airplanes; and Model 757–200 and –300 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–070)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1824. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4-605R Variant F Airplanes'' ((RIN2120-AA64)(Docket No. 2006–NM–104)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1825. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Columbia Aircraft Manufacturing Models LC40–550FG, LC41–550FG, and LC42–550FG Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–025)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1826. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 777 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–001)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1827. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Gulfstream Aerospace LP Model Gulfstream 200 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–029)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1828. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell Flight Management Systems Served by Honeywell NZ–2000 Navigation Computers Approved Under Technical Standard Order TSO–C115a, and IC–800 Integrated Avionics Computers Approved Under TSOs C9c, C52a, and C115a; as Installed on Various Transport Category Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–027)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1829. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Gulfstream Aerospace LP Model Galaxy Airplanes and Model Gulfstream 200 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–030)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1830. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Raytheon Aircraft Company Beech Models 45, A45, and D45 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–33)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1831. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF34–1A, –3A, –3A1, –3A2, –3B, and –3B1 Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2000–NE–42)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1832. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Harzell Propeller Inc. Model HC–E4A–3()/E10950() Propellers'' ((RIN2120–AA64)(Docket No. 2007–NE–11)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1833. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Alliance, NE'' ((RIN2120–AA66)(Docket No. 06–ACE–15)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1834. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Changes of Controlling Agency for Restricted Area R–6601; Fort A.P. Hill, VA'' ((RIN2120–AA66)(Docket No. 06–ASO–17)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1835. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of High Altitude Reporting Point; AK'' ((RIN2120–AA66)(Docket No. 07–AAL–2)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1836. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Covington, GA'' ((RIN2120–AA66)(Docket No. 06–ASO–14)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1837. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Mekoryuk, AK'' ((RIN 2120–AA66)(Docket No. 06–AAL–37)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1838. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Northway, AK'' ((RIN2120–AA66)(Docket No. 06–AAL–39)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1839. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Gulkana, AK'' ((RIN2120–AA66)(Docket No. 06–AAL–38)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1840. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Saratoga, WY'' ((RIN2120–AA66)(Docket No. 06–ANM–1)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1841. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Adak, Atka, Cold Bay, King Cove, Nelson Lagoon, Saint George Island, Sand Point, Shemya, St. Paul Island, and Unalaska, AK'' ((RIN2120–AA66)(Docket No. 06–AAL–34)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1842. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Nucla, CO'' ((RIN2120–AA66)(Docket No. 06–NM–3)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1843. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Gillette, WY'' ((RIN2120–AA66)(Docket No. 05–ANM–3)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1844. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D Airspace; Luke Air Force Base, AZ'' ((RIN2120–AA66)(Docket No. 06–AWP–19)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1845. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Peru, IL'' ((RIN2120–AA66)(Docket No. 07–AGL–1)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1846. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Experimental Permit for Suborbital Reusable Launch Vehicles'' ((RIN2120–AI56)(Docket No. FAA–2006–24197)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1847. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Changes to the Definition of Certain Light-Sport Aircraft'' ((RIN2120–AI97)(Docket No. FAA–2007–27160)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1848. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–58)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1849. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes; and Model A310 Airplanes; Equipped with General Electric CF6–80A3 or CF6–80C2 Engines'' ((RIN2120–AA64)(Docket No. 2005–NM–009)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1850. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Alpha Aviation Design Limited Model R2160 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–80)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1851. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A320 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–208)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1852. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–153)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1853. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model AS350B, AS350B1, AS350B2, AS350B3, AS350BA, AS350C, AS350D, and AS350D1 Helicopters'' ((RIN2120–AA64)(Docket No. 2006–SW–02)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1854. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model DHC–8–102, -103, and -106 Airplanes and Model DHC–8–200 and DHC–8–300 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–161)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1855. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD–11 and –11F Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–128)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1856. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Airplanes'' ((RIN2120–AA64)(Docket No. 2004–NM–23)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1857. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Rolls-Royce Deutschland Ltd. and Co . KG Dart 528, 529, 532, 535, 542, and 552 Series Turboprop Engines'' ((RIN2120–AA64)(Docket No. 2006–NE–16)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1858. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2B16 Airplanes and Model CL–600–2B19 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–230)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1859. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; REIMS AVIATION S.A. Model F406 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–90)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1860. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model 717–200 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–191)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1861. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–098)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1862. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–202)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1863. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330 and A340 Airplanes'' ((RIN2120–

AA64)(Docket No. 2006–NM–193)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1864. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–214)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1865. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–600, –700, –700C, and –800 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–001)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1866. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls–Royce plc RB211–524 Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2002–NE–40)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1867. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Raytheon Aircraft Company Models 58 and G58 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–58)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1868. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Przedsiebiorstwo Doswiadczalno–Produkcyjne Szybownictwa 'PZL–Bielsko' Model SZD–50–3 'Puchacz' Gliders'' ((RIN2120–AA64)(Docket No. 2006–CE–082–AD)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1869. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–59)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1870. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; B–N Group Ltd. BN–2, BN–2A, BN–2B, BN–2T, and BN–2T–4R Series, and BN–2A–Mklll Trislander Series'' ((RIN2120–AA64)(Docket No. 2006–CE–72)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1871. A communication from the Executive Director, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Annual Update of Filing Fees'' (Docket No. RM07–12–000) received on May 7, 2007; to the Committee on Energy and Natural Resources.

EC–1872. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Administration's position on the budgeting of the Breckenridge, Minnesota Local Flood Reduction Project; to the Committee on Environment and Public Works.

EC–1873. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC–1874. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the certification of Kazakhstan's commitment to the courses of action described in the Cooperative Threat Reduction Act of 1993; to the Committee on Foreign Relations.

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. CRAPO (for himself and Mr. CRAIG):

S. 1325. A bill to amend the Act of July 3, 1890, to provide for the granting to a State of a parcel of land for use as an agricultural college and to proscribe the use of earnings and proceeds thereof; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS:

S. 1326. A bill to amend title 38, United States Code, to improve and enhance compensation and pension, health care, housing, burial, and other benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself, Mr. BROWNBACK, Mrs. FEINSTEIN, Mr. HAGEL, Mr. INOUYE, Mr. ROBERTS, Mr. BROWN, Mr. VOINOVICH, Mr. NELSON of Nebraska, Mrs. BOXER, and Mr. AKAKA):

S. 1327. A bill to create and extend certain temporary district court judgeships; to the Committee on the Judiciary.

By Mr. LEAHY:

S. 1328. A bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1329. A bill to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER:

S. 1330. A bill to amend the Social Security Act to provide for wage insurance for dislocated workers; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. KENNEDY, Mr. LEVIN, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. CLINTON, Mr. DURBIN, Mrs. BOXER, Mr. LAUTENBERG, Mr. SCHUMER, and Mr. DODD):

S. 1331. A bill to regulate .50 BMG caliber sniper rifles; to the Committee on the Judiciary.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. DOMENICI, Mr. DODD, and Mr. ENZI)):

S. 1332. A bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY:

S. 1333. A bill to amend the Internal Revenue Code of 1986 to strengthen the earned income tax credit; to the Committee on Finance.

By Mr. DODD (for himself, Mr. VOINOVICH, Mr. CONRAD, Mr. KERRY, Mr. BYRD, and Mr. BROWN):

S. 1334. A bill to amend section 2306 of title 38, United States Code, to make permanent authority to furnish government headstones and markers for graves of veterans at private cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. INHOFE (for himself and Mr. ENZI):

S. 1335. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself and Mr. BAYH):

S. 1336. A bill to provide for an assessment of the achievement by the Government of Iraq of benchmarks for political settlement and national reconciliation in Iraq; to the Committee on Foreign Relations.

By Mr. KERRY (for himself, Mr. SMITH, Mr. KENNEDY, and Mr. DOMENICI):

S. 1337. A bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. SMITH, Mr. KENNEDY, Ms. COLLINS, Mrs. MURRAY, Mr. ISAKSON, Mr. KOHL, Mr. COLEMAN, Mr. CASEY, Mr. CORNYN, Mr. MENENDEZ, Mr. BURR, Mrs. LINCOLN, Mr. GRAHAM, Mr. HARKIN, and Mr. CARDIN):

S. 1338. A bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services; to the Committee on Finance.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. DURBIN, and Mr. KERRY)):

S. 1339. A bill to amend the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and the Internal Revenue Code of 1986 to improve recruitment, preparation, distribution, and retention of public elementary and secondary school teachers and principals, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ROCKEFELLER:

S. Res. 191. A resolution establishing a national goal for the universal deployment of next-generation broadband networks to access the Internet and for other uses by 2015, and calling upon Congress and the President to develop a strategy, enact legislation, and adopt policies to accomplish this objective; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the

Government pension offset and windfall elimination provisions.

S. 231

At the request of Mrs. FEINSTEIN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 268

At the request of Ms. CANTWELL, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 268, a bill to designate the Ice Age Floods National Geologic Trail, and for other purposes.

S. 309

At the request of Mr. SANDERS, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 309, a bill to amend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 384

At the request of Ms. LANDRIEU, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 384, a bill to provide pay protection for members of the Reserve and the National Guard, and for other purposes.

S. 430

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 453

At the request of Mr. OBAMA, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 453, a bill to prohibit deceptive practices in Federal elections.

S. 456

At the request of Mr. NELSON of Florida, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 479

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

S. 557

At the request of Mr. SCHUMER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 579

At the request of Mr. REID, the name of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 654

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 654, a bill to establish the Food Safety Administration to protect the public health by preventing foodborne illness, ensuring the safety of food, improving research on contaminants leading to food-borne illness, and improving security of food from intentional contamination, and for other purposes.

S. 667

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

S. 721

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

S. 749

At the request of Mr. NELSON of Florida, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 749, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 753

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 753, a bill to enhance scientific research and competitiveness through the Experimental Program to Stimulate Competitive Research, and for other purposes.

S. 777

At the request of Mr. CRAIG, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 847

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 847, a bill to extend the period of time during which a veteran's multiple sclerosis is to be considered to have been incurred in, or aggravated by, military service during a period of war.

S. 848

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 848, a bill to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war.

S. 953

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 953, a bill to amend title 49, United States Code, to ensure competition in the rail industry, enable rail customers to obtain reliable rail service, and provide those customers with a reasonable process for challenging rate and service disputes.

S. 958

At the request of Mr. SESSIONS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 969

At the request of Mr. DODD, the name of the Senator from Washington (Ms. CANTWELL) was added as cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 970

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 994

At the request of Mr. TESTER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor

of S. 994, a bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veterans Affairs, and for other purposes.

S. 1012

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

S. 1042

At the request of Mr. ENZI, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Utah (Mr. BENNETT) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate and less costly.

S. 1065

At the request of Mrs. CLINTON, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1065, a bill to improve the diagnosis and treatment of traumatic brain injury in members and former members of the Armed Forces, to review and expand telehealth and telemental health programs of the Department of Defense and the Department of Veterans Affairs, and for other purposes.

S. 1075

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1075, a bill to amend title XIX of the Social Security Act to expand access to contraceptive services for women and men under the Medicaid program, help low income women and couples prevent unintended pregnancies and reduce abortion, and for other purposes.

S. 1083

At the request of Mr. CORNYN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1083, a bill to amend the Immigration and Nationality Act to increase competitiveness in the United States, and for other purposes.

S. 1139

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1139, a bill to establish the National Landscape Conservation System.

S. 1149

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1149, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the interstate distribution of State-inspected meat and poultry if the Secretary of Agriculture determines that the State inspection requirements are at least equal to Federal inspection requirements and to require the Secretary to reimburse State agencies for part of the costs of the inspections.

S. 1212

At the request of Ms. MIKULSKI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1212, a bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities.

S. 1223

At the request of Ms. LANDRIEU, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1223, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1249

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1249, a bill to require the President to close the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes.

S. 1256

At the request of Mr. KERRY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1256, a bill to amend the Small Business Act to reauthorize loan programs under that Act, and for other purposes.

S. 1261

At the request of Mrs. CANTWELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1261, a bill to amend title 10 and 38, United States Code, to repeal the 10-year limit on use of Montgomery GI Bill educational assistance benefits, and for other purposes.

S. 1283

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1283, a bill to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes.

S. CON. RES. 29

At the request of Mr. NELSON of Florida, the name of the Senator from Indiana (Mr. LUGAR), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. Con. Res. 29, a concurrent resolution encouraging the recognition of the Negro Baseball Leagues and their players on May 20th of each year.

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as ''National Airborne Day''.

S. RES. 134

At the request of Mr. COLEMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 134, a resolution designating September 2007 as ''Adopt a School Library Month''.

S. RES. 171

At the request of Ms. COLLINS, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 171, a resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland.

S. RES. 185

At the request of Mr. SALAZAR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 185, a resolution supporting the ideals and values of the Olympic Movement.

AMENDMENT NO. 985

At the request of Mr. BROWNBACK, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 985 proposed to S. 1082, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

AMENDMENT NO. 1009

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mr. BURR), the Senator from Ohio (Mr. BROWN), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 1009 proposed to S. 1082, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

AMENDMENT NO. 1034

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 1034 proposed to S. 1082, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

AMENDMENT NO. 1059

At the request of Mr. SESSIONS, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 1059 intended to be proposed to S. 1082, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1325. A bill to amend the Act of July 3, 1890, to provide for the granting to a State of a parcel of land for use as an agricultural college and to proscribe the use of earnings and proceeds thereof; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAPO. Mr. President, today, with my colleague from Idaho, Senator CRAIG, I rise to introduce a bill to amend the Idaho Admissions Act of July 3, 1890 to permit Idaho to administer Morrill Act lands and the proceeds there from in accordance with contemporary investment standards.

The State of Idaho has been working to update its management of endowed assets received as part statehood from the Federal Government to ensure the maximum long-term financial return to the beneficiaries. Key to endowment reform is the implementation of contemporary investment principles that require asset diversification to reduce the risk of loss and that permit a trustee to deduct reasonable costs of administration of the assets normally incurred by a prudent fiduciary. Of the Federal grants to Idaho as part of statehood, only the Morrill Act limits investments in bonds of the United States or Idaho and precludes deducting reasonable administrative expenses incurred by the trustee. This bill would allow the State of Idaho to administer the Morrill Act assets under the same fiduciary standards now applicable to all of Idaho's other federally granted endowments.

Additionally, a broad group of state, Federal, and private interests, including the University of Idaho College of Agricultural and Life Sciences, the State of Idaho, United Dairymen of Idaho and Allied Industry, College of Southern Idaho, the Idaho Cattle Association, Idaho Wool Growers, the Idaho National Laboratory, and Federal agencies have joined together in developing plans for the Idaho Center for Livestock and Environmental Studies to serve as a premier center for research and education in dairy and beef science. The important mission of the center is ''To enhance the quality of life for the citizens of Idaho, the Pacific Northwest, and the Nation by furthering the educational and scientific mission of the University of Idaho and its public/private partners, by providing a state-of-the-art animal research facility capable of large-scale research that provides sound scientific results and educational opportunities intended to: protect our air, land and water, improve the welfare and productivity of our livestock, encourage the efficient use of energy and capital, and enhance workforce and economic development.''

The University of Idaho, as a partner in the project and beneficiary of the Morrill Act endowment, is well positioned to utilize endowment assets to both continue to carryout the educational purposes and maintain the underlying real estate endowment while contributing to the project. However, modernization of the management of endowed assets needs to occur in order for such a worthy project to move forward.

That is why the legislation Senator CRAIG and I are introducing today will provide more flexibility while allowing for the allocation of management expenses in the same fashion as other State endowments, expand investment authority to match other State endowments, and provide for the use of the earnings from management of the sale of endowed lands to be used for the acquisition, construction, and improvements for the operation of research farms for teaching and research purposes.

I ask that my colleagues act on this measure in a timely manner.

By Mr. SANDERS:

S. 1326. A bill to amend title 38, United States Code, to improve and enhance compensation and pension, health care, housing, burial, and other benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SANDERS. Mr. President, today I am introducing the Comprehensive Veterans Benefits Improvements Act of 2007.

The purpose of this bill is to address many of the long-standing benefit and other policy issues that are a priority to the national veteran service organizations and millions of their members all across our country. The legislation tracks many of the recommendations made in the Independent Budget, IB, for fiscal year 2008. The IB, as it is known, is ''the collaborative effort of a united veteran and health advocacy community that presents policy and budget recommendations on programs administered by the Department of Veterans Affairs and the Department of Labor.'' It is a guide for how this country should treat its veterans. It is written jointly by AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars and supported by over 50 other prominent organizations. I am very happy to have consulted extensively with the Independent Budget authors to craft this legislation.

For too many years veterans' needs have been sent to the back of the line in Congress behind tax cuts for the rich and corporate welfare for multinational corporations. This legislation is one step forward in correcting the shortcomings of the way our current system treats veterans. Instead of turning a blind eye to our veterans' needs as has happened often in recent years, this bill begins to say ''thank you'' with real action.

The Comprehensive Veterans Benefits Improvements Act makes more than 25 separate changes to veterans' programs ranging from disability payments, to insurance premiums, to grants for disabled veterans to adapt their cars to make them easier to use.

We also try to make progress on long standing injustices in the VA and DoD benefit and retirement systems that veterans and their families have fought to correct for years. Among them are:

Category 8 Veterans: In January of 2003 the VA announced that it would no longer allow Category 8 veterans to enroll into the VA health care system. The Administration justified this move on the grounds that these are ''higher income'' veterans. The truth, however, is that these veterans can make as little as $27,000 a year. VA estimates that more than 1.5 million category 8 veterans will have been denied enrollment in the VA health care system by fiscal year 2008. This legislation repeals that ban.

Concurrent Receipt: As the Military Officers Association of America explains, the Concurrent Receipt or Disabled Veterans' Tax issue exists because of a ''19th century law that required a dollar-for-dollar offset of military retired pay for disability compensation received from the VA . . . Retired pay is earned for a career of uniformed service and VA disability compensation is recompense for pain, suffering and lost future earning power due to service-connected disabilities.'' For that reason veterans should receive both payments and not have one offset the other. This legislation would allow veterans to receive both compensation/pension benefits and retired or retirement pay.

Dependency and Indemnity Compensation-Survivor Benefit Plan Offset: Under current law, the survivors of veterans who die as a result of service-connected causes are entitled to compensation known as dependency and indemnity compensation, DIC. In addition, military retirees can have money deducted from their pay to purchase a survivors annuity. This is called the Survivor Benefit Plan, SBP. However, if the military retirees dies from service-connected causes his or her survivors will receive a SBP payment offset dollar for dollar by the amount of the DIC payment they receive. Like the offset between military retiree pay and VA disability payments, this SBP/DIC offset unfairly denies beneficiaries the full amount of 2 programs that are meant to compensate for different loses. This legislation repeals the offset between dependency and indemnity compensation and the Survivor Benefit Plan.

Veterans' Claims: We also take a new approach to improving the system for rating claims by creating an agency dedicated to electronically sharing clinical information between the VA and the DoD.

For too long these issues have been ignored by the Congress. It is time for that attitude to change.

This legislation also amends other benefit programs important to veterans.

Over time, Congress and the Department of Veterans Affairs have added many benefits and assistance programs for our Nation's veterans and their families. As with many programs, the benefits did not meet all the needs of our veterans and others also have not been updated in many years rendering many of their benefits much less useful. For example, the IB notes the low level of grants the VA gives severely disabled veterans for adapting their cars:

In 1946 the $1,600 allowance represented 85 percent of average retail cost and a sufficient amount to pay the full cost of automobiles in the 'low-price field.' By contrast, in 1997 the allowance was $5,500, and the average retail cost of new automobiles, according to the National Automobile Dealers Association, was $21,750. Currently, the $11,000 automobile allowance represents only about 39 percent of the average cost of a new automobile, which is $28,105.

This legislation increases this car grant amount to $22,484 and adjusts this amount automatically each year using an average retail car cost index established by the Secretary.

This is not the only example of a veterans' benefit being chipped away by inflation. When we look at assistance family members get for burying a loved one we find that the current benefits have not kept up with inflation. As a result, the current benefit of $300 only pays for a small fraction of the costs of a burial. The legislation I am introducing today increases the plot allowance from $300 to $745 and expands the eligibility for the plot allowance for all veterans who would be eligible for burial in a national cemetery, not just those who served during wartime. This section also contains a provision to adjust these payments annually.

This legislation contains many other similar corrections and updates, bringing benefits into the 21st Century so that these programs are meaningful again.

These are not controversial proposals. These changes are the least we can do to show our appreciation for those who sacrifice for their country.

This legislation is attempting to strengthen the current VA system so that it can fully provide for those veterans already in the system and those thousands more returning from Iraq and Afghanistan and all over the world that will soon come to the VA for care.

This is just the beginning; one part of a larger effort to honor our veterans and their service. We here in Congress have so much more to do to care for our veterans such as improving mental health care for veterans, Traumatic Brain Injury treatment, Post Traumatic Stress Disorder treatment, transition assistance, polytrauma care, caring for homeless veterans, and eliminating the waiting lines and claims backlogs at the VA. As a parent of a fallen soldier told our Committee, these veterans have survived the war, now ''[w]e've got to help them survive the peace.''

We have much work to do in the Veterans Affairs Committee and I look forward to working under the leadership of Chairman AKAKA and the other colleagues on our Committee and in the Senate to make sure that meaningful and substantial veterans' legislation is passed this year.

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. 1326

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Comprehensive Veterans Benefits Improvements Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—HEALTH CARE MATTERS

SEC. 101. ENROLLMENT OF CATEGORY 8 VETERANS IN PATIENT ENROLLMENT SYSTEM.

(a) ENROLLMENT.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall permit each veteran described in paragraph (8) of section 1705(a) of title 38, United States Code, who presents for enrollment in the system of annual patient enrollment required by such section to enroll in such system for purposes of the receipt of care and services as specified in such section.

(b) EFFECTIVE DATE.—This section shall take effect on October 1, 2007.

SEC. 102. HEALTH CARE FOR VETERANS WHO ARE CATASTROPHICALLY DISABLED.

(a) REPORT ON NUMBER OF VETERANS WRONGFULLY MISCLASSIFIED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report setting forth the number of veterans who were catastrophically disabled who were wrongfully misclassified as not being catastrophically disabled by reason and for the purposes of the administration of the amendments made by title I of the Veterans' Health Care Eligibility Reform Act of 1996 (Public Law 104–262).

(b) RECLASSIFICATION OF VETERANS WRONGFULLY MISCLASSIFIED.—The Secretary shall reclassify as catastrophically disabled each veteran who was catastrophically disabled but was misclassified as not being catastrophically disabled by reason and for the purposes of the administration of the amendments made by title I of the Veterans' Health Care Eligibility Reform Act of 1996. Each veteran shall, upon such reclassification, be entitled to such benefits under the laws administered by the Secretary as any other veteran who is catastrophically disabled, including priority of eligibility of enrollment as a so-called ''category 4 veteran'' under the patient enrollment system of the

Department of Veterans Affairs under section 1705 of title 38, United States Code.

(c) PROHIBITION ON COLLECTION OF COPAYMENTS AND OTHER FEES FOR HOSPITAL OR NURSING HOME CARE.—Section 1710 of title 38, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

''(h) Notwithstanding any other provision of this section, a veteran who is catastrophically disabled shall not be required to make any payment otherwise required under subsection (f) or (g) for the receipt of hospital care or nursing home care under this section.''.

(d) EFFECTIVE DATE.—Subsection (b) and the amendments made by subsection (c) shall take effect on October 1, 2007.

SEC. 103. REPEAL PRIOR CARE REQUIREMENT FOR ELIGIBILITY FOR REIMBURSEMENT FOR EMERGENCY TREATMENT.

(a) REPEAL.—Section 1725(b)(2) of title 38, United States Code, is amended by striking ''if—'' and all that follows and inserting ''if the veteran is enrolled in the system of patient enrollment established under section 1705(a) of this title.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007.

SEC. 104. PILOT PROGRAM ON LUNG CANCER SCREENING FOR VETERANS.

(a) PILOT PROGRAM.—The Secretary of Veterans Affairs shall carry out a pilot program that provides for screening for lung cancer of veterans with a high risk of lung cancer.

(b) ELEMENTS.—

(1) IN GENERAL.—The pilot program under subsection (a) shall include such programs and activities as the Secretary considers appropriate to permit the Secretary to make a comprehensive assessment of the feasibility and advisability of various approaches for expanding the program within the Department of Veterans Affairs in order to conduct screenings of veterans for lung cancer on a wider scale.

(2) CONSULTATION.—The Secretary shall carry out the pilot program in consultation with the International Early Lung Cancer Action Program and such other public and private entities as the Secretary considers appropriate for purposes of the pilot program.

(c) REPORT.—Not later than 2 years after the commencement of the pilot program under subsection (a), the Secretary shall submit to Congress a report on the pilot program. The report shall include—

(1) a description of the programs and activities under the pilot program;

(2) the comprehensive assessment of the Secretary described in subsection (b)(1);

(3) recommendations, if any, for legislation necessary to implement on a wider basis a screening program for lung cancer of veterans; and

(4) such other matters as the Secretary considers appropriate in light of the pilot program.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is hereby authorized to be appropriated for the Department of Veterans Affairs for fiscal year 2008, $3,000,000 to carry out this section.

(2) AVAILABILITY.—The amount authorized to be appropriated by paragraph (1) shall remain available until expended.

TITLE II—COMPENSATION AND PENSION MATTERS

SEC. 201. REPEAL OF PROHIBITION ON CONCURRENT RECEIPT OF COMPENSATION OR PENSION AND RETIRED OR RETIREMENT PAY.

(a) REPEAL.—

(1) IN GENERAL.—Section 5304(a) of title 38, United States Code, is amended to read as follows:

''(a)(1)(A) If an election is in effect under section 1413a of title 10, United States Code, with respect to any person, no pension or compensation under this title shall be made concurrently to the person based on the person's own service or concurrently to the person based on the service of any other person. This subparagraph shall not apply to the extent the person waives any applicable retired or retirement pay under subparagraph (B).

''(B) A person to whom subparagraph (A) applies who is receiving any applicable retired or retirement pay may file with the department paying such pay a waiver of so much of such pay as is equal to the amount of the pension or compensation to which subparagraph (A) otherwise applies. To prevent duplication of payment, the department with which any such waiver is filed shall notify the Secretary of the receipt of such waiver, the amount waived, and the effective date of the reduction in pay.

''(2) The annual amount of any applicable retired or retirement pay shall be counted as annual income for purposes of chapter 15 of this title.

''(3) In this subsection, the term 'applicable retired or retirement pay' means retired or retirement pay paid under a provision of law providing retired or retirement pay to persons in the Armed Forces or to commissioned officers of the National Oceanic and Atmospheric Administration or of the Public Health Service.''.

(2) CLERICAL AMENDMENTS.—

(A) The heading for section 5304 of such title is amended by striking ''**Prohibition against**'' and inserting ''**Provisions relating to**''.

(B) The item relating to section 5304 in the table of sections at the beginning of chapter 53 of such title is amended by striking ''Prohibition against'' and inserting ''Provisions relating to''.

(b) CONFORMING REPEALS.—

(1) IN GENERAL.—Section 5305 of title 38, United States Code, and section 1414 of title 10, United States Code, are each repealed.

(2) CLERICAL AMENDMENTS.—

(A) The table of sections at the beginning of chapter 53 of title 38, United States Code, is amended by striking the item relating to section 5305.

(B) The table of sections at the beginning of chapter 71 of title 10, United States Code, is amended by striking the item relating to section 1414.

(c) CONFORMING AMENDMENTS TO COMBAT-RELATED SPECIAL COMPENSATION.—

(1) COMPENSATION ONLY AVAILABLE TO EXISTING CLAIMANTS.—Section 1413a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j) SECTION ONLY TO APPLY TO RETIREES IN PAYMENT STATUS ON OCTOBER 1, 2007.—No payment under this section shall be made to an eligible combat-related disabled uniform services retiree for any month beginning after September 30, 2007, unless the retiree has an election in effect under this section for all months during the period beginning on October 1, 2007, and ending on the last day of the month to which the payment relates.''.

(2) CLERICAL AMENDMENTS.—

(A) Subsection (f) of such section is amended to read as follows:

''(f) REVOCATION OF ELECTION.—The Secretary concerned shall provide for an annual period (referred to as an 'open season') during which a person with an election in effect under subsection (a) shall have the right to revoke such election. Any such election shall be made under regulations prescribed by the Secretary concerned and, once made, shall be irrevocable. Such regulations shall provide for the form and manner for making such an election and shall provide for the date as of when such an election shall become effective. In the case of the Secretary of a military department, such regulations shall be subject to approval by the Secretary of Defense.''.

(B) Subsection (b)(2) of such section is amended by striking ''sections 5304 and 5305 of title 38'' and inserting ''section 5304(a)(1) of title 38''.

(d) OTHER CONFORMING AMENDMENTS.—

(1) Section 5111(b) of title 38, United States Code is amended to read as follows:

''(b) During the period between the effective date of an award or increased award as provided under section 5110 of this title or other provision of law and the commencement of the period of payment based on such award as provided under subsection (a) of this section, an individual entitled to receive monetary benefits shall be deemed to be in receipt of such benefits for the purpose of all laws administered by the Secretary.''.

(2) Sections 1463(a)(1), 1465(c)(1)(A), 1465(c)(1)(B), and 1466(b)(1)(D) of title 10, United States Code, are each amended by striking ''or 1414''.

(3) Subparagraphs (A) and (B) of section 1465(c)(4) of title 10, United States Code, are each amended by striking ''sections 1413a and 1414'' and inserting ''section 1413a''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to payments of compensation or pension and retired or retirement pay made on or after that date. No benefits are payable by reason of the amendments made by this section for any period before October 1, 2007.

SEC. 202. INCREASE IN CERTAIN RATES OF DISABILITY COMPENSATION.

(a) FIFTY PERCENT INCREASE IN CERTAIN RATES.—Subsection (k) of section 1114 of title 38, United States Code, is amended—

(1) by striking ''$3,075'' and inserting ''$4,613'';

(2) by striking ''$89'' both places it appears and inserting ''$134''; and

(3) by striking ''$4,313'' and inserting ''$6,470''.

(b) TWENTY PERCENT INCREASE IN CERTAIN OTHER RATES.—Such section is further amended—

(1) in subsection (l), by striking ''$3,075'' and inserting ''$3,690'';

(2) in subsection (m), by striking ''$3,392'' and inserting ''$4,070'';

(3) in subsection (n), by striking ''$3,860'' and inserting ''$4,632'';

(4) in subsection (o), by striking ''$4,313'' and inserting ''$5,176'';

(5) in subsection (p), by striking ''$4,313'' each place it appears and inserting ''$5,176'';

(6) in subsection (r)—

(A) in paragraph (1), by striking ''$1,851'' and inserting ''$2,221''; and

(B) in paragraph (2) by striking ''$2,757'' and inserting ''$3,308''; and

(7) in subsection (s), by striking ''$2,766'' and inserting ''$3,319''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act, and shall apply with respect to monthly amounts of disability compensation payable on or after that day.

SEC. 203. PROVISIONS RELATING TO SERVICE-CONNECTED HEARING LOSS.

(a) MINIMUM RATING OF DISABILITY FOR HEARING LOSS REQUIRING A HEARING AID.—Section 1155 of title 38, United States Code, is amended by adding at the end the following new sentence: ''The minimum rating of disability under the schedule adopted

under this section for a veteran for a disability consisting of hearing loss for which the wearing of a hearing aid or hearing aids is medically indicated shall be a rating of 10 percent.''.

(b) PRESUMPTION THAT HEARING LOSS IS SERVICE CONNECTED.—Section 1112 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d) For purposes of section 1110 of this title, and subject to section 1113 of this title, if tinnitus or hearing loss typically related to noise exposure or acoustic trauma becomes manifest in a veteran who, during military service, performed duties typically involving high levels of noise exposure, the tinnitus or hearing loss shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of the disease during the period of service.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007. No benefit is payable by reason of the amendments made by this section for any period before October 1, 2007.

SEC. 204. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e); and

(ii) by striking subsection (k).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d)(2) of such title is amended—

(1) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN.—In the case of a member described in paragraph (1),''; and

(2) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 205. INCREASE IN RATE OF DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES OF MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY.

(a) INCREASE IN RATE.—Section 1311(a) of title 38, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following new paragraph (3):

''(4) The rate under paragraph (1) shall be increased by $228 in the case of the death of a member of the Armed Forces on active duty.''; and

(3) in paragraph (4), as redesignated by paragraph (1) of this subsection, by striking ''(1) and (2)'' and inserting ''(1), (2), and (3)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to dependency and indemnity compensation payable for months beginning on or after that date.

SEC. 206. REESTABLISHMENT OF AGE 55 AS AGE OF REMARRYING FOR RETENTION OF CERTAIN VETERANS SURVIVOR BENEFITS FOR SURVIVING SPOUSES.

(a) REESTABLISHMENT.—Section 103(d)(2)(B) of title 38, United States Code, is amended—

(1) in the first sentence, by striking ''age 57'' and inserting ''age 55''; and

(2) by striking the second sentence.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007. No benefit is payable by reason of the amendments made by this section for any period before October 1, 2007.

SEC. 207. COMMENCEMENT OF PERIOD OF PAYMENT OF COMPENSATION FOR TEMPORARY TOTAL SERVICE-CONNECTED DISABILITY ATTRIBUTABLE TO HOSPITALIZATION OR TREATMENT.

(a) COMMENCEMENT OF PERIOD OF PAYMENT.—Section 5111(c) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(3) In the case of a temporary increase in compensation for hospitalization or treatment for a service-connected disability rated as total by reason of such hospitalization or treatment, the period of payment shall commence on the date of admission for such hospitalization or date of treatment, surgery, or other activity necessitating such treatment, as applicable.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007. No benefit is payable by reason of the amendment made by subsection (a) for any period before October 1, 2007.

SEC. 208. COMPTROLLER GENERAL REPORT ON ADEQUACY OF DEPENDENCY AND INDEMNITY COMPENSATION TO MAINTAIN SURVIVORS OF VETERANS WHO DIE FROM SERVICE-CONNECTED DISABILITIES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 10 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional veterans affairs committees a report on the adequacy of dependency and indemnity compensation payable under chapter 13 of title 38, United States Code, to surviving spouses and dependents of veterans who die as a result of a service-connected disability in maintaining such surviving spouses and dependents at a standard of living above the poverty level.

(2) ELEMENTS.—The report required by paragraph (1) shall include—

(A) a description of the current system for the payment of dependency and indemnity compensation to surviving spouses and dependents described in paragraph (1), including a statement of the rates of such compensation so payable;

(B) an assessment of the adequacy of such payments in maintaining such surviving spouses and dependents at a standard of living above the poverty level; and

(C) such recommendations as the Comptroller General considers appropriate in order to improve or enhance the effects of such payments in maintaining such surviving spouses and dependents at a standard of living above the poverty level.

(b) CONGRESSIONAL VETERANS AFFAIRS COMMITTEES DEFINED.—In this section, the term ''congressional veterans affairs committees'' means—

(1) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

TITLE III—INSURANCE MATTERS

SEC. 301. REDUCTION IN PREMIUMS UNDER SERVICE-DISABLED VETERANS INSURANCE PROGRAM.

(a) IN GENERAL.—Section 1922(a) of title 38, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by striking the fourth sentence and all that follows and inserting the following:

''(2) Insurance granted under this section shall be issued upon the same terms and conditions as are contained in the standard policies of National Service Life Insurance, except that—

''(A) the amount of such insurance shall be $50,000, or such lesser amount, evenly divisible by $10,000, as the insured may specify;

''(B) the premium rates for such insurance—

''(i) for premiums for months beginning before the effective date of this paragraph under section 301(c) of date of the enactment of the Comprehensive Veterans Benefits Improvements Act of 2007 shall be based on the Commissioners 1941 Standard Ordinary Table of Mortality and interest at the rate of 2¼ percent per year; and

''(ii) for premiums for months beginning on or after that effective date shall be based upon the 2001 Commissioners Standard Ordinary Table of Mortality and interest at the rate of 4½ percent per year;

''(C) all cash, loan, paid-up, and extended values—

''(i) for a policy issued under this section before the effective date described in subparagraph (B)(i) shall be based upon the Commissioners 1941 Standard Ordinary Table of Mortality and interest at the rate of 2¼ percent per year; and

''(ii) for a policy issued under this section on or after that effective date shall be based

upon the 2001 Commissioners Standard Ordinary Table of Mortality and interest at the rate of 4½ percent per year;

''(D) all settlements on policies involving annuities shall be calculated on the basis of the Annuity Table for 1949, and interest at the rate of 2¼ percent per year;

''(E) insurance granted under this section shall be on a nonparticipating basis;

''(F) all premiums and other collections for insurance under this section shall be credited directly to a revolving fund in the Treasury of the United States; and

''(G) any payments on such insurance shall be made directly from such fund.

''(3) Appropriations to the fund referred to in subparagraphs (F) and (G) of paragraph (2) are hereby authorized.

''(4) As to insurance issued under this section, waiver of premiums pursuant to section 602(n) of the National Service Life Insurance Act of 1940 and section 1912 of this title shall not be denied on the ground that the service-connected disability became total before the effective date of such insurance.''.

(b) COORDINATION WITH OVERALL LIMIT.—Section 1903 of such title is amended by adding at the end the following new sentence: ''The limitations of this section shall not apply to insurance granted under section 1922 of this title, except that other insurance to which this section applies shall be taken into account in determining whether the limitations of subsections (a)(2)(A) and (b) of section 1922 of this title are met with respect to insurance granted under section 1922 of this title.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) October 1, 2007; or

(2) the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

TITLE IV—BURIAL AND MEMORIAL MATTERS

SEC. 401. PLOT ALLOWANCES.

(a) INCREASE IN PLOT ALLOWANCE.—Section 2303 of title 38, United States Code, is amended by striking ''$300'' each place it appears and inserting ''$745 (as adjusted from time to time under subsection (c))''.

(b) EXPANSION OF ELIGIBILITY.—Subsection (b)(2) of such section is amended by striking ''such veteran is eligible'' and all that follows through '', and''.

(c) ANNUAL COST-OF-LIVING ADJUSTMENT.—Such section is further amended by adding at the end the following new subsection:

''(c) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in each maximum amount of the plot allowance payable under this section equal to the percentage by which—

''(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to deaths occurring on or after that date.

(2) NO COLA ADJUSTMENT FOR FISCAL YEAR 2008.—The percentage increase required by subsection (c) of section 2303 of title 38, United States Code (as added by subsection (c) of this section), for fiscal year 2008 shall not be made.

SEC. 402. FUNERAL AND BURIAL EXPENSES.

(a) IN GENERAL.—Section 2302 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''$300'' in the matter following paragraph (2) and inserting ''$1,270 (as adjusted from time to time under subsection (c))''; and

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

''(c) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the maximum amount of benefits payable under subsection (a) equal to the percentage by which—

''(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).''.

(b) DEATHS FROM SERVICE-CONNECTED DISABILITY.—Section 2307 of such title is amended—

(1) by inserting ''(a) FUNERAL AND BURIAL EXPENSES.—'' before ''In any case'';

(2) in paragraph (1) of subsection (a), as designated by paragraph (1) of this subsection, by striking ''$2,000'' and inserting ''$4,100 (as adjusted from time to time under subsection (b))''; and

(3) by adding at the end the following new subsection:

''(b) COST-OF-LIVING ADJUSTMENT.—With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the amount of benefits payable under subsection (a)(1) equal to the percentage by which—

''(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to deaths occurring on or after that date.

(2) NO COLA ADJUSTMENT FOR FISCAL YEAR 2008.—The percentage increase required by subsection (c) of section 2302 of title 38, United States Code (as added by subsection (a) of this section), and the percentage increase required by subsection (b) of section 2307 of title 38, United States Code (as added by subsection (b) of this section), for fiscal year 2008 shall not be made.

SEC. 403. AUTHORIZATION OF APPROPRIATIONS FOR STATE CEMETERY GRANTS PROGRAM FOR FISCAL YEAR 2008.

There is hereby authorized to be appropriated for the Department of Veterans Affairs for fiscal year 2008, $37,000,000 for aid to States for the establishment, expansion, and improvement of veterans' cemeteries under section 2408 of title 38, United States Code.

TITLE V—HOUSING MATTERS

SEC. 501. GRANTS FOR SPECIALLY ADAPTED HOUSING FOR VETERANS.

(a) INCREASE IN GRANT AMOUNTS.—

(1) ACQUISITION OF HOUSING.—Subsection (d)(1) of section 2102 of title 38, United States Code, is amended by striking ''$50,000'' and inserting ''$60,000 (as adjusted from time to time under subsection (f))''.

(2) ADAPTATIONS TO HOUSING.—Subsections (b)(2) and (d)(2) of such section are each amended by striking ''$10,000'' and inserting ''$12,000 (as adjusted from time to time under subsection (f))''.

(b) ADDITIONAL GRANT FOR ACQUISITION OF SUBSEQUENT HOUSING UNIT.—Such section is further amended—

(1) in subsection (c), by inserting ''or (e)'' after ''subsection (a)''; and

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

''(e)(1) In addition to the assistance otherwise provided under subsection (d)(1), the assistance authorized by section 2101(a) of this title shall also include assistance for a veteran for the acquisition by the veteran of a housing unit to replace the housing unit for which assistance was provided under subsection (d)(1).

''(2) The amount of assistance under this subsection may not exceed the maximum amount of assistance available under subsection (d)(1).

''(3) Assistance shall be afforded under this subsection through a plan set forth in subsection (a), at the option of the veteran concerned.''.

(c) ANNUAL COST-OF-LIVING ADJUSTMENT.—Such section is further amended by adding at the end the following new subsection:

''(f)(1) Effective on October 1 of each year (beginning in 2008), the Secretary shall increase the amounts in effect under subsections (b)(2), (d)(1), and (d)(2) in accordance with this subsection.

''(2) The increase in amounts under paragraph (1) to take effect on October 1 of any year shall be the percentage by which (A) the residential home cost-of-construction index for the preceding calendar year exceeds (B) the residential home cost-of-construction index for the year preceding that year.

''(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average increase in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 502. VETERANS' MORTGAGE LIFE INSURANCE.

(a) INCREASE IN AMOUNT OF INSURANCE.—Section 2106(b) of title 38, United States Code, is amended by striking ''$90,000'' and inserting ''$150,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the later of—

(1) October 1, 2007; or

(2) the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

SEC. 503. SELECTED RESERVES SERVING AT LEAST 1 YEAR ELIGIBLE FOR HOUSING LOANS.

(a) REDUCTION IN PERIOD OF SERVICE REQUIREMENT FOR SELECTED RESERVES.—Section 3701(b)(5)(A) of title 38, United States Code, is amended by striking ''6 years'' each place it appears and inserting ''1 year''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2007.

SEC. 504. HOUSING LOAN FEES ADJUSTED TO RATES IN EFFECT BEFORE PASSAGE OF VETERANS BENEFITS ACT OF 2003.

(a) IN GENERAL.—Paragraph (2) of section 3729(b) of title 38, United States Code, is amended to read as follows:

''(2) The loan fee table referred to in paragraph (1) is as follows:

''LOAN FEE TABLE

Type of loan	Active duty veteran	Reservist	Other obligor
(A)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2007, and before October 1, 2011).	2.00	2.75	NA
(A)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2011).	1.25	2.00	NA
(B)(i) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2007 and before October 1, 2011).	3.00	3.00	NA
(B)(ii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2011).	1.25	2.00	NA
(C)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after October 1, 2007, and before October 1, 2011).	1.50	2.25	NA
(C)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after October 1, 2011).	0.75	1.50	NA
(D)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after October 1, 2007, and before October 1, 2011).	1.25	2.00	NA
(D)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after October 1, 2011).	0.50	1.25	NA
(E) Interest rate reduction refinancing loan	0.50	0.50	NA
(F) Direct loan under section 3711	1.00	1.00	NA
(G) Manufactured home loan under section 3712 (other than an interest rate reduction refinancing loan).	1.00	1.00	NA
(H) Loan to Native American veteran under section 3762 (other than an interest rate reduction refinancing loan).	1.25	1.25	NA
(I) Loan assumption under section 3714	0.50	0.50	0.50
(J) Loan under section 3733(a)	2.25	2.25	2.25.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to loans closed after September 30, 2007.

TITLE VI—BENEFITS ADMINISTRATION

SEC. 601. JUDICIAL REVIEW.

(a) REVIEW BY UNITED STATES COURT OF APPEALS FOR FEDERAL CIRCUIT OF ADOPTION OR REVISION OF SCHEDULE OF DISABILITY RATINGS.—Section 502 of title 38, United States Code, is amended—

(1) by inserting ''(a) JUDICIAL REVIEW.—'' before ''An action'';

(2) in subsection (a), as designated by paragraph (1) of this subsection, by striking ''(other than an action relating to the adoption or revision of the schedule of ratings for disabilities adopted under section 1155 of this title)''; and

(3) by adding at the end the following new subsection:

''(b) STANDARD OF REVIEW OF ACTIONS RELATING TO SCHEDULE OF RATINGS FOR DISABILITIES.—In reviewing pursuant to this section an action of the Secretary relating to the adoption or revision of the schedule of ratings for disabilities under section 1155 of this title, the Court may set aside such action only if the Court finds such action to be arbitrary, capricious, or otherwise not in accordance with law.''.

(b) REVIEW BY COURT OF APPEALS FOR VETERANS CLAIMS OF ADVERSE FINDINGS OF MATERIAL FACTS.—Section 7261(a)(4) of such title is amended by striking ''is clearly erroneous'' and inserting ''is not reasonably supported by a preponderance of the evidence''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act. The amendment made by subsection (b) shall apply with respect to all cases pending for decision before the United States Court of Appeals for Veterans Claims other than a case in which a final decision has been entered before the date of the enactment of this Act.

SEC. 602. ELIMINATION OF ROUNDING DOWN OF CERTAIN COST-OF-LIVING ADJUSTMENTS.

(a) DISABILITY COMPENSATION.—Section 1104(a) of title 38, United States Code, is amended by striking '',with all'' and all that follows up to the period at the end.

(b) DEPENDENCY COMPENSATION.—Section 1303(a) of such title is amended by striking '',with all'' and all that follows up to the period at the end.

SEC. 603. CLINICAL INFORMATION DATA EXCHANGE BUREAU.

(a) ESTABLISHMENT OF BUREAU.—The Secretaries of Veterans Affairs and Department of Defense shall jointly establish the DoD/VA Clinical Information Data Exchange Bureau (in this section referred to as ''the Bureau'').

(b) INFORMATION SYSTEM.—

(1) IN GENERAL.—The Bureau shall establish and maintain an information system that facilitates the clinical exchange of computable data within and between the health systems of the Department of Veterans Affairs and the Department of Defense.

(2) ELEMENTS.—In establishing the information system described in paragraph (1), the Bureau shall meet the following requirements:

(A) SOFTWARE REQUIREMENTS.—The system shall utilize computer software—

(i) the source code of which is open source and available in the public domain,

(ii) that is nonproprietary, and

(iii) that ensures that the electronic medical records in the health systems of the Department of Veterans Affairs and the Department of Defense are able to understand all major clinical vocabularies.

(B) PATIENT PRIVACY.—The system shall comply with all appropriate rules, regulations, and procedures to safeguard patient privacy and to ensure data security.

(C) MAPPING OF HEALTH INFORMATION.—The Bureau shall ensure that personal health information available in electronic form outside of the system will be able to be electronically mapped into the system.

(D) MAINTENANCE.—The Bureau shall permanently maintain the system, including ensuring that any changes in any major clinical vocabulary are reflected in a timely manner in the electronic medical records in the health systems of the Department of Veterans Affairs and the Department of Defense.

(c) COST OF SYSTEM.—

(1) IN GENERAL.—The cost of the information system established under this section, and the annual costs of maintaining the system, shall be borne equally by the Department of Veterans Affairs and the Department of Defense.

(2) FEES.—The Secretaries of Veterans Affairs and Defense may charge vendor user fees in order to facilitate the use of discrete clinical vocabularies within the system.

SEC. 604. STUDY AND REPORT ON REFORMS TO STRENGTHEN AND ACCELERATE THE EVALUATION AND PROCESSING OF DISABILITY CLAIMS BY THE DEPARTMENTS OF VETERANS AFFAIRS AND DEFENSE.

(a) STUDY.—The Secretary of Veterans Affairs and the Secretary of Defense shall jointly conduct a study of the disability ratings systems of the Departments of Veterans Affairs and Defense, including an analysis of—

(1) the interoperability of both systems, and

(2) the feasibility and advisability of automating the Veterans Administration Schedule for Rating Disabilities (VASRD) to improve the time for processing, and the accuracy of, disability ratings.

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretaries shall submit to the relevant committees of Congress a joint report on the study conducted under subsection (a).

(2) ELEMENTS.—Such report shall include specific legislative proposals, including the amount of funding, which the Secretaries find necessary to—

(A) ensure that the disability ratings systems of both the Department of Veterans Affairs and the Department of Defense are interoperable and that information contained in both systems can readily be transmitted to and from each of the departments, and

(B) automate the Veterans Administration Schedule for Rating Disabilities (VASRD), including—

(i) an analysis of the necessary computer software and other technology, and

(ii) a schedule for the completion of the automation.

(c) RELEVANT COMMITTEES OF CONGRESS.—In this section, the term ''relevant committees of Congress'' means—

(1) the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate, and

(2) the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives.

TITLE VII—OTHER BENEFITS MATTERS

SEC. 701. AUTOMOBILE ASSISTANCE ALLOWANCE.

(a) INCREASE IN AMOUNT OF ALLOWANCE.—Subsection (a) of section 3902 of title 38, United States Code, is amended by striking ''$11,000'' and inserting ''$22,484 (as adjusted from time to time under subsection (e))''.

(b) ANNUAL ADJUSTMENT.—Such section is further amended by adding at the end the following new subsection:

''(e)(1) Effective on October 1 of each year (beginning in 2008), the Secretary shall increase the dollar amount in effect under subsection (a) to an amount equal to 80 percent of the average retail cost of new automobiles for the preceding calendar year.

''(2) The Secretary shall establish the method for determining the average retail cost of new automobiles for purposes of this subsection. The Secretary may use data developed in the private sector if the Secretary determines the data is appropriate for purposes of this subsection.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 702. REFUND OF INDIVIDUAL CONTRIBUTIONS FOR EDUCATIONAL ASSISTANCE MADE BY INDIVIDUALS PREVENTED FROM PURSUING EDUCATIONAL PROGRAMS DUE TO NATURE OF DISCHARGE.

(a) IN GENERAL.—Section 3034 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) In the case of any eligible individual who has been prevented from pursuing a program of education under this chapter because the individual has not met the nature of discharge requirement of this chapter, the Secretary of Defense shall, upon application of the individual, refund to the individual the amount determined under paragraph (3) if the Secretary of Defense determines that the nature of the discharge was due to minor infractions or deficiencies.

''(2) Paragraph (1) shall not apply to an individual if the discharge was a dishonorable discharge.

''(3) The amount determined under this paragraph with respect to any individual is the excess (if any) of—

''(A) the sum of the amounts described in section 3017(b)(1) of this title with respect to the individual, over

''(B) the sum of the amounts described in section 3017(b)(2) of this title with respect to the individual.

''(4) The Secretary of Defense shall make the payments under this subsection from the funds into which the amounts described in section 3017(b)(1) of this title were deposited.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges after September 30, 2007.

SEC. 703. COMPTROLLER GENERAL REPORT ON PROVISION OF ASSISTED LIVING BENEFITS FOR VETERANS.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional veterans affairs committees a report on the feasability and advisability of the provision through the Department of Veterans Affairs of assisted living benefits for veterans who otherwise qualify for nursing home care through the Department in lieu of the provision through the Department of nursing home care for such veterans.

(2) ELEMENTS.—The report required by paragraph (1) shall include—

(A) a description of various current proposals for the provision through the Department of assisted living benefits for veterans as described in paragraph (1);

(B) an estimate of the costs of the various proposals described under subparagraph (A), and an estimate of any cost savings anticipated to be achieved through the carrying out of such proposals;

(C) an assessment of feasability and advisability of the provision through the Department of assisted living benefits for veterans as described in paragraph (1), including an identification of the proposal, if any, described in that paragraph, that would result in the most cost-effective provision through the Department of assisted living benefits for veterans; and

(D) such recommendations as the Comptroller General considers appropriate regarding the provision through the Department of assisted living benefits for veterans.

(b) CONGRESSIONAL VETERANS AFFAIRS COMMITTEES DEFINED.—In this section, the term ''congressional veterans affairs committees'' means—

(1) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

By Mr. LEAHY (for himself, Mr. BROWNBACK, Mrs. FEINSTEIN, Mr. HAGEL, Mr. INOUYE, Mr. ROBERTS, Mr. BROWN, Mr. VOINOVICH, Mr. NELSON of Nebraska, Mrs. BOXER, and Mr. AKAKA):

S. 1327. A bill to create and extend certain temporary district court judgeships; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am introducing bipartisan legislation to address the needs of the Federal Judiciary, our coequal branch of Government. This bill would respond to a discrete situation in five States regarding the need for temporary judgeships. In order to adequately address fluctuations in a court's caseload, Congress can authorize a judgeship on a temporary basis. These temporary fixes do not undermine the independence that comes with lifetime appointment to the judiciary because the judges assigned to fill these vacancies, are, in fact, appointed for life, as are all Federal judges. They are temporary in the sense that when these judgeships expire, the next vacancy in the jurisdiction is not filled and the extra judgeship expires.

Last Congress two of these needed temporary judgeships were allowed to expire. One was in Nebraska and the other in California. That was unfortunate in my view since they continue to have high caseloads. This legislation would restore those judgeships by reauthorizing those temporary judgeships to restore the status quo in those two busy districts.

In addition, three districts have temporary judgeships that are close to expiration. Caseloads in Ohio, Hawaii, and Kansas remain at a high level. I

support acting to ensure their continuation until we have had the opportunity to conduct a comprehensive review of the judgeship needs throughout the Federal system. I hope to undertake that review next year.

This legislation would extend each of the five temporary judgeships for 10 years. This will allow Congress some flexibility with regard to future judgeship needs.

This measure is supported by the Judicial Conference of the United States and every Senator representing the five States. I thank Senators FEINSTEIN and BROWNBACK, who also serve on the Judiciary Committee, for their work on this legislation.

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. 1327

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

SECTION 1. TEMPORARY JUDGESHIPS FOR DISTRICT COURTS.

(a) ADDITIONAL TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the eastern district of California; and

(B) 1 additional district judge for the district of Nebraska.

(2) VACANCIES NOT FILLED.—The first vacancy in the office of district judge in each of the offices of district judge authorized by this subsection, occurring 10 years or more after the confirmation date of the judge named to fill the temporary district judgeship created in the applicable district by this subsection, shall not be filled.

(b) EXTENSION OF CERTAIN TEMPORARY JUDGESHIPS.—Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note) is amended—

(1) in the second sentence, by inserting ''the district of Hawaii,'' after ''Pennsylvania,'';

(2) in the third sentence (relating to the district of Kansas), by striking ''16 years'' and inserting ''26 years'';

(3) in the fifth sentence (relating to the northern district of Ohio), by striking ''15 years'' and inserting ''25 years''; and

(4) by inserting ''The first vacancy in the office of district judge in the district of Hawaii occurring 20 years or more after the confirmation date of the judge named to fill the temporary judgeship created under this subsection shall not be filled.'' after the sixth sentence.

Mrs. FEINSTEIN. Mr. President, I am proud to be a cosponsor of Chairman LEAHY's bill, S. 1327, which will reestablish temporary judgeships where needed in the district courts and extend other temporary judgeships that are about to expire. The bill will reestablish a 10-year temporary judgeship in the Eastern District of California, where it is sorely needed.

The Eastern District has had a temporary judgeship before, but it expired in the fall of 2004. Even before the temporary judgeship expired, the caseload in the district was already the second highest in the Nation: 787 filings per judge, which was almost 50 percent more than the national average.

Since that time, the situation in the Eastern District has grown even more dire. Average caseloads across the Nation have declined, but in the Eastern District they have increased by 18 percent.

The Eastern District of California now has the highest caseload in the country: 927 filings per judge. That is twice as many cases as the national average.

It is no exaggeration to say that the judges of the Eastern District are in desperate need of relief. They have continued to serve with distinction in the face of the crushing caseloads. Mr. President, two of the court's senior judges still carry full caseloads after taking senior status. Two other senior judges are also continuing to hear cases in the district. There is another reason why it is imperative for the Senate to act now and adopt this bill. In just a few months, there will be a vacancy in the Eastern District when Chief Judge David Levi leaves the bench after 17 years of distinguished service.

It is my hope that Chief Judge Levi's seat can be filled as quickly as possible with a well qualified nominee. But, as a practical matter, it is unlikely that the confirmation process for a new judge will be complete when Chief Judge Levi leaves office.

This will leave the Eastern District with still fewer judges to handle its highest-in-the-Nation caseload. The district will need even more help to ensure that cases continue to be handled with the care, attention, and promptness that are essential to the fair administration of justice.

I view this bill as an important first step toward getting California all of the judges it needs. According to the 2007 recommendations of the Judicial Conference, California needs a total of 12 new judges, more judges than are needed in any other State in the Nation. Four of those judges are needed in the Eastern District alone. By adding a temporary judgeship in the district, this bill will help fill the gap until the Senate acts to carry out the Judicial Conference's recommendations.

I thank Chairman LEAHY for taking this important first step toward ensuring that the Federal courts in California have all the judges they need.

Mr. INOUYE. Mr. President, I rise today to support this bill addressing the need to extend a number of our temporary judgeships.

My colleagues and I share a common interest in ensuring that the American public is provided with the most efficient court system possible. However, across the nation many of our judicial resources are strained due to our growing population and an increase in the number of caseloads per judge. Hawaii is no exception, and this bill addresses our need to maintain our current number of judgeships. This bill offers a much needed relief to our over-worked courts.

Thank you for allowing me this opportunity to share with you my thoughts as to the importance of this legislation.

By Mr. LEAHY:

S. 1328. A bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am pleased to reintroduce the Uniting American Families Act. This legislation would allow U.S. citizens and legal permanent residents to petition for their foreign same-sex partners under our family-based immigration system. I hope that the Senate will demonstrate our Nation's commitment to equality under the law by passing this measure.

I am pleased to act today in concert with Congressman NADLER, who is introducing this same measure in the House of Representatives. Congressman NADLER has been a steady advocate for these changes, and I commend his efforts to promote fundamental fairness for Americans whose loved ones are foreign citizens.

Under current law, foreign same-sex partners of Americans are unable to benefit from the family-based immigration system, which accounts for the majority of green cards awarded annually. As a result, gay Americans in this situation face the difficult choice of living apart from their partner, or leaving the U.S. to reside together.

This bill provides parity while also retaining strong prohibitions against fraud. To qualify as a permanent partner, potential beneficiaries must be at least 18 years old and in an exclusive, committed relationship with an adult U.S. citizen or legal permanent resident, where both parties intend a lifelong union. The couple must prove that their union is not cognizable as a marriage under the Immigration and Nationality Act. Penalties for fraud would be the same as in any other marriage-based case: up to 5 years in prison and $250,000 in fines for the petitioner, and possible deportation for the alien partner.

Like many people across the country, Vermonters involved in permanent partnerships with foreign nationals often feel abandoned by immigration laws and restrictions. This bill would allow them, and other gay and lesbian Americans, to become more fully integrated into our society. Promoting family unity has long been a critical aim of Federal immigration policy, and we should honor that purpose by providing all Americans regardless of their sexual orientation the opportunity to be with their loved ones.

The idea that immigration benefits should extend to same-sex couples is not new. Many nations recognize that their respective immigration laws should respect family unity, regardless of sexual orientation. Indeed, 16 of our closest allies—Australia, Belgium, Brazil, Canada, Denmark, Finland, France, Germany, Iceland, Israel, the Netherlands, New Zealand, Norway, South Africa, Sweden and the United Kingdom all acknowledge same-sex couples for immigration purposes.

Our immigration laws treat gays and lesbians in committed relationships as second-class citizens. This injustice should be addressed not only on behalf of those individuals but also to promote more broadly a fair and consistent policy for America. I hope that the Senate will act to demonstrate our Nation's commitment to equality under the law.

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. 1328

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

SECTION 1. SHORT TITLE; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Uniting American Families Act of 2007''.

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this Act, if an amendment or repeal is expressed as the amendment or repeal of a section or other provision, the reference shall be considered to be made to that section or provision in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS OF PERMANENT PARTNER AND PERMANENT PARTNERSHIP.

Section 101(a) (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15)(K)(ii), by inserting ''or permanent partnership'' after ''marriage''; and

(2) by adding at the end the following:

''(52) The term 'permanent partner' means an individual 18 years of age or older who—

''(A) is in a committed, intimate relationship with another individual 18 years of age or older in which both individuals intend a lifelong commitment;

''(B) is financially interdependent with that other individual;

''(C) is not married to, or in a permanent partnership with, any individual other than that other individual;

''(D) is unable to contract with that other individual a marriage cognizable under this Act; and

''(E) is not a first, second, or third degree blood relation of that other individual.

''(53) The term 'permanent partnership' means the relationship that exists between 2 permanent partners.''.

SEC. 3. WORLDWIDE LEVEL OF IMMIGRATION.

Section 201(b)(2)(A)(i) (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

(1) by ''spouse'' each place it appears and inserting ''spouse or permanent partner'';

(2) by striking ''spouses'' and inserting ''spouse, permanent partner,'';

(3) by inserting ''(or, in the case of a permanent partnership, whose permanent partnership was not terminated)'' after ''was not legally separated from the citizen''; and

(4) by striking ''remarries.'' and inserting ''remarries or enters a permanent partnership with another person.''.

SEC. 4. NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.

(a) PER COUNTRY LEVELS.—Section 202(a)(4) (8 U.S.C. 1152(a)(4)) is amended—

(1) in the paragraph heading, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES'';

(2) in the heading of subparagraph (A), by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(3) in the heading of subparagraph (C), by striking ''AND DAUGHTERS'' inserting ''WITHOUT PERMANENT PARTNERS AND UNMARRIED DAUGHTERS WITHOUT PERMANENT PARTNERS''.

(b) RULES FOR CHARGEABILITY.—Section 202(b)(2) (8 U.S.C. 1152(b)(2)) is amended—

(1) by striking ''his spouse'' and inserting ''his or her spouse or permanent partner'';

(2) by striking ''such spouse'' each place it appears and inserting ''such spouse or permanent partner''; and

(3) by inserting ''or permanent partners'' after ''husband and wife''.

SEC. 5. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY MEMBERS OF PERMANENT RESIDENT ALIENS.—Section 203(a)(2) (8 U.S.C. 1153(a)(2)) is amended—

(1) by striking the paragraph heading and inserting the following:

''(2) SPOUSES, PERMANENT PARTNERS, UNMARRIED SONS WITHOUT PERMANENT PARTNERS, AND UNMARRIED DAUGHTERS WITHOUT PERMANENT PARTNERS OF PERMANENT RESIDENT ALIENS.—'';

(2) in subparagraph (A), by inserting '', permanent partners,'' after ''spouses''; and

(3) in subparagraph (B), by striking ''or unmarried daughters'' and inserting ''without permanent partners or the unmarried daughters without permanent partners''.

(b) PREFERENCE ALLOCATION FOR SONS AND DAUGHTERS OF CITIZENS.—Section 203(a)(3) (8 U.S.C. 1153(a)(3)) is amended—

(1) by striking the paragraph heading and inserting the following:

''(2) MARRIED SONS AND DAUGHTERS OF CITIZENS AND SONS AND DAUGHTERS WITH PERMANENT PARTNERS OF CITIZENS.—''; and

(2) by inserting '', or sons or daughters with permanent partners,'' after ''daughters''.

(c) EMPLOYMENT CREATION.—Section 203(b)(5)(A)(ii) (8 U.S.C. 1153(b)(5)(A)(ii)) is amended by inserting ''permanent partner,'' after ''spouse,''.

(d) TREATMENT OF FAMILY MEMBERS.—Section 203(d) (8 U.S.C. 1153(d)) is amended—

(1) by inserting ''or permanent partner'' after ''section 101(b)(1)''; and

(2) by inserting '', permanent partner,'' after ''the spouse''.

SEC. 6. PROCEDURE FOR GRANTING IMMIGRANT STATUS.

(a) CLASSIFICATION PETITIONS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii), by inserting ''or permanent partner'' after ''spouse'';

(B) in clause (iii)—

(i) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(ii) in subclause (I), by inserting ''or permanent partnership'' after ''marriage'' each place it appears;

(C) in clause (v)(I), by inserting ''permanent partner,'' after ''is the spouse,'';

(D) in clause (vi)—

(i) by inserting ''or termination of the permanent partnership'' after ''divorce''; and

(ii) by inserting '', permanent partner,'' after ''spouse''; and

(2) in subparagraph (B)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears;

(B) in clause (ii)—

(i) in subclause (I)(aa), by inserting ''or permanent partnership'' after ''marriage'';

(ii) in subclause (I)(bb), by inserting ''or permanent partnership'' after ''marriage'' the first place it appears; and

(iii) in subclause (II)(aa), by inserting ''(or the termination of the permanent partnership)'' after ''termination of the marriage''.

(b) IMMIGRATION FRAUD PREVENTION.—Section 204(c) (8 U.S.C. 1154(c)) is amended—

(1) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(2) by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

SEC. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION OF EMERGENCY SITUATION REFUGEES.

Section 207(c) (8 U.S.C. 1157(c)) is amended—

(1) in paragraph (2)—

(A) by inserting '', permanent partner,'' after ''spouse'' each place it appears; and

(B) by inserting '', permanent partner's,'' after ''spouse's''; and

(2) in paragraph (4), by inserting '', permanent partner,'' after ''spouse''.

SEC. 8. ASYLUM.

Section 208(b)(3) (8 U.S.C. 1158(b)(3)) is amended—

(1) in the paragraph heading, by inserting '', PERMANENT PARTNER,'' after ''SPOUSE''; and

(2) in subparagraph (A), by inserting '', permanent partner,'' after ''spouse''.

SEC. 9. ADJUSTMENT OF STATUS OF REFUGEES.

Section 209(b)(3) (8 U.S.C. 1159(b)(3)) is amended by inserting '', permanent partner,'' after ''spouse''.

SEC. 10. INADMISSIBLE ALIENS.

(a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR ADMISSION.—Section 212(a) (8 U.S.C. 1182(a)) is amended—

(1) in paragraph (3)(D)(iv), by inserting ''permanent partner,'' after ''spouse,'';

(2) in paragraph (4)(C)(i)(I), by inserting '', permanent partner,'' after ''spouse'';

(3) in paragraph (6)(E)(ii), by inserting ''permanent partner,'' after ''spouse,''; and

(4) in paragraph (9)(B)(v), by inserting '', permanent partner,'' after ''spouse''.

(b) WAIVERS.—Section 212(d) (8 U.S.C. 1182(d)) is amended—

(1) in paragraph (11), by inserting ''permanent partner,'' after ''spouse,''; and

(2) in paragraph (12), by inserting '', permanent partner,'' after ''spouse''.

(c) WAIVERS OF INADMISSIBILITY ON HEALTH-RELATED GROUNDS.—Section 212(g)(1)(A) (8 U.S.C. 1182(g)(1)(A)) is amended by inserting '', permanent partner,'' after ''spouse''.

(d) WAIVERS OF INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS.—Section 212(h)(1)(B) (8 U.S.C. 1182(h)(1)(B)) is amended by inserting ''permanent partner,'' after ''spouse,''.

(e) WAIVER OF INADMISSIBILITY FOR MISREPRESENTATION.—Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is amended by inserting ''permanent partner,'' after ''spouse,''.

SEC. 11. NONIMMIGRANT STATUS FOR PERMANENT PARTNERS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.

Section 214(r) (8 U.S.C. 1184(r)) is amended—

(1) in paragraph (1), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2), by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

SEC. 12. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN SPOUSES, PERMANENT PARTNERS, AND SONS AND DAUGHTERS.

(a) SECTION HEADING.—

(1) IN GENERAL.—The heading for section 216 (8 U.S.C. 1186a) is amended by striking ''AND SONS'' and inserting '', PERMANENT PARTNERS, SONS, '' after

(2) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 216 to read as follows:

''Sec. 216. Conditional permanent resident status for certain alien spouses, permanent partners, sons, and daughters''.

(b) IN GENERAL.—Section 216(a) (8 U.S.C. 1186a(a)) is amended—

(1) in paragraph (1), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting ''or permanent partner'' after ''spouse'';

(B) in subparagraph (B), by inserting ''permanent partner,'' after ''spouse,''; and

(C) in subparagraph (C), by inserting ''permanent partner,'' after ''spouse,''.

(c) TERMINATION OF STATUS IF FINDING THAT QUALIFYING MARRIAGE IMPROPER.—Section 216(b) of such Act (8 U.S.C. 1186a(b)) is amended—

(1) in the subsection heading, by inserting ''OR PERMANENT PARTNERSHIP'' after ''MARRIAGE''; and

(2) in paragraph (1)(A)—

(A) by inserting ''or permanent partnership'' after ''marriage''; and

(B) in clause (ii)—

(i) by inserting ''or has ceased to satisfy the criteria for being considered a permanent partnership under this Act,'' after ''terminated,''; and

(ii) by inserting ''or permanent partner'' after ''spouse''.

(d) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216(c) (8 U.S.C. 1186a(c)) is amended—

(1) in paragraphs (1), (2)(A)(ii), (3)(A)(ii), (3)(C), (4)(B), and (4)(C), by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(2) in paragraph (3)(A), (3)(D), (4)(B), and (4)(C), by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

(e) CONTENTS OF PETITION.—Section 216(d)(1) of such Act (8 U.S.C. 1186a(d)(1)) is amended—

(1) in subparagraph (A)—

(A) in the heading, by inserting ''OR PERMANENT PARTNERSHIP'' after ''MARRIAGE'';

(B) in clause (i)—

(i) by inserting ''or permanent partnership'' after ''marriage'';

(ii) in subclause (I), by inserting before the comma at the end '', or is a permanent partnership recognized under this Act'';

(iii) in subclause (II)—

(I) by inserting ''or has not ceased to satisfy the criteria for being considered a permanent partnership under this Act,'' after ''terminated,''; and

(II) by inserting ''or permanent partner'' after ''spouse'';

(C) in clause (ii), by inserting ''or permanent partner'' after ''spouse''; and

(2) in subparagraph (B)(i)—

(A) by inserting ''or permanent partnership'' after ''marriage''; and

(B) by inserting ''or permanent partner'' after ''spouse''.

(f) DEFINITIONS.—Section 216(g) (8 U.S.C. 1186a(g)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) by inserting ''or permanent partnership'' after ''marriage'' each place it appears;

(2) in paragraph (2), by inserting ''or permanent partnership'' after ''marriage'';

(3) in paragraph (3), by inserting ''or permanent partnership'' after ''marriage''; and

(4) in paragraph (4)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) by inserting ''or permanent partnership'' after ''marriage''.

SEC. 13. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN ENTREPRENEURS, SPOUSES, PERMANENT PARTNERS, AND CHILDREN.

(a) IN GENERAL.—Section 216A (8 U.S.C. 1186b) is amended—

(1) in the section heading, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(2) in paragraphs (1), (2)(A), (2)(B), and (2)(C), by inserting ''or permanent partner'' after ''spouse'' each place it appears.

(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IMPROPER.—Section 216A(b)(1) is amended by inserting ''or permanent partner'' after ''spouse'' in the matter following subparagraph (C).

(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216A(c) is amended, in paragraphs (1), (2)(A)(ii), and (3)(C), by inserting ''or permanent partner'' after ''spouse''.

(d) DEFINITIONS.—Section 216A(f)(2) is amended by inserting ''or permanent partner'' after ''spouse'' each place it appears.

(e) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 216A to read as follows:

''Sec. 216. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children''.

SEC. 14. DEPORTABLE ALIENS.

Section 237(a)(1) (8 U.S.C. 1227(a)(1)) is amended—

(1) in subparagraph (D)(i), by inserting ''or permanent partners'' after ''spouses'' each place it appears;

(2) in subparagraphs (E)(ii), (E)(iii), and (H)(i)(I), by inserting ''or permanent partner'' after ''spouse'';

(3) by inserting after subparagraph (E) the following:

''(F) PERMANENT PARTNERSHIP FRAUD.—An alien shall be considered to be deportable as having procured a visa or other documentation by fraud (within the meaning of section 212(a)(6)(C)(i)) and to be in the United States in violation of this Act (within the meaning of subparagraph (B)) if—

''(i) the alien obtains any admission to the United States with an immigrant visa or other documentation procured on the basis of a permanent partnership entered into less than 2 years prior to such admission and which, within 2 years subsequent to such admission, is terminated because the criteria for permanent partnership are no longer fulfilled, unless the alien establishes to the satisfaction of the Secretary of Homeland Security that such permanent partnership was not contracted for the purpose of evading any provision of the immigration laws; or

''(ii) it appears to the satisfaction of the Secretary of Homeland Security that the alien has failed or refused to fulfill the alien's permanent partnership, which the Secretary of Homeland Security determines was made for the purpose of procuring the alien's admission as an immigrant.''; and

(4) in paragraphs (2)(E)(i) and (3)(C)(ii), by inserting ''or permanent partner'' after ''spouse'' each place it appears.

SEC. 15. REMOVAL PROCEEDINGS.

Section 240 (8 U.S.C. 1229a) is amended—

(1) in the heading of subsection (c)(7)(C)(iv), by inserting ''PERMANENT PARTNERS,'' after ''SPOUSES,''; and

(2) in subsection (e)(1), by inserting ''permanent partner,'' after ''spouse,''.

SEC. 16. CANCELLATION OF REMOVAL; ADJUSTMENT OF STATUS.

Section 240A(b) (8 U.S.C. 1229b(b)) is amended—

(1) in paragraph (1)(D), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting '', PERMANENT PARTNER,'' after ''SPOUSE''; and

(B) in subparagraph (A), by inserting '', permanent partner,'' after ''spouse'' each place it appears.

SEC. 17. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE.

(a) PROHIBITION ON ADJUSTMENT OF STATUS.—Section 245(d) (8 U.S.C. 1255(d)) is amended by inserting ''or permanent partnership'' after ''marriage''.

(b) AVOIDING IMMIGRATION FRAUD.—Section 245(e) (8 U.S.C. 1255(e)) is amended—

(1) in paragraph (1), by inserting ''or permanent partnership'' after ''marriage''; and

(2) by adding at the end the following:

''(4)(A) Paragraph (1) and section 204(g) shall not apply with respect to a permanent partnership if the alien establishes by clear and convincing evidence to the satisfaction of the Secretary of Homeland Security that—

''(i) the permanent partnership was entered into in good faith and in accordance with section 101(a)(52);

''(ii) the permanent partnership was not entered into for the purpose of procuring the alien's admission as an immigrant; and

''(iii) no fee or other consideration was given (other than a fee or other consideration to an attorney for assistance in preparation of a lawful petition) for the filing of a petition under section 204(a) or 214(d) with respect to the alien permanent partner.

''(B) The Secretary shall promulgate regulations that provide for only 1 level of administrative appellate review for each alien under subparagraph (A).''.

(c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS PAYING FEE.—Section 245(i)(1)(B) (8 U.S.C. 1255(i)(1)(B)) is amended by inserting '', permanent partner,'' after ''spouse''.

SEC. 18. APPLICATION OF CRIMINAL PENALTIES TO FOR MISREPRESENTATION AND CONCEALMENT OF FACTS REGARDING PERMANENT PARTNERSHIPS.

Section 275(c) (8 U.S.C. 1325(c)) is amended to read as follows:

''(c) Any individual who knowingly enters into a marriage or permanent partnership for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, fined not more than $250,000, or both.''.

SEC. 19. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL CHARACTER, ATTACHMENT TO THE PRINCIPLES OF THE CONSTITUTION.

Section 316(b) (8 U.S.C. 1427(b)) is amended by inserting '', permanent partner,'' after ''spouse''.

SEC. 20. APPLICATION OF FAMILY UNITY PROVISIONS TO PERMANENT PARTNERS OF CERTAIN LIFE ACT BENEFICIARIES.

Section 1504 of the LIFE Act (division B of Public Law 106–554; 114 Stat. 2763–325) is amended—

(1) in the heading, by inserting '', permanent partners,'' after ''spouses'' ;

(2) in subsection (a), by inserting '', permanent partner,'' after ''spouse''; and

(3) in each of subsections (b) and (c)—

(A) in the subsection headings, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(B) by inserting '', permanent partner,'' after ''spouse'' each place it appears.

SEC. 21. APPLICATION TO CUBAN ADJUSTMENT ACT.

(a) IN GENERAL.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) is amended—

(1) in the next to last sentence, by inserting '', permanent partner,'' after ''spouse'' the first 2 places it appears; and

(2) in the last sentence, by inserting '', permanent partners,'' after ''spouses''.

(b) CONFORMING AMENDMENT.—Section 101(a)(51)(D) (8 U.S.C. 1101(a)(51)(D)) is amended by striking ''or spouse'' and inserting '', spouse, or permanent partner''.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1329. A bill to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. COLLINS. Mr. President, I don't know if the Presiding Officer has ever visited Acadia National Park along the coast of Maine. It is an extraordinary place, a place of special beauty. I rise today to introduce the Acadia National Park Improvement Act Of 2007, with the senior Senator from Maine, Ms. SNOWE, as my cosponsor.

This legislation would take important steps to ensure the long-term health of one of America's most beloved national parks. It would increase the land acquisition ceiling at Acadia by $10 million, facilitate an off-site intermodal transportation center for the Island Explorer bus system, and extend the Acadia National Park Advisory Commission.

In drafting this legislation, I have worked very closely with park officials and also with Friends of Acadia, a nonprofit community organization that works hard to support the park.

A little background might be helpful. In 1986, Congress enacted legislation designating the boundary of Acadia National Park. Many private lands were, however, contained within the permanent authorized boundary. Congress authorized the park to spend a little over $9 million to acquire those lands from willing sellers.

While all of that money has now been spent, rising land prices have prevented the money from going as far as Congress originally intended. There are now more than 100 private tracts left within the official park boundary. Nearly 20 of these tracts are currently available from willing sellers, but the park simply no longer has the funds to purchase them. Our legislation would authorize an additional $10 million to help acquire these lands. I wish to emphasize that the lands already fall within the authorized boundary of the park, so we are not talking about enlarging the boundary of the park but, rather, filling in the holes at Acadia.

Our legislation would also facilitate the development of an intermodal transportation center as part of the Island Explorer bus system. The Island Explorer has been extremely successful over its first 7 years. These low-emission, propane-powered vehicles have carried more than 1.5 million riders since 1999. In doing so, they have removed hundreds of thousands of vehicles from the park and significantly reduced pollution. Unfortunately, the system lacks a central parking and bus boarding area. As a result, day-use visitors do not have ready access to the Island Explorer.

My legislation would further facilitate the Department of Interior's assistance in planning, construction, and operation of an intermodal transportation center in Trenton, ME. Mr. President, $7 million for this center was included in the 2005 highway bill at the request of Senator SNOWE and myself. This will include parking for day uses of the park center, a visitor orientation facility highlighting park and regional points of interest, a bus boarding area, and a bus maintenance garage. This center, which will be built in partnership with the Federal Highway Administration, the U.S. Department of Transportation, the Maine Department of Transportation, and other partners, will reduce traffic congestion, preserve park resources, enhance the visitor experience, and ensure a vibrant tourist economy.

Finally, our legislation would extend the 16-member Acadia National Park Advisory Commission for an additional 20-year period. This Commission was created by the Congress back in 1986, and, regrettably, it expired last year. The Commission consists of three Federal representatives, three State representatives, four representatives from local towns, three from the adjacent mainland communities, and three from the adjacent offshore islands. These representatives serving on this Commission have provided invaluable advice related to the management and the development of the park. The superintendent has found it to be very valuable. The Commission has proven its worth many times over, and it deserves to be extended for an additional 20 years. In fact, it probably should just be made permanent.

Acadia National Park is a true gem of the Maine coastline. The park is one of Maine's most popular tourist destinations, with more than 2 million visitors each year. While unsurpassed in beauty, the park's ecosystem is very fragile. Unless we are careful, we risk substantial harm to the very place that Mainers and, indeed, all Americans hold so dear. In 9 years, Acadia will be 100 years old. Age has brought both increasing popularity and greater pressures on this national treasure. By providing an additional $10 million to protect sensitive lands already within the boundary of the park, by expanding the highly successful Island Explorer transportation system, and by extending the Acadia National Park Advisory Commission, this legislation will help to make the park stronger and healthier than ever on the occasion of its centennial anniversary.

I yield the floor.

By Mrs. FEINSTEIN (for herself, Mr. KENNEDY, Mr. LEVIN, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. CLINTON, Mr. DURBIN, Mrs. BOXER, Mr. LAUTENBERG, Mr. SCHUMER, and Mr. DODD):

S. 1331. A bill to regulate .50 BMG caliber sniper rifles; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to join with Senators KENNEDY, LEVIN, MENENDEZ, MIKULSKI, CLINTON, DURBIN, BOXER and LAUTENBERG in introducing the Long-Range Sniper Rifle Safety Act of 2007, which would regulate a single type of firearm, 50 BMG caliber sniper rifles.

Mr. President, 50 BMG caliber sniper rifles are among the most dangerous firearms in the world. These sniper rifles are capable of bringing down airplanes and helicopters that are taking off or landing, and they can pierce light armored personnel vehicles. They have extraordinary range, up to a mile with accuracy, with a maximum distance of up to 4 miles. Under President Clinton, the State Department suspended all export of these weapons for civilian use in foreign countries. The Bush administration initially changed this rule to allow such sales, but after 9/11 it decided to reinstate this ban.

Yet here in the United States, our laws continue to classify these weapons as ''long guns'', subject to the least government regulation of any firearms. Current Federal law makes no distinction between a .22 caliber target rifle, a .30–06 caliber hunting weapon, and this large-caliber .50 BMG combat weapon. In some States, youngsters who are 14 years old can get .50 BMG caliber sniper rifles, with no limitation on second-

hand sales. In fact, anyone who can own a rifle can buy a .50 BMG caliber sniper rifle. No permits. No licenses. No wait.

That is why I am introducing this legislation today, just as I have introduced similar legislation in the last 3 sessions of Congress. The bill would:

Add these uniquely powerful sniper rifles to the list of firearms classified as ''destructive devices'', which would mean they must be registered when purchased or sold;

require the same registration for any ''copycat'' sniper rifles that might be developed in the future with destructive power that is equivalent to the .50 BMG caliber sniper rifle; and

allow people who already possess .50 BMG caliber sniper weapons up to 7 years to register their existing firearms, by implementing a registration process similar to what was used when ''street sweeper'' and other firearms were reclassified as ''destructive devices'' in 1994.

This bill would not ban any firearms, including .50 BMG caliber sniper rifles. Instead, it would change the law by treating .50 BMG caliber sniper rifles in the same way we now treat ''street sweeper'' shotguns, silencers, and any rifle with a dimension larger than .50 caliber. It would regulate these weapons, making it harder for terrorists and others to buy these combat weapons for illegitimate use.

This is not your classic hunting rifle. These weapons weigh up to 28 pounds, and have a price tag of between $2,200 and $6,750. And they fire the most powerful commonly available cartridges, the massive BMG, Browning Machine Gun, bullet, which has a diameter of ½ inch and a length of 3–6 inches.

These rounds are almost as big as my hand. The Congressional Research Service says that a .50 BMG caliber cartridge weighs four and a half times more, and has five times more propellant, than the cartridges used in similar midsize rifles, like the .308 Winchester.

This is a weapon designed to kill people efficiently, and destroy machinery, at a great distance. And the distances are frankly astonishing. In fact, this weapon was able to kill a person from a greater distance than any other sniper rifle with a world-record confirmed distance of 2,430 meters, a mile and a half away.

These weapons are ''accurate'' up to 2,000 yards, a distance that means it will strike a standard target within this range more than a mile away. To illustrate what this means, a shooter standing on Alcatraz Island off of San Francisco could sight and kill a person at Pier 39.

And the gun has a maximum range of up to 7,500 yards, meaning that while accuracy cannot be guaranteed, the round can strike a target at this distance. Imagine 75 football fields lined up end to end, a distance of over 4 miles. This means a shooter at the Sausalito marina could send bullets crashing into the San Francisco marina.

In short, these are military combat-style weapons. The .50 BMG cartridge has been used by our forces in machine guns since World War I, and our military has utilized .50 BMG caliber sniper rifles in the gulf war, and now in Afghanistan and Iraq. They can shoot through almost anything, a bunker, bulletproof glass, a 3½ inch thick manhole cover, a 600-pound safe.

But as the GAO noted in 1999, many of these guns also wind up in the hands of domestic and international terrorists, religious cults, international and domestic drug traffickers, and violent criminals.

In 1998, Federal law enforcement apprehended three men belonging to a radical Michigan militia group. The three were charged with plotting to bomb Federal office buildings, destroy highways and utilities. They were also charged with plotting to assassinate a Governor, and other high-ranking political and judicial officers. A .50-caliber sniper rifle was found in their possession along with a cache of weapons that included three illegal machine guns.

One doomsday cult headquartered in Montana purchased 10 of these guns and stockpiled them in an underground bunker, along with thousands of rounds of ammunition and other guns.

At least one .50-caliber gun was recovered by Mexican authorities after a shoot-out with an international drug cartel in that country. The gun was originally purchased in Wyoming.

Since the GAO report, it was also revealed in a federal trial in Manhattan that al-Qaida received .50-caliber sniper rifles, rifles manufactured right here in the United States. Essam al Ridi, an al-Qaida associate, testified that he acquired 25 Barrett .50-caliber sniper rifles and shipped them to al-Qaida members in Afghanistan.

What sort of damage could these weapons do in the wrong hands? The U.S. Air Force conducted a study, and determined that planes parked on a fully protected U.S. airbase would be as vulnerable as ''ducks on a pond'' against a sniper with a .50-caliber weapon, because the weapons can shoot from beyond most airbase perimeters.

The RAND Corporation confirmed this, releasing a report which identified 11 potential terrorist scenarios at Los Angeles International Airport. In one scenario, ''a sniper, using a .50 caliber rifle, fires at parked and taxiing aircraft.'' The report concludes: ''we were unable to identify any truly satisfactory solutions'' for such an attack.

One need not even search for reports, the weapon's manufacturers admit it. One Barrett .50 caliber brochure says:

> [A] round of ammunition purchased for less than ten U.S. dollars can be used to destroy or disable a modern jet aircraft. The compressor sections of jet engines or the transmissions of helicopters are likely targets for the weapon, making it capable of destroying multimillion dollar aircraft with a single hit delivered to a vital area.

And it is not just aircraft. A terrorist using this rifle could punch holes in pressurized chemical tanks, igniting combustible materials or leaking hazardous gases. Or penetrate armored vehicles used by law enforcement, or protective limousines, like those used here in Washington.

No wonder a broad coalition of law enforcement officers and groups, detailing the threat that these weapons pose to our first responders, said:

> The fact that these weapons have a range of more than four miles and can take down commercial airliners is reason enough to keep these weapons off our streets. It is of special concern to the law enforcement community that these weapons of war are capable of penetrating our special operations vehicles, tactical equipment and helicopters.

This gun is so powerful that one dealer told undercover Government Accountability Office investigators:

> You'd better buy one soon. It's only a matter of time before someone lets go a round on a range that travels so far, it hits a school bus full of kids. The government will definitely ban .50-calibers. This gun is just too powerful.

In fact, many ranges used for target practice do not even have enough safety features to accommodate these guns.

Special ammunition for these guns is also readily available in stores and on the Internet. This is perfectly legal. Moreover, ''armor-piercing incendiary'' ammunition, which explodes on impact, can be purchased online, as demonstrated in a ''60 Minutes'' news report. Several ammunition dealers were willing to sell armor-piercing ammunition to an undercover GAO investigator, even after the investigator said he wanted the ammunition to pierce an armored limousine or maybe to shoot down a helicopter.

The bottom line is that the .50 BMG caliber sniper rifle is a national security threat requiring action by Congress. It makes no sense for us to spend billions of dollars on homeland security while we allow terrorists and criminals to get weapons that can serve as tools for terrorism.

The legislation that I am introducing has been carefully tailored, and refines my earlier bills. In fact, it is narrower than my earlier bills, in that it regulates only .50 ''BMG'' caliber sniper rifles, not all .50 caliber rifles.

There is no doubt that the .50 BMG caliber is the most powerful commonly available cartridge not considered a destructive device under the National Firearms Act. It is in a class by itself. And that's why this bill puts .50 BMG caliber sniper rifles into the class of firearms called destructive devices. Because that is where they belong.

Congress would not be alone in treating the .50 BMG caliber sniper rifle as the unique weapon of destruction that it is. My home State of California has regulated .50 BMG caliber sniper rifles since 2004, in a law signed by Governor Arnold Schwarzenegger. The bill I introduce would adopt a similar registration system nationwide.

In fact, Congress itself has previously recognized the unique destructive properties of this weapon. Ever since 2000, our DOD Appropriations bills have contained a special restriction on the Department of Defense's ability to sell surplus armor-piercing ammunition for .50 caliber weapons to civilians through its demilitarization program.

This is a weapon that should not be openly available to terrorists and criminals, but should be responsibly controlled through carefully crafted regulation. I urge my colleagues to support this legislation.

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

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

S. 1331

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 ''Long-Range Sniper Rifle Safety Act of 2007''.

SEC. 2. COVERAGE OF .50 BMG CALIBER SNIPER RIFLES UNDER THE GUN CONTROL ACT OF 1968.

(a) IN GENERAL.—Section 921(a)(4)(B) of title 18, United States Code, is amended—

(1) by striking ''any type of weapon'' and inserting the following: ''any—

''(i) type of weapon''; and

(2) by striking ''and'' at the end and inserting the following: ''or

''(ii) .50 BMG caliber sniper rifle; and''.

(b) DEFINITION OF .50 BMG CALIBER SNIPER RIFLE.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) The term '.50 BMG caliber sniper rifle' means—

''(A) a rifle capable of firing a center-fire cartridge in .50 BMG caliber, including a 12.7 mm equivalent of .50 BMG and any other metric equivalent; or

''(B) a copy or duplicate of any rifle described in subparagraph (A), or any other rifle developed and manufactured after the date of enactment of this paragraph, regardless of caliber, if such rifle is capable of firing a projectile that attains a muzzle energy of 12,000 foot-pounds or greater in any combination of bullet, propellant, case, or primer.''.

SEC. 3. COVERAGE OF .50 BMG CALIBER SNIPER RIFLES UNDER THE NATIONAL FIREARMS ACT.

(a) IN GENERAL.—Section 5845(f) of the National Firearms Act (26 U.S.C. 5845(f)) is amended—

(1) by striking ''and (3)'' and inserting ''(3) any .50 BMG caliber sniper rifle (as that term is defined in section 921 of title 18, United States Code); and (4)''; and

(2) by striking ''(1) and (2)'' and inserting ''(1), (2), or (3)''.

(b) MODIFICATION TO DEFINITION OF RIFLE.—Section 5845(c) of the National Firearms Act (26 U.S.C. 5845(c)) is amended by inserting ''or from a bipod or other support'' after ''shoulder''.

SEC. 4. IMPLEMENTATION.

Not later than 30 days after the date of enactment of this Act, the Attorney General shall implement regulations providing for notice and registration of .50 BMG caliber sniper rifles as destructive devices (as those terms are defined in section 921 of title 18, United States Code, as amended by this Act) under this Act and the amendments made by this Act, including the use of a notice and registration process similar to that used when the USAS-12, Striker 12, and Streetsweeper shotguns were reclassified as destructive devices and registered between 1994 and 2001 (ATF Ruling 94-1 (ATF Q.B. 1994-1, 22); ATF Ruling 94-2 (ATF Q.B. 1994-1, 24); and ATF Ruling 2001-1 (66 Fed. Reg. 9748)). The Attorney General shall ensure that under the regulations issued under this section, the time period for the registration of any previously unregistered .50 BMG caliber sniper rifle shall end not later than 7 years after the date of enactment of this Act.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. DOMENICI, Mr. DODD, and Mr. ENZI)):

S. 1332. A bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it's a privilege to join my colleagues Senator DODD, Senator DOMENICI and Senator ENSIGN in introducing the Mental Health in Schools Act of 2007 to assist the Nation's public schools in providing better access to mental health services for their students.

The need for these services has never been greater. The tragic events at Columbine, Nickel Mines, and Virginia Tech underscore the fact that when left untreated, childhood mental disorders can lead to academic failure, family conflicts, substance abuse, violence, and suicide.

Comprehensive school mental health program should be designed for all students. They should obviously include both identification and referral of specific individuals for treatment, but they should also include programs and services that promote positive mental health and prevent mental health problems for a broader population of students.

Strong mental health, similar to strong physical health, makes it possible for children to develop socially, emotionally, and intellectually. We know that mental illnesses often appear for the first time during childhood and adolescence. One in five children has a diagnosable mental disorder, yet three-quarters of children and youth who need mental health services do not receive them. With proper care and treatment, approximately 80 percent of people with mental illness experience a significant reduction of symptoms and a better quality of life.

Our schools are important settings for recognizing and addressing children's mental disorders. In fact schools often function as the de facto mental health system for children and adolescents. Especially in rural areas, schools are likely to provide the only mental health services available, for children.

Effective school mental health programs reflect the cooperation and commitment of families, students, educators, and other community partners.

However, of the 95,000 public schools in the United States, only half report having formal partnerships with community mental health providers to deliver mental health services.

The services and support provided through these partnerships should be family-centered and community-centered, and should also be culturally and linguistically appropriate.

The goal of the Mental Health in Schools Act is to assist local communities in developing comprehensive school mental health programs that provide a continuum of services for students.

I urge the Senate to join us in supporting schools and communities in expanding their mental health programs to make them more comprehensive, so that our school children across the nation can receive the proper support and services they need in order to thrive in our society and become productive citizens.

I ask unanimous consent 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. 1332

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 ''Mental Health in Schools Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Approximately 1 in 5 children have a diagnosable mental disorder.

(2) Approximately 1 in 10 children have a serious emotional or behavioral disorder that is severe enough to cause substantial impairment in functioning at home, at school, or in the community. It is estimated that about 75 percent of children with emotional and behavioral disorders do not receive specialty mental health services.

(3) Only half of schools across the United States report having formal partnerships with community mental health providers to deliver mental health services.

(4) If a school is going to respond to the mental health needs of its students, it must have access to resources that provide family-centered, culturally and linguistically appropriate supports and services.

(5) Effective school mental health programs reflect the collaboration and commitment of families, students, educators, and other community partners.

SEC. 3. PURPOSES.

It is the purpose of this Act to—

(1) revise, increase funding for, and expand the scope of the Safe Schools-Healthy Students program in order to provide access to more comprehensive school-based mental health services and supports; and

(2) provide for in-service training to all school personnel in—

(A) the techniques and supports needed to identify early children with, or at risk of, mental illness;

(B) the use of referral mechanisms that effectively link such children to treatment intervention services; and

(C) strategies that promote a school-wide positive environment.

SEC. 4. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) TECHNICAL AMENDMENTS.—The second part G (relating to services provided through religious organizations) of title V of the Public Health Service Act (42 U.S.C. 290kk et seq.) is amended—

(1) by redesignating such part as part J; and

(2) by redesignating sections 581 through 584 as sections 596 through 596C, respectively.

(b) PURPOSE AND AUTHORITY.—Subsection (a) of section 581 of the Public Health Service Act (42 U.S.C. 290hh(a)) is amended to read as follows:

''(a) IN GENERAL.—The Secretary, in collaboration with the Secretary of Education and in consultation with the Attorney General, shall, directly or through grants, contracts or cooperative agreements awarded to public entities and local education agencies, assist local communities and schools in applying a public health approach to mental health services both in schools and in the community. Such approach should provide comprehensive services and supports, be linguistically and culturally appropriate, and incorporate strategies of positive behavioral interventions and supports. A comprehensive school mental health program funded under this section shall assist children in dealing with violence.''.

(c) ACTIVITIES.—Section 581(b) of the Public Health Service Act (42 U.S.C. 290hh(b)) is amended—

(1) in paragraph (1), by striking ''implement programs'' and inserting ''implement a comprehensive culturally and linguistically appropriate school mental health program that incorporates positive behavioral interventions and supports'';

(2) in paragraph (3), by inserting ''child and adolescent mental health issues and'' after ''address''; and

(3) by striking paragraph (4) and inserting the following:

''(4) facilitate community partnerships among families, students, law enforcement agencies, education systems, mental health and substance abuse service systems, family-based mental health service systems, welfare agencies, healthcare service systems, and other community-based systems;''.

(d) REQUIREMENTS.—Subsection (c) of section 581 of the Public Health Service Act (42 U.S.C. 290hh(c)) is amended to read as follows:

''(c) REQUIREMENTS.—

''(1) IN GENERAL.—To be eligible for a grant, contract, or cooperative agreement under subsection (a) an entity shall—

''(A) be a partnership between a local education agency and at least one community program or agency that is involved in mental health; and

''(B) submit an application, that is endorsed by all members of the partnership, that makes the assurances described in paragraph (2).

''(2) REQUIRED ASSURANCES.—An application under paragraph (1) shall assure the following:

''(A) That the applicant will ensure that, in carrying out activities under this section, the local educational agency involved will enter into a memorandum of understanding—

''(i) with, at a minimum, public or private mental health entities, healthcare entities, law enforcement or juvenile justice entities, child welfare agencies, family-based mental health entities, families and family organizations, and other community-based entities; and

''(ii) that clearly states—

''(I) the responsibilities of each partner with respect to the activities to be carried out;

''(II) how each such partner will be accountable for carrying out such responsibilities; and

''(III) the amount of non-Federal funding or in-kind contributions that each such partner will contribute in order to sustain the program.

''(B) That the comprehensive school-based mental health program carried out under this section support the flexible use of funds to address—

''(i) the promotion of the social, emotional, and behavioral health of all students in an environment that is conducive to learning;

''(ii) the reduction in the likelihood of at risk students developing social, emotional, or behavioral health problems;

''(iii) the treatment or referral for treatment of students with existing social, emotional, or behavioral health problems;

''(iv) the early identification of social, emotional, or behavioral problems and the provision of early intervention services; and

''(v) the development and implementation of programs to assist children in dealing with violence.

''(C) That the comprehensive mental health program carried out under this section will provide for culturally and linguistically appropriate in-service training of all school personnel, including ancillary staff and volunteers, in—

''(i) the techniques and support needed to identify early children with, or at risk of, mental illness;

''(ii) the use of referral mechanisms that effectively link such children to treatment intervention services; and

''(iii) strategies that promote a schoolwide positive environment, and includes an ongoing training component.

''(D) That the comprehensive school-based mental health programs carried out under this section will demonstrate the measures to be taken to sustain the program after funding under this section terminates.

''(E) That the local education agency partnership involved is supported by the State educational and mental health system to ensure that the sustainability of the programs is established after funding under this section terminates.

''(F) That the comprehensive school-based mental health program carried out under this section is based on evidence-based practices.

''(G) That the comprehensive school-based mental health program carried out under this section is coordinated with early intervening activities carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

''(H) That the comprehensive school-based mental health program carried out under this section is culturally and linguistically appropriate.''.

(e) DURATION.—Section 581(e) of the Public Health Service Act (42 U.S.C. 290hh(e)) is amended—

(1) by striking ''may not exceed'' and inserting ''shall be''; and

(2) by adding at the end the following: ''An entity may only receive one award under this section, except that an entity that is providing services and supports on a regional basis may receive additional funding after the expiration of the preceding grant period.''.

(f) EVALUATION.—Subsection (f) of section 581 of the Public Health Service Act (42 U.S.C. 290kk(f)) is amended to read as follows:

''(f) EVALUATION AND MEASURES OF OUTCOMES.—

''(1) DEVELOPMENT OF PROCESS.—The Administrator shall develop a process for evaluating activities carried out under this section. Such process shall include—

''(A) the development of guidelines for the submission of program data by such recipients;

''(B) the development of measures of outcomes (in accordance with paragraph (2)) to be applied by such recipients in evaluating programs carried out under this section; and

''(C) the submission of annual reports by such recipients concerning the effectiveness of programs carried out under this section.

''(2) MEASURES OF OUTCOMES.—

''(A) IN GENERAL.—The Administrator shall develop measures of outcomes to be applied by recipients of assistance under this section, and the Administrator, in evaluating the effectiveness of programs carried out under this section. Such measures shall include student and family measures as provided for in subparagraph (B) and local educational measures as provided for under subparagraph (C).

''(B) STUDENT AND FAMILY MEASURES OF OUTCOMES.—The measures of outcomes developed under paragraph (1)(B) relating to students and families shall, with respect to activities carried out under a program under this section, at a minimum include provisions to evaluate—

''(i) whether the program resulted in an increase in social and emotional competency;

''(ii) whether the program resulted in an increase in academic competency;

''(iii) whether the program resulted in a reduction in disruptive and aggressive behaviors;

''(iv) whether the program resulted in improved family functioning;

''(v) whether the program resulted in a reduction in substance abuse;

''(vi) whether the program resulted in a reduction in suspensions, truancy, expulsions and violence;

''(vii) whether the program resulted in increased graduation rates; and

''(viii) whether the program resulted in improved access to care for mental health disorders.

''(C) LOCAL EDUCATIONAL OUTCOMES.—The outcome measures developed under paragraph (1)(B) relating to local educational systems shall, with respect to activities carried out under a program under this section, at a minimum include provisions to evaluate—

''(i) the effectiveness of comprehensive school mental health programs established under this section;

''(ii) the effectiveness of formal partnership linkages among child and family serving institutions, community support systems, and the educational system;

''(iii) the progress made in sustaining the program once funding under the grant has expired; and

''(iv) the effectiveness of training and professional development programs for all school personnel that incorporate indicators that measure cultural and linguistic competencies under the program in a manner that incorporates appropriate cultural and linguistic training.

''(3) SUBMISSION OF ANNUAL DATA.—An entity that receives a grant, contract, or cooperative agreement under this section shall annually submit to the Administrator a report that include data to evaluate the success of the program carried out by the entity based on whether such program is achieving the purposes of the program. Such reports shall utilize the measures of outcomes under paragraph (2) in a reasonable manner to demonstrate the progress of the program in achieving such purposes.

''(4) EVALUATION BY ADMINISTRATOR.—Based on the data submitted under paragraph (3), the Administrator shall annually submit to Congress a report concerning the results and effectiveness of the programs carried out with assistance received under this section.''.

(g) AUTHORIZATION OF APPROPRIATIONS AND AMOUNT OF GRANTS.—Subsection (h) of section 581 of the Public Health Service Act (42 U.S.C. 290hh(h)) is amended to read as follows:

''(h) AMOUNT OF GRANTS AND AUTHORIZATION OF APPROPRIATIONS.—

''(1) AMOUNT OF GRANTS.—A grant under this section shall be in an amount that is not more than $1,000,000 for each of grant years 2008 through 2012. The Secretary shall determine the amount of each such grant based on the population of children between the ages of 0 to 21 of the area to be served under the grant.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $200,000,000 for each of fiscal years 2008 through 2012.''.

(h) CONFORMING AMENDMENTS.—Part G of title V of the Public Health Service Act (42 U.S.C. 290hh et seq.), as amended by this section, is further amended—

(1) by striking the part heading and inserting the following:

''PART VII—SCHOOL-BASED MENTAL HEALTH''; and

(2) in section 581, by striking the section heading and inserting the following:

''SEC. 581. SCHOOL-BASED MENTAL HEALTH AND CHILDREN AND VIOLENCE.''.

Mr. DOMENICI. Mr. President, I rise today with my colleagues Senator KENNEDY and Senator DODD to introduce the Mental Health in Schools Act of 2007. This bill amends the Safe Schools Healthy Students Act to reauthorize projects relating to children and violence and also expands the program to help provide access to school-based mental health programs.

The mental health of our children is as important as their overall physical health. As a Nation, we have repeatedly seen tragic stories related to children whose mental health needs were not met. Recent studies indicate approximately 1 in 5 children have a diagnosable mental disorder and one in ten children have a serious emotional or behavioral disorder that is severe enough to cause substantial impairment in functioning at home, at school, or in the community.

The Mental Health in Schools Act of 2007 provides funding to local education agencies, LEAs, in partnership with their communities to develop and implement mental health service programs in schools. The funding will also be used to provide for in-service training to all school personnel in the techniques and supports related to mental health. It is our belief that these programs have the potential to not only improve access to care for mental health disorders but also to help increase academic competency and improved family functioning.

Investing in effective mental health treatment can mean the difference between a child's success and failure in school and in society. The most effective mental health care must be tailored to the child's and family's needs, and must be accessible and available when and where they need it. Children and their families' needs often cross multiple systems. Communities need sustainable tools to link or integrate those systems to meet those needs.

We must recognize that children do not have to remain neglected when it comes to their mental health. The future of children's mental health care is very promising. Programs promoting mental health work, and when they do, the resilience of a child can grow while diminishing the challenging behaviors associated with mental health problems and emotional disturbances. It is important to recognize that as a Nation and as a society, we have come a long way in understanding mental illness and its impact on children and adolescents. Research has made extraordinary leaps forward, giving us a better understanding of the disorders and the evidence-based treatments, services and supports that build resilience and facilitate recovery for children and adolescents.

We have seen over and over again that not offering effective mental health care has many ramifications, not the least of which is violence, substance abuse and poor academic performance. Much more is required of us as a Nation to secure the whole health and well-being of our future, our children and youth. Now is the time to begin a national debate on mental health care and its importance to our children. I think the bill we are introducing here is a great start and I look forward to working with my colleagues to pass this important legislation.

By Mr. KERRY:

S. 1333. A bill to amend the Internal Revenue Code of 1986 to strengthen the earned income tax credit; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing the Strengthen the Earned Income Tax Credit Act of 2007. Congressman PASCRELL is introducing the companion measure in the House. Since 1975, the EITC has been an innovative tax credit which helps low-income working families. President Reagan referred to the EITC as ''the best antipoverty, the best pro-family, the best job creation measure to come out of Congress.'' According to the Center on Budget and Policy Priorities, the EITC lifts more children out of poverty than any other government program.

It is time for us to reexamine the EITC and determine where we can strengthen it. It should not have taken Hurricane Katrina to show what Census data has proven—- some Americans are not benefiting from our economic recovery. The poverty rate for 2005 was 12.6 percent, basically the same as the rate for 2004. In 2005, there were 37 million men, women and children living in poverty. One-quarter of all jobs in the United States do not pay enough to support a family of four above the poverty level.

Hurricane Katrina affected many individuals who were already faced with difficult economic situations. Mississippi, Louisiana, and Alabama are the first, second, and eighth poorest States in the Nation respectively. The income of the typical household in these three States is well below the national average. In the hardest hit counties, 18.6 percent of the population is poor, compared with a national average of 12.5 percent.

Time after time, the Republican controlled Congress passed tax cuts which are skewed towards those with the most. In 2003, some of the 2001 cuts were phased-in at a faster rate and this did not include adjustments to the EITC. The Urban Institute, Brookings Institution's Tax Policy Center, reports that households with incomes of more than $1 million a year, the richest three-tenths of the population, receive an average tax cut of $118,000. These individuals do not have to worry about how they will have to pay for a roof over their heads or enough food for their families. We should not be focused on extending tax cuts which help those who do not have to worry about living pay check to pay check.

We need to help the low-income workers who struggle day after day trying to make ends meet. They have been left behind in the economic policies of the last 6 years. We need to begin a discussion on how to help those that have been left behind. The EITC is the perfect place to start.

The Strengthen the Earned Income Tax Credit Act of 2007 strengthens the EITC by making the following four changes: reducing the marriage penalty; increasing the credit for families with three or more children; expanding credit amount for individuals with no children; and permanently extending the provision which allows members of the armed forces to include combat pay as income for EITC computations. By making these changes, more individuals and families would benefit from the EITC.

First, the legislation increases marriage penalty relief and makes it permanent. In the way that the EITC is currently structured, many single individuals that marry find themselves faced with a reduction in their EITC. The tax code should not penalize individuals who marry.

Second, the legislation increases the credit for families with three or more children. Under current law, the credit amount is based on one child or two or more children. This legislation would create a new credit amount based on three or more children. Under current law, the maximum EITC for an individual with two or more children is $4,716 and under this legislation, the amount would increase to $5,306 for an individual with three or more children. The poverty level for an adult living with three children is $20,516. In total, 37 percent of all children live in families with at least three children and more than half of poor children live in such families. Under current law, an adult living with three children who is eligible for the maximum EITC with income equivalent to the phase-out income level would still have income below the poverty level. Under this legislation, an individual with three children and who is eligible for the full credit amount would be lifted above the poverty level by the amount of the credit.

Increasing the credit amount would make more families eligible for the EITC. Currently, an individual with three children and income at and above $37,783 would not benefit from the credit. Under this legislation, an individual with children and income under $40,582 would benefit from the EITC.

Third, this legislation would increase the credit amount for childless workers. The EITC was designed to help childless workers offset their payroll tax liability. The credit phase-in was set to equal the employee share of the payroll tax, 7.65 percent. However, in reality, the employee bears the burden of both the employee and employer portion of the payroll tax.

Under current law, an individual without children and income just above the poverty level would owe more than $800 in Federal income and payroll taxes in 2007, even with the EITC. This calculation is based on just the employee's share of the payroll tax. If you include the employer's share this individual would owe more than $1,600 in taxes. The decline in the labor force of single men has been troubling. Boosting the EITC for childless workers could be part of solution for increasing work among this group. Increasing the EITC for families has increased labor rates for single mothers and hopefully, it can do the same for this group.

This legislation doubles the credit rate for individual taxpayer and married taxpayers without children. The credit rate and phase-out rate of 7.65 percent is doubled to 15.3 percent. For 2007, the maximum credit amount for an individual would increase from $428 to $855. The doubling of the phase-out results in taxpayers in the same income range being eligible for the credit.

Fourth, the Working Families Tax Relief Act of 2004 included a provision which would allow combat pay to be treated as earned income for purposes of computing the child credit. This provision expires at the end of the year. This legislation makes this provision permanent. There is no reason why a member of the armed services should lose their EITC when they are mobilized and serving their country.

This legislation will help those who most need our help. It will put more money in their pay check. We need to invest in our families and help individuals who want to make a living by working. We are all aware of our fiscal situation and we should legislate in a responsible manner. It is a time for shared sacrifice. We cannot keep adding to the deficit, but we cannot leave the poor behind.

I ask for 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. 1333

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 ''Strengthen the Earned Income Tax Credit Act of 2007''.

SEC. 2. STRENGTHEN THE EARNED INCOME TAX CREDIT.

(a) REDUCTION IN MARRIAGE PENALTY.—

(1) IN GENERAL.—Section 32(b)(2)(B) of the Internal Revenue Code of 1986 (relating to joint returns) is amended—

(A) by striking '', 2006, and 2007'' in clause (ii) and inserting ''and 2006'', and

(B) by striking clause (iii) and inserting the following new clauses:

''(iii) $3,500 in the case of taxable years beginning in 2007,

''(iv) $4,000 in the case of taxable years beginning in 2008,

''(v) $4,500 in the case of taxable years beginning in 2009, and

''(vi) $5,000 in the case of taxable years beginning after 2009.''.

(2) INFLATION ADJUSTMENT.—Section 32(j)(1)(B)(ii) of such Code is amended—

(A) by striking ''$3,000 amount in subsection (b)(2)(B)(iii)'' and inserting ''$5,000 amount in subsection (b)(2)(B)(vi)'', and

(B) by striking ''2007'' and inserting ''2009''.

(3) PROVISIONS NOT SUBJECT TO SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset provisions of such Act) shall not apply to section 303(a) of such Act.

(b) INCREASE IN CREDIT PERCENTAGE FOR FAMILIES WITH 3 OR MORE CHILDREN.—The table contained in section 32(b)(1)(A) of such Code (relating to percentages) is amended—

(1) by striking ''2 or more qualifying children'' in the second row and inserting ''2 qualifying children'', and

(2) by inserting after the second row the following new item:

3 or more qualifying children.	45	21.06.

(c) CREDIT INCREASE AND REDUCTION IN PHASEOUT FOR INDIVIDUALS WITH NO CHILDREN.—The table contained in section 32(b)(1)(A) of such Code is amended—

(1) by striking ''7.65'' in the second column of the third row and inserting ''15.3'', and

(2) by striking ''7.65'' in the third column of the third row and inserting ''15.3''.

(d) PERMANENT EXTENSION OF SPECIAL RULE TREATING COMBAT PAY AS EARNED INCOME.—

(1) IN GENERAL.—Clause (vi) of section 32(c)(2)(B) of such Code (relating to earned income) is amended to read as follows:

''(iv) a taxpayer may elect to treat amounts excluded from gross income by reason of section 112 as earned income.''.

(2) PROVISION NOT SUBJECT TO SUNSET.—Section 105 of the Working Families Tax Relief Act of 2004 (relating to application of EGTRRA sunset to this title) shall not apply to section 104(b) of such Act.

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

By Mr. DODD (for himself, Mr. VOINOVICH, Mr. CONRAD, Mr. KERRY, Mr. BYRD, and Mr. BROWN):

S. 1334. A bill to amend section 2306 of title 38, United States Code, to make permanent authority to furnish government headstones and markers for graves of veterans at private cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

Mr. DODD. Mr. President, I rise today to introduce a bill that will restore the rights of veterans and their families to receive an official grave marker from the Department of Veterans' Affairs in acknowledgement of their service to this Nation. I am pleased to be joined by Senators KERRY, VOINOVICH, CONRAD, BYRD, and BROWN as original cosponsors. This legislation addresses a serious, and easily remedied, inequity that exists for veterans who passed away during the period between November 1, 1990, and September 11, 2001.

There is an inscription in Colleville-sur-Mer, France, at Omaha Beach, commemorating those Americans who perished in the World War II battle there, that reads:

This embattled shore, this portal of freedom, is forever hallowed by the ideas, the valor and sacrifice of our fellow countrymen.

Their graves are the permanent and visible symbols of their heroic devotion and their sacrifice in the common cause of humanity.

These endured all and gave all that justice among nations might prevail and that mankind might enjoy freedom and inherit peace.

Monuments like this, or like the many spectacular memorials right here in Washington, DC, serve as a reminder of the service, dedication, and sacrifice of our Nation's veterans. They are a tribute not to the suffering and darkness of war, but to the tremendous courage of those who served so that, as the inscription says, ''mankind might enjoy freedom and inherit peace.'' And in a small way, the markers placed at veterans' gravesites serve as a similar reminder for the friends and family members who visit a loved one's grave.

Until 1990, the family of a deceased American veteran could receive reimbursement for a VA headstone, a VA marker, or a private headstone. However, I regret to say, in the name of cutting costs, measures were taken to prevent the VA from providing markers to those families that had purchased gravestones out of their own pockets.

In my view, this constitutes a serious injustice; one that we must correct. It is shocking to me that veterans who passed during those 11 years are denied an official grave marker, and yet that is the effect of current law.

We owe it to these brave men and women to honor their service to this country. We have seen too many instances in which our veterans have not been accorded the respect they deserve. The accounts that have surfaced about the deplorable conditions at Walter Reed Army Medical Center and the consistent underfunding of the Veterans Health Administration shine an unpleasant spotlight on the ways in which we have fallen far short of our obligations to our Nation's veterans. And now, how can we deny veterans the simple honor of recognizing their service with a graveside marker?

This body first endorsed a provision restoring the right of every veteran to receive a grave marker as early as June 7, 2000, as part of the fiscal year 2001 Defense Authorization bill. This body approved this language again on December 8, 2001. But it was not until December 6, 2002, that legislation was

signed into law as part of the Veterans Improvement Act, allowing VA markers to be provided to deceased veterans retroactively. Unfortunately, however, when the bill went to a conference with the House of Representatives, this benefit was inexplicably applied retroactively only to September 11, 2001, rather than to November 1, 1990, the date at which the new VA regulation came into effect.

In my view, to arbitrarily deny veterans who passed away during that 11-year period is unconscionable. Their service to our Nation was no less dedicated than the service of those who passed away before and after that period. It is an insult to their memories and to the families and friends who loved them.

This legislation is quite simple. It merely allows all veterans who have passed away since 1990 to be provided with official VA grave markers and it repeals the expiration of the VA's authority to provide these grave markers. The VA is supportive of this legislation, which I believe will ensure that all of our Nation's veterans are accorded the respect they are due for their sacrifices. In a report submitted to Congress on February 10, 2006, the VA endorsed both provisions of this legislation, recommending that the grave marker authority be made permanent and retroactive to 1990.

Moreover, this bill is inexpensive. The Congressional Budget Office estimated the cost of this bill to be just $1 million over 5 years and $2 million over 10 years. Who can argue that this is too high a price to pay to honor our fallen heroes?

We are approaching the 9th anniversary of the passing of Mr. Agostino Guzzo, a Connecticut resident who bravely served in the U.S. Armed Forces in the Philippines during World War II. His family interred his body in a mausoleum at the Cedar Hill Cemetery in Hartford, CT. The family was not aware of the VA's restrictions on grave markers at the time, and was told by the VA that there was no way to receive official recognition.

Agostino's son, Mr. Thomas Guzzo, brought the matter to my attention, and we were able to pass legislation granting Agostino the memorial he deserves. But too many families are still denied such markers. This legislation honors the memory of Agostino Guzzo and all of the veterans who have served their country in war and in peace. Thomas Guzzo's commitment to this issue has not ended. The commitment of this Congress should continue, as well.

I hope my colleagues will support this important legislation.

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

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

S. 1334

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

SECTION 1. MODIFICATION OF AUTHORITIES ON PROVISION OF GOVERNMENT HEADSTONES AND MARKERS FOR BURIALS OF VETERANS AT PRIVATE CEMETERIES.

(a) REPEAL OF EXPIRATION OF AUTHORITY.—Subsection (d) of section 2306 of title 38, United States Code, is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(b) RETROACTIVE EFFECTIVE DATE.—Notwithstanding subsection (d) of section 502 of the Veterans Education and Benefits Expansion Act of 2001 (Public Law 107–103; 115 Stat. 995; 38 U.S.C. 2306 note), the amendments made to section 2306(d) of title 38, United States Code, by such section 502 and the amendments made by section 402 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461), other than the amendment made by subsection (e) of such section 402, shall take effect as of November 1, 1990, and shall apply with respect to the graves of individuals dying on or after that date.

By Mr. INHOFE (for himself and Mr. ENZI):

S. 1335. A bill to amend title 4, United States Code, for declare English as the official language of the Government of the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. INHOFE. Mr. President, last year I said that this Nation of immigrants requires an official language. An overwhelming majority of the Senate agreed with me on my amendment to that effect on the immigration bill. I am convinced that official English will command another majority should it receive a rollcall vote in this session. That is why today I am introducing S. 1335 to make English the official language of our Nation.

The English language has played a critical role in establishing the unity of this Nation from its beginning. As I have said before, a common means of communication has created one giant market for goods and labor in our Nation, from Maine to California. A resident of Tulsa can seek work in New Hampshire, Oregon, or Georgia without having to learn a second language. A company based in Oklahoma City can readily sell its products from Portland, ME, to Los Angeles.

In Europe, by contrast, a resident of Berlin cannot look for work in Paris or Warsaw without surmounting considerable language barriers. A German company cannot usually sell its product in Madrid, again, in part, because of language barriers. The European Union is an effort to create a U.S.-like common market in Western Europe. Among other things, Europeans are spending billions of euros to try to replicate what we in America have enjoyed for free these past 230 years.

Recognizing that English is necessary for successful business and a growing economy, the Santa Ana Chamber of Commerce recently announced that it is spearheading a multimillion dollar campaign to help about 50,000 of its residents to learn the language. I regret to report that we have spent the last few decades giving away this priceless linguistic unity.

Clinton Executive Order No. 13166 demands that all recipients of Federal funds function in any language anyone speaks at any time, burdening taxpayers with extraneous costs of an enabling policy while providing incentives for immigrants to circumvent learning English and, regretfully, hurt their chances at effective assimilation.

My constituents agree that foreign language ballots deserve no place in an American election. My bill will eliminate these foreign language voting materials and multilingual voting mandates imposed on Oklahoma and other States. Only citizens are allowed to vote in our Nation, and one of the requirements to become a good citizen is to show an understanding of English. Money to provide foreign language ballots would be better spent on such constructive activities as simply teaching people how to speak English.

Not only does my bill repeal foreign language ballots, it is aimed at the entire forest of mandatory multilingualism. My legislation basically recognizes the practical reality of the role of English as our official language and states explicitly that English is our official language and provides English a status in law it has not held before. Making English the official language will clarify that there is no entitlement to receive Federal documents and services in languages other than English and will end the practice of providing translation entitlements at taxpayer expense.

My bill declares that any rights of a person, as well as services or materials in languages other than English, must be authorized or provided by law. It recognizes the decades of unbroken court opinions that civil rights laws protecting against national origin and discrimination do not create rights to government service and materials in languages other than English. While my bill will end federally mandated and funded foreign language entitlement, it certainly still allows for Democratic and Republican activists to offer palm cards and sample ballots in any language they wish—from Cherokee to Chinese—on election day and for individuals to bring along their own translaters to any Federal Government office.

It is important to note that my bill only affects the language spoken by the Government, not the language choices of people speaking among themselves.

Official English is popular even among Hispanics. As I have cited before on the floor of the Senate, in 2006, a Zogby poll found 84 percent of Americans, including 71 percent of Hispanics,

believe that English should be the national language of government operations. According to a 2002 Kaiser Family Foundation survey, a poll of 91 percent of foreign-born Latino immigrants agreed that learning English is essential to succeed in the United States.

Allow me to conclude by remembering the founder of the official English movement, U.S. Senator S.I. Hayakawa. The son of Asian immigrants, S.I. Hayakawa became a professor of English, a college president, and, in 1976, a U.S. Senator. Senator Hayakawa became the leader of the official English effort in this Chamber when he introduced an official English bill on April 27, 1981. Senator Hayakawa used to say ''bilingualism for the individual is fine but not for a country.'' While I never served with Senator Hayakawa, I would like to honor his efforts and continue his important work by offering the S.I. Hayakawa Official English Act of 2007, which is S. 1335.

Let me say, it seems so ridiculous that as we travel around the world, there are some 51 countries that have English as their official language, and yet the United States doesn't. I was recently in Ghana, West Africa. They have English as their official language. We don't have it in the United States.

Zambia, Uganda, and Zimbabwe have English as their official language but not the United States. This is something that should be a no-brainer. Of the 80-some percent of the people polled, up to 91 percent want English as the official language, and yet, for some unknown reason, people seem to be catering to some maybe small, radical group that doesn't want it. I think it is time for the majority of the American people to realize this could very well be the reality.

Let me also say, when I had this amendment on the floor before, there were all kinds of objections that came down that didn't have any credibility at all. One of them that came down said: Well, you have all these flags of the various States that have foreign languages; you would have to do away with State flags. This has nothing to do with that. One came down that said: You would no longer be able to use Spanish on the floor of the Senate. It has nothing to do with that. They said: You would be drowning Hispanics. I said: Explain that to me. They said: Well, we have ''no swimming'' signs in the Potomac where the currents are very strong, so people would go in there and they would drown. This is how desperate people are to find something objectionable about something that 90 percent of the people in America want.

So we are very serious about this. We are going to carry on the works of the good Senator from California and hopefully respond to 90 percent of Americans who want English as an official language.

By Ms. SNOWE (for herself and Mr. BAYH):

S. 1336. A bill to provide for an assessment of the achievement by the Government of Iraq of benchmarks for political settlement and national reconciliation in Iraq; to the Committee on Foreign Relations.

Ms. SNOWE. Mr. President, I rise to speak to the monumental and consequential matter regarding the future course of the United States and our courageous men and women in uniform in Iraq.

Today, we are at a profoundly challenging moment in time, and at a critical crossroads with respect to our direction in this war. That sense of urgency was compounded by my recent trip to Iraq this past weekend where I had the privilege of meeting with some of America's bravest and finest serving in Baghdad, including Mainers. I came away believing more firmly than ever that the Iraq Government must understand that our commitment is not infinite, and that Americans are losing patience with the failure of the leadership to end the sectarian violence and move toward national reconciliation.

My visit further underscored the fact that there is not a military solution to the problem, and in the final analysis, the situation requires demonstrable action by the Iraq Government on true political reform and reconciliation. My firsthand experience reinforced that political will and diplomatic initiatives must form the core of our success, and that our goal must be to bring about reconciliation as soon as possible so that all of America's soldiers including those from Maine can return home to their families and loved ones.

None of us arrive at this question lightly. In my 28-year tenure in Congress, I have witnessed and participated in debates on such vital matters as Lebanon, Panama, the Persian Gulf, Somalia, Bosnia, and Kosovo. And indisputably, myriad, deeply-held beliefs and arguments were expressed on those pivotal matters, some in concert, some complementary, some in conflict. Yet, without question, all were rooted in mutual concern for, and love of, our great Nation. And there was, and should not be today, no question about our support for our brave and extraordinary troops.

It is therefore with the utmost respect for our troops that Senator EVAN BAYH and I today introduce a bill which allows them the ability to complete the mission they have selflessly undertaken, while assuring them that their valor shall not be unconditionally expended upon an Iraqi Government which fails to respond in kind.

Before proceeding any further, let me pause to express my deep appreciation and immense gratitude to Senator BAYH for his tremendous leadership and indispensable contribution in forging this welcomed, bipartisan measure. If there ever were a time for us to fashion a way forward, together, it is surely now, and because of Senator BAYH and his tireless efforts we have a measure that represents a significant step in the right direction. I thank him and his staff for bringing this fresh approach to fruition today.

The Snowe-Bayh Iraq bill requires that government to actually achieve previously agreed political and security benchmarks while the Baghdad Security Plan, commonly referred to as the ''surge,'' is in effect, or face the redeployment of those U.S. troops dedicated to that plan.

Specifically, this legislation would require that, 120 days after enactment, a point in time at which our military commanders have stated that they should know whether the surge will succeed, the commander of Multi-National Forces, Iraq would report to Congress as to whether the Iraqi Government has met each of six political and security-related benchmarks which it has already agreed to meet by that time. These six benchmarks are: Iraqi assumption of control of its military; enactment and implementation of a militia law to disarm and demobilize militias and to ensure that such security forces are accountable only to the central government and loyal to the constitution of Iraq; completion of the constitutional review and a referendum held on special amendments to the Iraqi Constitution that ensure equitable participation in the Government of Iraq without regard to religious sect or ethnicity; completion of a provincial election law and commencement and specific preparation for the conduct of provincial elections that ensures equitable constitution of provincial representative bodies without regard to religious sect or ethnicity; enactment and implementation of legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner; and enactment and implementation of legislation that equitably reforms the de-Ba'athification process in Iraq.

The Iraqi Government must know that any opportunity gained from our increased troop levels in Baghdad is a window that we will soon close if it fails to take urgent action and show tangible results in tandem. If, at the end of 120 days, the commander of Multi-National Forces, Iraq reports the Iraqi Government has not met the benchmarks, then the commander should plan for the phased redeployment of the troops we provided for the Baghdad Security Plan, period.

That is why, under the Snowe-Bayh measure, after 120 days, should the commander report that the Iraqi Government has failed to meet any of the benchmarks listed, he will then be required to present a plan for the phased redeployment of those combat troops sent to Iraq in support of the Baghdad Security Plan and to provide plans detailing the transition of the mission of the U.S. forces remaining in Iraq to one of logistical support, training, force protection, and targeted counterterrorism operations, for examples, those functions set forth in the

Iraq Study Group Report, with the objective of successfully accomplishing this change in mission within 6 months of the date of his testimony before Congress. The commander must further indicate the number of troops needed to successfully complete the changed mission and the estimated duration of that mission. As General Petraeus stated in March.

I have an obligation to the young men and women in uniform out here, that if I think it's not going to happen, to tell them that it's not going to happen, and there needs to be a change.

My colleagues may recall that I opposed the surge because I did not, and still do not, believe that additional troops are a substitute for political will and capacity. General Petraeus said last month that a political resolution is crucial because that is what will determine in the long run the success of this effort. I could not agree more. The fact is, America and the world require more than Iraq's commitment to accomplishing the benchmarks that will lead to a true national reconciliation, we must see actual results. The Iraqi Government must find the will to ensure that it represents and protects the rights of every Iraqi.

After our 4-year commitment, Iraq's Government should not doubt that we must observe more than incremental steps toward political reconciliation, we require demonstrable changes. While limited progress has been mad on necessary legislative initiatives such as the Hydrocarbon Law, it is in fact a sheaf of laws and not just a single measure that must pass to ensure that all Iraqis have a share and stake in their government. Chief among these are constitutional amendments which will permit Iraqis of all ethnicities and confessions to be represented at the local level of government. Yet, so far, the review committee has yet to even finish drafts of these critical amendments.

I believe we were all encouraged by the recent ambassadorial meetings in Baghdad and last week's ministerial conference called at the Iraqi Government's request. These diplomatic talks are vital to securing Iraq's border, reversing the flow of refugees, and stemming the foreign interference which exacerbates sectarian divisions. But we also look for the Iraqi Government's leadership in dismantling the militias and strengthening the National Army so that it is truly a national institution that can provide the security so desperately desired by all Iraqis in every province.

We are now 3½ months into the surge, and our troops have made gains in reducing the still horrific levels of violence on Baghdad through their heroic efforts. Yet it is deeply concerning to me that, mirroring the slowness with which the Iraqi Government has moved on political reforms, their sacrifice remains by and largely unmatched by their Iraqi counterparts.

Last month, Leon Panetta, a member of the Iraq Study Group, wrote the following in a New York Times Op-ED, ''. . . every military commander we talked to felt that the absence of national reconciliation was the fundamental cause of violence in Iraq. As one American general told us, 'if the Iraqi Government does not make political progress on reforms, all the troops in the world will not provide security.' He went on to enumerate the progress or, more to the point, the lack of progress toward the agreed upon benchmarks and concluded that 'unless the United States finds new ways to bring strong pressure on the Iraqis, things are not likely to pick up any time soon.'''

In fact, over the past few months, many have come to the realization that political action by the Iraqi Government is a paramount precursor to national reconciliation and stability and, without it, the Baghdad Security Plan is only a temporary, tactical fix for one specific location. And while we are hearing about incremental successes, I agree with Thomas Friedman who said recently in an interview, ''there's only one metric for the surge working, and that is whether we're seeing a negotiation among Iraqis to share power, to stabilize the political situation in Iraq, which only they can do . . . telling me that the violence is down 10 percent or 8 percent here or 12 percent there, I don't really think that's the metric at all.''

To this day, the public looks to the United States Senate to temper the passions of politics and to bridge divides. And if ever there were a moment when Americans are imploring us to live up to the moniker of ''world's greatest deliberative body,'' that moment is upon us.

If I had a son or daughter or other family member serving in Iraq, I would want at least the assurance that someone was speaking up to tell the Iraqi Government, and frankly our government as well, that at my family's sacrifice must be matched by action and sacrifice on the part of the Iraqi Government. I would want to know that the most profound of all issues was fully debated by those who are elected to provide leadership. For those of us who seek success in Iraq, and believe that a strategy predicated on political and diplomatic solutions, not merely increased troop levels, presents the strongest opportunity to reach that goal, let us coalesce around this bill, which will allow us to speak as one voice, strong, together, and united in service to a purpose we believe to be right.

By Mr. KERRY (for himself, Mr. SMITH, Mr. KENNEDY, and Mr. DOMENICI):

S. 1337. A bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program; to the Committee on Finance.

Mr. KERRY. Mr. President, it is my great hope that Congress will move this year to see that the successful, bipartisan State Children's Health Insurance Program is allowed the opportunity to fulfill its promise to the low-income children of this country. For 10 years it has provided, along with Medicaid, the type of meaningful and affordable health insurance coverage that should be ensured to each and every American. Yet there is much work to be done, and the reauthorization of S–CHIP gives us the opportunity to expand these successful programs to as many of the 9 million uninsured children in the country today, starting with the 6 million that are already eligible for public programs but not yet enrolled.

But we must keep in mind that while expanding coverage to the uninsured is our top priority, it is equally important to ensure that the types of benefits offered to our Nation's children are quality services that are there for them when they need them. When it comes to mental health coverage, that unfortunately is not the case today. Therefore, I am introducing today, along with Senators SMITH, KENNEDY, and DOMENICI, the Children's Mental Health Parity Act which provides for equal coverage of mental health care for all children enrolled in the State Children's Health Insurance Plan, SCHIP.

Mental illness is a critical problem for the young people in this country today. The numbers are startling: Mental disorders affect about one in five American children and up to 9 percent of kids experience serious emotional disturbances that severely impact their functioning. And low-income children, those the S–CHIP program is designed to cover, have the highest rates of mental health problems.

Yet the sad reality is that an estimated two-thirds of all young people struggling with mental health disorders do not receive the care they need. We are failing our children when it comes to the treatment of mental health disorders and the consequences could not be more severe. Without early and effective intervention, affected children are less likely to do well in school and more likely to have compromised employment and earnings opportunities. Moreover, untreated mental illness may also increase a child's risk of coming into contact with the juvenile justice system, and children with mental disorders are at a much higher risk for suicide.

Unfortunately, many States' S–CHIP programs are not providing the type of mental health care coverage that our most vulnerable children deserve. Many States impose discriminatory limits on mental health care coverage that do not apply to medical and surgical care. These can include caps on coverage of inpatient days and outpatient visits, as well as cost and testing restrictions that impair the ability of our physicians to make the best judgments for our kids.

The Children's Mental Health Parity Act would prohibit discriminatory limits on mental health care in SCHIP plans by directing that any financial requirements or treatment limitations that apply to mental health or substance abuse services must be no more restrictive than the financial requirements or treatment limits that apply to other medical services. Your bill would also eliminate a harmful provision in current law that authorizes States to lower the amount of mental health coverage they provide to children in SCHIP down to 75 percent of the coverage provided in the benchmark plans listed in the statute as models for States to use in developing their SCHIP plans.

The mental health community is gathered in Washington today to mark National Children's Mental Health Awareness Day and many of the leading advocacy groups have endorsed the Children's Mental Health Parity Act, including Mental Health America, the American Academy of Child & Adolescent Psychiatry, the Bazelon Center for Mental Health Law, Fight Crime: Invest in Kids, The National Association for Children's Behavioral Health, the National Association of Psychiatric Health Systems, and the National Council for Community Behavioral Health care.

America's kids who are covered through SCHIP should be guaranteed that the mental health benefits they receive are just as comprehensive as those for medical and surgical care. It is no less important to care for our kids' mental health, and this unfair and unwise disparity should no longer be acceptable. As we debate many important features of the S–CHIP program during reauthorization, I look forward to working with Members on both sides of the aisle to see that this important, bipartisan measure receives the support that it deserves.

I ask for unanimous consent that the text of the bill bill and letters of support be printed in the RECORD.

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

S. 1337

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 ''Children's Mental Health Parity Act''.

SEC. 2. PARITY FOR MENTAL HEALTH SERVICES IN SCHIP.

(a) ASSURANCE OF PARITY.—Section 2103(c) of the Social Security Act (42 U.S.C. 1397cc(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4), the following:

''(5) MENTAL HEALTH SERVICES PARITY.—

''(A) IN GENERAL.—In the case of a State child health plan that provides both medical and surgical benefits and mental health or substance abuse benefits, such plan shall ensure that the financial requirements and treatment limitations applicable to such mental health or substance abuse benefits are no more restrictive than the financial requirements and treatment limitations applied to substantially all medical and surgical benefits covered by the plan.

''(B) DEEMED COMPLIANCE.—To the extent that a State child health plan includes coverage with respect to an individual described in section 1905(a)(4)(B) and covered under the State plan under section 1902(a)(10)(A) of the services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with section 1902(a)(43), such plan shall be deemed to satisfy the requirements of subparagraph (A).''.

(b) CONFORMING AMENDMENTS.—Section 2103 of such Act (42 U.S.C. 1397cc) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''subsection (c)(5)'' and inserting ''paragraphs (5) and (6) of subsection (c)''; and

(2) in subsection (c)(2), by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2007.

———

NATIONAL COUNCIL FOR COMMUNITY BEHAVIORAL HEALTHCARE,
May 8, 2007.

Hon. GORDON H. SMITH,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR SMITH: On behalf of the National Council for Community Behavioral Healthcare, I am writing to congratulate you for the introduction of the Children's Mental Health Parity Act, which will require a nondiscriminatory mental health benefit in the State Children's Health Insurance (SCHIP) Program. The National Council strongly supports your bill because it directly reflects the service needs of the 2 million children with mental and emotional disorders that our members serve every year.

The seminal document Mental Health: A Report of the Surgeon General estimates that approximately one in five children and adolescents experience the signs and symptoms of mental disorders during the course of a year. Furthermore, widespread conditions such as major clinical depression and anxiety disorders are particularly prevalent in low-income populations of children who are more likely to be enrolled in the SCHIP Program. In many instances, these conditions manifest themselves as physical complaints greatly complicating the clinical management of both medical/surgical conditions as well as mental disorders.

With many states limiting outpatient mental health benefits to 20 visits and inpatient hospital services to 30 days or less, youngsters with more serious mental illnesses will not receive the mental health care they need. Indeed, these arbitrary limits make neither clinical nor fiscal sense. When children reach their SCHIP mental health policy limits, National Council members are often charged with qualifying these same kids for Medicaid coverage. During the Medicaid eligibility determination process, their clinical condition may deteriorate leading to expensive placements in psychiatric hospitals or residential treatment facilities.

The Children's Mental Health Parity Act ends this discriminatory treatment once and for all, while providing additional mental health benefits for the kids who need them most. Please count on the National Council to fight for this important bill throughout the SCHIP reauthorization process.

Sincerely,

LINDA ROSENBERG,
Executive Director.

MENTAL HEALTH AMERICA,
Alexandria, Virginia, May 7, 2007.

Hon. JOHN F. KERRY,
Hon. EDWARD M. KENNEDY,
Hon. GORDON SMITH,
Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATORS KERRY, SMITH, KENNEDY, AND DOMENICI: I commend you for your leadership in introducing the ''Children's Mental Health Parity Act'' to require equitable coverage of mental health services in the State Children's Health Insurance Program (SCHIP). As you know, providing access to needed mental health care is a key component of ensuring that SCHIP covers the full array of services needed for healthy childhood development.

As the Nation's oldest and largest advocacy organization dedicated to addressing all aspects of mental health and mental illness, we at Mental Health America greatly value the importance of prevention and early identification of mental illness. Thus, improving access to mental health care for children and youth is one of our primary objectives, particularly since some of the most serious mental illnesses often first arise in adolescence.

Many children need extensive mental health services in order to progress socially and emotionally and to successfully complete their education. Mental disorders affect about one in five American children and five to nine percent experience serious emotional disturbances that severely impair their functioning. Moreover, low-income children enrolled in Medicaid and SCHIP have the highest rates of mental health problems.

Unfortunately, over two-thirds of children struggling with mental health disorders do not receive mental health care. Without early and effective identification and interventions, childhood mental disorders can lead to a downward spiral of school failure, poor employment opportunities, and poverty in adulthood. Untreated mental illness may also increase a child's risk of coming into contact with the juvenile justice system, and children with mental disorders are at a much higher risk for suicide.

Discriminatory limits on mental health care are a primary cause of this widespread lack of access to necessary mental health services. And sadly, many state SCHIP plans impose these restrictive limits on mental health care, including caps on coverage of inpatient days and outpatient visits. These limits are not based on the medical needs of children enrolled in SCHIP or on practitioners' best practice guidelines. They are far too restrictive for ensuring access to adequate care for children with mental disorders. In fact, research has shown that children with complex mental health needs have access to full coverage for needed services in not more than 40 percent of states due to the limited benefit package in their state's SCHIP plan.

Thus, we greatly appreciate your introduction of the ''Children's Mental Health Parity Act'' that would prohibit discriminatory limits on mental health care in SCHIP plans by directing that any financial requirements or treatment limitations that apply to mental health or substance abuse services must be no more restrictive than the financial requirements or treatment limits that apply to other medical services. Your bill would also eliminate a harmful provision in current law that authorizes states to lower the amount of mental health coverage they provide to children in SCHIP down to 75 percent of the coverage provided in the benchmark plans listed in the statute as models for states to use in developing their SCHIP plans.

We look forward to working with you to ensure enactment of this important legislation.

Sincerely,

DAVID L. SHERN, Ph.D.,
President and CEO.

AMERICAN ACADEMY OF CHILD AND ADOLESCENT PSYCHIATRY
Washington, DC, May 3, 2007.

Hon. Senator GORDON SMITH,
Russell Senate Office Building,
Washington, DC.
Hon. Senator JOHN KERRY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS SMITH AND KERRY: on behalf of the American Academy of Child and Adolescent Psychiatry (AACAP), we would like to express our support for the ''The Children's Mental Health Parity Act.''

The American Academy of Child and Adolescent Psychiatry (AACAP) is a medical membership association established by child and adolescent psychiatrists in 1953. Now over 7,600 members strong, the AACAP is the leading national medical association dedicated to treating and improving the quality of life for the estimated 7–12 million American youth under 18 years of age who are affected by emotional, behavioral, developmental and mental disorders.

Mental health is integral to the health and well-being of all children. Children coping with emotional and mental disorders must be identified, diagnosed, and treated to avoid the loss of critical developmental years that can never be recaptured. Currently, under the State Children's Health Insurance Program (SCHIP) mental health coverage is left up to the states. This act will amend Title XXI of the Social Security Act to provide for equal mental health coverage under SCRIP and allow for millions of children to receive the preventive care they need to live healthy productive lives.

We appreciate your leadership on this important issue. Please contact Kristin Kroeger Ptakowski, Director of Government Affairs, at 202.966.7300, x. 108, if you have any questions concerning children's mental health issues.

Sincerely,

THOMAS ANDERS, M.D.,
President.

NATIONAL ASSOCIATION FOR CHILDREN'S BEHAVIORAL HEALTH,
Washington, DC, May 6, 2007.

Senator JOHN KERRY,
Senate Russell,
Washington, DC.

DEAR SENATOR KERRY: On behalf of the National Association for Children's Behavioral Health, we want to thank you for your leadership in introducing the Children's Mental Health Parity Act. Allowing persistent discriminatory coverage in mental health benefits in any health insurance policies is an indignity which no longer can be tolerated. Correcting this injustice in the State Children's Health Insurance Program, recognizing the particular and multiple needs of low income and disabled children, is an appropriate beginning.

The reauthorization of this program offers a critical opportunity to rectify discriminatory limits on mental health care that exist in SCHIP plans across the nation. Children in SCHIP plans deserve comprehensive coverage for their mental health needs. Not only does existing law not require parity for mental health services in benchmark plans, it allows for discriminatory lower actuarial values in benchmark equivalent plans. This outrage must be corrected. Your bill takes the courageous steps necessary to correct these injustices. We stand ready to assist you any way to assure swift passage.

The National Association for Children's Behavioral Health (NACBH) is a nonprofit trade association representing multi-service treatment and social service agencies. Members provide a wide array of behavioral health and related services to children, youth and families. Services provided by NACBH members include assessment, crisis intervention, residential treatment, group homes, family-based treatment homes, foster care, independent living, family services, alternative educational services and programs, in-home respite, outpatient counseling and a plethora of community outreach programs and resources. Providers serve clients from the mental health, social service, juvenile justice, welfare, and educational systems. Serving over 50,000 clients annually, NACBH members are firmly rooted in their local communities. They provide a link to the full array of services designed to restore the child and family to as normal, involved and functioning a life as possible.

NACBH's mission is to promote the availability and delivery of appropriate and relevant services to children and youth, with or at risk of, serious emotional or behavioral disturbances and their families. We thank you for your commitment to children and youth, with or at risk of emotional disturbances, and their families and look forward to working with you to pass this critically important bill.

JOY MIDMAN,
Executive Director.

FIGHT CRIME:
INVEST IN KIDS,
Washington, DC, May 8, 2007.

DEAR SENATOR KERRY: The 3,000 police chiefs, sheriffs, district attorneys and violence survivors of Fight Crime: Invest in Kids know from the front lines—and the research—that targeted investments in children are critical to our nation's public safety. The State Children's Health Insurance Program (SCHIP) can provide coverage for many effective interventions that are proven to help treat kids with behavioral or emotional problems—preventing later violence and saving taxpayers money. However, to maximize its crime reduction impact, current law regarding mental health coverage must be strengthened to ensure that mental health benefits are equivalent in scope to benefits for other physician and health services. We are pleased that you, along with Senators Smith, Kennedy and Domenici, are working to amend the State Children's Health Insurance Program to provide mental health parity.

SCHIP coverage can help provide evidenced-based, intensive individual and family therapy programs for troubled youth such as Multi-Systemic Therapy (MST). A study of MST followed juvenile offenders until they were, on average, 29-years-old. Individuals who had not received MST were 62 percent more likely to have been arrested for an offense, and more than twice as likely to have been arrested for a violent offense. Unfortunately, a number of states limit the amount or duration of mental health services coverage so that, in many states, effective delinquency intervention treatments like MST could not be covered.

Mental health benefits under SCHIP should be strengthened to ensure that mental health benefits are equivalent in scope to benefits for other physician and health services. The Children's Mental Health Parity Act would amend SCHIP to ensure that states' children's health plans include no financial requirements and treatment limitations for mental health care that are more restrictive than those of other medical benefits of the plan.

We look forward to working with you to ensure that a strong SCHIP reauthorization bill, which incorporates these mental health parity provisions, moves to enactment. This will help kids get off to a good start and make our communities safer.

Sincerely,

DAVID S. KASS,
President.
MIRIAM A. ROLLIN,
Vice President.

NATIONAL ASSOCIATION OF PSYCHIATRIC HEALTH SYSTEMS,
Washington, DC, May 7, 2007.

Hon. JOHN F. KERRY,
Hon. GORDON SMITH,
Hon. EDWARD M. KENNEDY,
Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATORS KERRY, SMITH, KENNEDY, AND DOMENICI: On behalf of the more than 600 members of the National Association of Psychiatric Health Systems (NAPHS) and the individuals and families that our members serve, we want to thank you for your leadership in introducing the ''Children's Mental Health Parity Act'' to require equitable coverage of mental health services in the State Children's Health Insurance Program (SCHIP).

Low-income children enrolled in Medicaid and SCHIP have the highest rates of mental health problems. Unfortunately, over two-thirds of children struggling with mental health disorders do not receive mental health care. Untreated mental illness may increase a child's risk of coming into contact with the juvenile justice system, and children with mental disorders are at a much higher risk for suicide.

Discriminatory limits on mental health care are a primary cause of this widespread lack of access to necessary mental health services. And sadly, many state SCHIP plans impose these restrictive limits on mental health care, including caps on coverage of inpatient days and outpatient visits. These limits are far too restrictive for ensuring access to adequate care for children with mental disorders. In fact, research has shown that children with complex mental health needs have access to full coverage for needed services in not more than 40 percent of states due to the limited benefit package in their state's SCHIP plan.

Thus, we greatly appreciate your introduction of the ''Children's Mental Health Parity Act'' that would prohibit discriminatory limits on mental health care in SCHIP plans by directing that any financial requirements or treatment limitations that apply to mental health or substance abuse services must be no more restrictive than the financial requirements or treatment limits that apply to other medical services. Your bill would also eliminate a harmful provision in current law that authorizes states to lower the amount of mental health coverage they provide to children in SCHIP down to 75 percent of the coverage provided in the benchmark plans listed in the statute as models for states to use in developing their SCHIP plans.

Again, thank you for all you have done to improve the lives of millions of children with psychiatric disorders. We enthusiastically support your bill and look forward to continuing to work with you to pass this very important legislation.

Sincerely,

MARK COVALL,
Executive Director.

JUDGE DAVID L. BAZELON CENTER
FOR MENTAL HEALTH LAW,
May 7, 2007.

Hon. JOHN KERRY,
Hon. GORDON SMITH
Hon. PETE DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATORS KERRY, SMITH AND DOMENICI: On behalf of the Judge David L. Bazelon Center for Mental Health Law—the national leading legal-advocacy organization representing children and adults with mental disabilities—I would like to offer our strong support for the Children's Mental Health Parity Act. We fully share your goal of eliminating discriminatory limits placed on mental health services within the State Children's Health Insurance Program (SCHIP).

As you well know, many states have imposed discriminatory and restrictive limits on mental health services that would not be permissible in Medicaid, including caps on both inpatient and outpatient care, annual cost restrictions, and limits on diagnostic services. As a result, many enrolled children do not receive essential mental health care as an important component of the range of services needed by children for healthy development. Without access to needed mental health care, children are placed at risk for a host of adverse outcomes, including school failure, contact with juvenile justice and even suicide.

It is vital that SCHIP plans provide mental health coverage that is equivalent to the coverage provided for general health care. The goal of SCHIP—to provide children with the health insurance coverage they need—must be realized for all eligible children. We look forward to working with you to ensure enactment of this important legislation.

Sincerely,

ROBERT BERNSTEIN,
Executive Director.

Mr. SMITH. Mr. President, I rise today with my colleagues Senator KERRY, Senator DOMENICI and Senator KENNEDY to introduce a The Children's Mental Health Parity Act that will have tremendous impact on millions of low-income children who are living with a mental illness. This bill will ensure mental health parity exists in the State Children's Health Insurance Program, SCHIP, which provides health care to our Nation's low-income children.

Mental illness affects about one in 5 American children, yet an estimated ⅔ of all young people with mental health problems are not getting the help they need. Moreover, children in Medicaid and SCHIP have the highest rates of mental health problems. Despite the prevalence of mental illness among our Nation's children, a large majority of children struggling with these difficulties do not receive mental health care. Without early and effective identification and interventions, childhood mental illnesses can lead to school failure, poor employment opportunities and poverty in adulthood. We also ow that suicide is the sixth leading cause of death among 5 to 15 year olds and the third leading cause of death for 15 to 24 year olds. Moreover, in 1999, more teenagers and young adults died as a result of suicide than cancer, heart disease, HIV/AIDS, birth defects, stroke and chronic lung disease combined. Currently, between 500,000 and one million young people attempt suicide each year.

A parent with a son who struggled with a mental illness, I know all too well the indiscriminate nature of the illness and the frightening statistics of its regular occurrence for those we love. That is why ensuring access to care is so vitally important. Yet, our Nation's health care program dedicated to delivering care to children is falling behind. Many States have imposed restrictive limits on mental health services that would not be permissible in Medicaid, including caps on both inpatient and outpatient care, annual cost restrictions, and limits on diagnostic services. These limits are not based on the medical needs of beneficiaries or best practice guidelines and result in coverage that is wholly inadequate for a child with a mental illness.

This is why the introduction of this legislation is so critical. The Children's Mental Health Parity Act would prohibit discriminatory limits on mental health care in SCHIP plans by directing that any financial requirements or treatment limitations that apply to mental health or substance abuse services must be no more restrictive than the financial requirements or treatment limits that apply to other medical services. The bill also would eliminate a harmful provision in current law that authorizes states to lower the amount of mental health coverage they provide to children in SCHIP down to 75 percent of the coverage provided in the benchmark plans listed in the statute as models for States to use in developing their SCHIP plans.

My home State of Oregon had the wisdom and foresight to see that mental health parity was necessary. The Oregon Health Plan, through which SCHIP kids are covered, offers parity with physical health services and a very comprehensive mental health benefit package, A 2004 report by the Governor of Oregon's Mental Health Taskforce found that in any given year, 75,000 children under the age of 18 are in need of mental health services. It also listed as one of the major problems facing the Oregon mental health system is the fact that mental health parity was not, at that time, in effect. That is no longer the case and I look forward to seeing significant improvements in the mental health system in Oregon as a result of the hard work done there.

Although we are fortunate to have mental health parity in Oregon, there are millions children across the Nation that are in critical need of similar care. That is why the introduction of this Federal legislation is so important, and I urge my colleagues on both sides of the aisle to support this bill and work towards its swift passage.

By Mr. ROCKEFELLER (for himself, Mr. SMITH, Mr. KENNEDY, Ms. COLLINS, Mrs. MURRAY, Mr. ISAKSON, Mr. KOHL, Mr. COLEMAN, Mr. CASEY, Mr. CORNYN, Mr. MENENDEZ, Mr. BURR, Mrs. LINCOLN, Mr. GRAHAM, Mr. HARKIN, and Mr. CARDIN):

S. 1338. A bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today with my friend and colleague from Oregon, Senator GORDON SMITH, to reintroduce the Access to Medicare Imaging Act. This legislation would place a 2-year moratorium on the imaging cuts enacted as part of the Deficit Reduction Act, DRA, of 2005, pending the outcome of a comprehensive Government Accountability Office, GAO, study on imaging utilization and payment within the Medicare Program.

Each year, millions of Medicare patients receive medical imaging services, including X-rays, CT-scans, MRIs, and PET scans, just to name a few. Imaging technologies are a critical component of early diagnosis and treatment for many life-threatening conditions, like cancer and heart disease. Medical imaging equipment allows providers to rapidly exchange images across the internet, facilitating greater and timelier physician consultation and improving the quality of care received by patients.

For individuals living in rural or medically underserved areas, such as many parts of West Virginia, imaging technology is particularly important. In West Virginia, access to imaging equipment is a very big deal. Without these technologies, many individuals would be denied much needed treatment and invaluable peace of mind. Sadly, provisions included as part of the DRA leave some of our most vulnerable citizens at risk by jeopardizing their access to these imaging services.

Consider, if you will, the Center for Advanced Imaging at West Virginia University. This state-of-the-art facility offers the rare integration of clinical imaging with medical research and development. Imaging services are provided for patients throughout the State of West Virginia and bordering rural regions in Ohio, Maryland, Kentucky, Virginia, and Pennsylvania. Because of imaging technology, trained medical staff at West Virginia University can take a digital image and, within minutes, send a precise copy to a major medical facility in Seattle, WA. There, it can be read by a specialist, who can then return a written report by email. A few years back this was still science fiction, but now it happens every hour, of every day, across the country.

As incredible as these services may seem, and as important as they are to the practice of effective clinical medicine, there is a perception that imaging services also come with an increased cost. Over the past few years, the use of imaging services by Medicare beneficiaries has increased significantly. In fact, MedPAC reported in March 2005

that imaging grew at twice the rate of all other physician fee schedule services between 1999 and 2003. During that time, MRI and CT procedures increased by 15 to 20 percent per year on their own.

In addition to rising costs, MedPAC further reinforced ongoing concerns about potential overuse of imaging services and the sudden increase of outpatient-based imaging in primary care settings. Citing a lack of training and implementation of imaging guidelines, MedPAC called upon Congress to direct the Secretary of Health and Human Services to define and execute such standards.

Given the MedPAC report, imaging reimbursement became an easy budget target during the reconciliation debate in 2005. On January 1, 2007, as directed by the DRA, payments for medical imaging services delivered in a physician's office or imaging center were capped at a rate not to exceed the rate paid to a hospital's outpatient department. In some instances, this has resulted in a 30–50 percent reduction from previous Medicare imaging reimbursement rates and has created questions as to the long-term availability of these vital services for Medicare recipients.

I believe the $8 billion in imaging cuts were prematurely added to the Deficit Reduction Act in order to meet a budget target and were not based on sound public policy. These cuts represent almost a third of the total savings included in the Deficit Reduction Act, yet they were never debated by Congress. Physicians need imaging technology to ensure the best possible health outcomes for their patients, and they deserve to be fairly compensated for providing their patients access to this revolutionary technology.

The legislation that I am proposing today along with Senators SMITH, KENNEDY, COLLINS, MURRAY, ISAKSON, KOHL, COLEMAN, CASEY, CORNYN, MENENDEZ, BURR, LINCOLN, GRAHAM and HARKIN would declare a 2-year moratorium on the imaging cuts included in the DRA so that both the Government Accountability Office and Congress can better assess what payment or policy reforms are necessary to maximize the effectiveness of the imaging technology available to Medicare recipients. The insight garnered from a comprehensive GAO study will be invaluable to Congress. In the meantime, however, we cannot stand by and allow our elderly and disabled to suffer so that we can meet an arbitrary budget target. I urge my colleagues to join with us in supporting this timely legislation.

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. 1338

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 ''Access to Medicare Imaging Act of 2007''.

SEC. 2. TWO-YEAR MORATORIUM ON CERTAIN MEDICARE PHYSICIAN PAYMENT REDUCTIONS FOR IMAGING SERVICES.

(a) MORATORIUM.—No payment adjustment shall be made under subsections (b)(4)(A) or (c)(2)(B)(v)(II) of section 1848 of the Social Security Act (42 U.S.C. 1395w–4) during the 2-year period beginning on the date of the enactment of this Act.

(b) GAO STUDY AND REPORT ON IMAGING SERVICES FURNISHED UNDER THE MEDICARE PROGRAM.—

(1) STUDY.—The Comptroller General of the United States shall conduct a comprehensive study on imaging services furnished under the Medicare program.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress and the Secretary of Health and Human Services a report on the findings and conclusions of the study conducted under paragraph (1) together with recommendations for such legislation and administrative actions as the Comptroller General considers appropriate.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. DURBIN, and Mr. KERRY)):

S. 1339. A bill to amend the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and the Internal Revenue Code of 1986 to improve recruitment, preparation, distribution, and retention of public elementary and secondary school teachers and principals, and for other purposes; to the Committee on Finance.

Mr. KENNEDY. Mr. President, of all the challenges we face today, one of the most important is creating greater opportunities for the Nation's children to learn and succeed in life. If America is to remain competitive in the global economy, if all Americans are to have access to the American dream, we must ensure that all our children receive a good education.

A good education begins with a good teacher. One of the most significant steps we can take to improve the Nation's schools is to do more to support the recruitment, training, and retention of high quality teachers.

We owe a great debt to America's teachers. Day in and day out, in thousands of schools across the country, they struggle to give our children the knowledge and skills they need to succeed. Our teachers are at the forefront of the constant effort to improve public education. It is their vision, energy, hard work, and dedication that will make all the difference in successfully meeting this challenge.

As Shirley Hufstedler, the Nation's first Secretary of Education, said:

''The role of the teacher remains the highest calling of a free people. To the teacher, America entrusts her most precious resource, her children; and asks that they be prepared, in all their glorious diversity, to face the rigors of individual participation in a democratic society.''

All children need and deserve teachers who can help them succeed. We in Congress must do all in our power to help them do so.

We took a major step toward this goal when Congress passed the No Child Left Behind Act, which recognized that all students deserve first-rate teachers to help them reach their potential in school. The law established a goal to guarantee a highly qualified teacher in every classroom by the end of 2006. Few states have reached that ambitious target, and much more remains to be done to achieve success.

Extensive research shows that teacher quality is the most important educational factor affecting student achievement. One recent study showed that having a highly qualified teacher can improve student academic growth by as much as one full year. Another showed that students taught by highly qualified teachers for 3 consecutive years significantly outperformed their peers on academic assessments. A comparison of low-performing and high-performing elementary schools with similar student populations found that differences in teacher qualifications accounted for 90 percent of the difference in performance in reading and math. There's strong evidence that a good teacher can make all the difference in closing achievement gaps for the neediest students in our public schools.

Investing in teacher quality is cost effective and fiscally responsible. A recent study involving 1,000 school districts found that additional dollars invested in more highly qualified teachers resulted in greater improvements in student achievement than any other use of school resources.

Unfortunately, research also shows that high quality teachers are the most inequitably distributed educational resource in the Nation. The most at-risk students are too often taught by the least prepared, least experienced, and least qualified teachers. Students in high poverty schools are twice as likely to be taught by teachers with less than 3 years of experience. Such teachers are less likely to receive the resources and support they need to succeed. Often they leave the profession and further destabilize already struggling schools. By contrast, children of the affluent and the privileged are much more likely to be taught by highly prepared and qualified, expert teachers with broad knowledge and experience in the subjects they teach.

To enable more teachers to receive the assistance they need to improve their instruction, ensure that every child receives a high quality education, and level the playing field for America's students, Congress must act on a comprehensive plan to build and sustain a strong teacher workforce.

That is why today I am introducing the Teacher Excellence for All Children Act of 2007, the TEACH Act. Its purpose is to assist the States and districts in better recruiting, training, retaining and supporting our teachers. Our distinguished colleague in the House, Congressman GEORGE MILLER, is introducing companion legislation, and I commend him for his leadership on this issue.

The TEACH Act addresses four specific challenges head on:

It increases the supply of outstanding teachers and provides incentives to attract them to high-need schools;

It ensures all children have teachers with expertise in the subjects they teach;

It improves teaching by identifying and rewarding the best teaching practices and by expanding professional development opportunities; and

It helps schools retain teachers and principals by providing the support they need to succeed.

Enrollment in public schools has reached an all-time high of 53 million students, and is expected to keep increasing over the next decade. To educate this expanding population, additional high quality teachers are urgently needed.

Many schools today face a crisis in recruiting and retaining highly-skilled teachers, particularly in the Nation's poorest communities. We now have approximately 3 million public school teachers across the country. Mr. President, 2 million new teachers will be needed in the next 10 years to serve the growing student population. Yet we are not even retaining the teachers we have today. A third of all teachers leave during their first 3 years. Almost half leave during the first 5 years. Over 200,000 teachers leave the profession each year—6 percent of the teaching workforce.

The shortage of highly qualified teachers is especially acute in the fields most essential to America's future competitiveness, and particularly affects low-income students. A third of all math classes in high-poverty high schools are taught by teachers who don't have a degree in math, compared to just 18 percent of such classes in low-poverty schools. Over half of all science classes in such schools are taught by teachers without a degree in their field, compared to just 22 percent of such classes in low-poverty schools. Meanwhile, students in other nations are surpassing American students in math and science achievement.

Too often, teachers also lack the training and support needed to do well in the classroom. They are paid on average almost $8,000 a year less than graduates in other fields, and the gap widens to more than $23,000 after 15 years of teaching. Mr. President, 37 percent of teachers cite low salaries as a main factor for leaving the classroom before retirement.

The TEACH Act will do more to recruit and retain highly qualified teachers, particularly in schools and subjects where they are needed most. The bill provides financial incentives to encourage talented individuals to pursue and remain in this essential profession, and it offers higher salaries, tax breaks, and greater loan forgiveness.

To attract motivated and talented individuals to teaching, the bill provides up-front tuition assistance, $4,000 a year, to high-performing undergraduate students who agree to commit to teach for 4 years in high-need areas and in subjects such as math, science, and special education. It also creates a competitive grant program for colleges and universities to recruit teachers among students majoring in math, science, or foreign language.

The TEACH Act will also help deliver access to the best teachers for the neediest students to help them succeed, and will help keep these teachers where they are most needed. In high-poverty schools, teacher turnover is 33 percent higher than in other schools. Clearly, we must do a better job of attracting better teachers to the neediest classrooms and do more to reward their efforts, so that they stay in the classroom. To encourage expert teachers to teach where they are needed, the bill provides funding to school districts to reward teachers who transfer to schools with the greatest challenges, and provides incentives for teachers working in math, science, and special education.

The bill establishes a framework to develop and use the systems needed at the State and local levels to improve teaching and to recognize exceptional teaching in the classroom. It encourages the development of data systems to provide teachers with additional data to inform and improve classroom instruction. It also encourages the development of model teacher advancement programs that recognize and reward different roles, responsibilities, knowledge, and positive results with competitive compensation initiatives.

Too often, teachers lack the training they need before reaching the classroom. On the job, they have few sources of support to meet the challenges they face in the classroom, and few opportunities for ongoing professional development to expand their skills. The bill responds to the needs of teachers in their early years in the classroom by creating new and innovative models that use proven strategies to support beginning teachers. New teachers will have access to mentoring, opportunities for cooperative planning with their peers, and a special transition year to ease into the pressures of entering the classroom. Veteran teachers will have an opportunity to improve their skills through peer mentoring and review. Other support includes professional development delivered through teaching centers to improve training and working conditions for teachers.

Since good leadership is also essential for schools, the bill provides important incentives and support for principals by improving recruitment and training for them as well.

This legislation was developed with input from a broad and diverse group of educational professionals and experts, including the Alliance for Excellent Education, the American Federation of Teachers, the Business Roundtable, the Center for American Progress Action Fund, the Children's Defense Fund, the Education Trust, the National Commission on Teaching and America's Future, the National Council on Teacher Quality, the National Council of La Raza, the National Education Association, New Leaders for New Schools, the New Teacher Center, Operation Public Education, the Teacher Advancement Program Foundation, Teach for America and the Teaching Commission. I thank them all for their help and their work on behalf of our nation's children.

The TEACH Act is good for America's children; it's good for America's economy; and it's good for America's future. It is an essential part of our ongoing effort to ensure that ''No Child Left Behind'' becomes a reality and not just a slogan.

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. 1339

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 ''Teacher Excellence for All Children Act of 2007''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

SEC. 3. FINDINGS.

Congress finds the following:

(1) There are not enough qualified teachers in the Nation's classrooms, and an unprecedented number of teachers will retire over the next 5 years. Over the next decade, the Nation will need to bring 2,000,000 new teachers into public schools.

(2) Too many teachers and principals do not receive adequate preparation for their jobs.

(3) More than one-third of children in grades 7 through 12 are taught by a teacher who lacks both a college major and certification in the subject being taught. Rates of ''out-of-field teaching'' are especially high in high-poverty schools.

(4) Seventy percent of mathematics classes in high-poverty middle schools are assigned to teachers without even a minor in mathematics or a related field.

(5) Teacher turnover is a serious problem, particularly in urban and rural areas. Over one-third of new teachers leave the profession within their first 3 years of teaching, and 14 percent of new teachers leave the field within the first year. After 5 years—the average time it takes for teachers to maximize students' learning—half of all new teachers will have exited the profession. Rates of teacher attrition are highest in high-poverty schools. Between 2000 and 2001, 1 out of 5 teachers in the Nation's high-poverty schools either left to teach in another school or dropped out of teaching altogether.

(6) Fourth graders who are poor score dramatically lower on the National Assessment of Educational Progress (NAEP) than their counterparts who are not poor. Over 85 percent of fourth graders who are poor failed to attain NAEP proficiency standards in 2003.

(7) African-American, Latino, and low-income students are much less likely than other students to have highly-qualified teachers.

(8) Research shows that individual teachers have a great impact on how well their students learn. The most effective teachers have been shown to be able to boost their pupils' learning by a full grade level relative to students taught by less effective teachers.

(9) Although nearly half (42 percent) of all teachers hold a master's degree, fewer than 1 in 4 secondary teachers have a master's degree in the subject they teach.

(10) Young people with high SAT and ACT scores are much less likely to choose teaching as a career. Those teachers who have higher SAT or ACT scores are twice as likely to leave the profession after only a few years.

(11) Only 16 States finance new teacher induction programs, and fewer still require inductees to be matched with mentors who teach the same subject.

TITLE I—RECRUITING TALENTED NEW TEACHERS

SEC. 101. AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965.

(a) TEACH GRANTS.—Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

''PART C—TEACH GRANTS

''SEC. 231. PURPOSES.

''The purposes of this part are—

''(1) to improve student academic achievement;

''(2) to help recruit and prepare teachers to meet the national demand for a highly qualified teacher in every classroom; and

''(3) to increase opportunities for Americans of all educational, ethnic, class, and geographic backgrounds to become highly qualified teachers.

''SEC. 232. PROGRAM ESTABLISHED.

''(a) PROGRAM AUTHORITY.—

''(1) PAYMENTS REQUIRED.—For each of the fiscal years 2008 through 2015, the Secretary shall pay to each eligible institution such sums as may be necessary to pay to each eligible student (defined in accordance with section 484) who files an application and agreement in accordance with section 233, and qualifies under subsection (a)(2) of such section, a TEACH Grant in the amount of $4,000 for each academic year during which that student is in attendance at an institution of higher education.

''(2) REFERENCE.—Grants made under this part shall be known as 'Teacher Education Assistance for College and Higher Education Grants' or 'TEACH Grants'.

''(b) PAYMENT METHODOLOGY.—

''(1) PREPAYMENT.—Not less than 85 percent of such sums shall be advanced to eligible institutions prior to the start of each payment period and shall be based upon an amount requested by the institution as needed to pay eligible students until such time as the Secretary determines and publishes in the Federal Register, with an opportunity for comment, an alternative payment system that provides payments to institutions in an accurate and timely manner, except that this sentence shall not be construed to limit the authority of the Secretary to place an institution on a reimbursement system of payment.

''(2) DIRECT PAYMENT.—Nothing in this section shall be interpreted to prohibit the Secretary from paying directly to students, in advance of the beginning of the academic term, an amount for which the students are eligible, in cases where the eligible institution elects not to participate in the disbursement system required under paragraph (1).

''(3) DISTRIBUTION OF GRANTS TO STUDENTS.—Payments under this part shall be made, in accordance with regulations promulgated by the Secretary for such purpose, in such manner as will best accomplish the purposes of this part. Any disbursement allowed to be made by crediting the student's account shall be limited to tuition and fees and, in the case of institutionally owned housing, room and board. The student may elect to have the institution provide other such goods and services by crediting the student's account.

''(c) REDUCTIONS IN AMOUNT.—

''(1) PART TIME STUDENTS.—In any case where a student attends an institution of higher education on less than a full-time basis (including a student who attends an institution of higher education on less than a half-time basis) during any academic year, the amount of the TEACH Grant for which that student is eligible shall be reduced in proportion to the degree to which that student is not so attending on a full-time basis, in accordance with a schedule of reductions established by the Secretary for the purpose of this part, computed in accordance with this part. Such schedule of reductions shall be established by regulation and published in the Federal Register in accordance with section 482.

''(2) NO EXCEEDING COST.—No TEACH Grant for a student under this part shall exceed the cost of attendance (as defined in section 472) at the institution at which such student is in attendance. If, with respect to any student, it is determined that the amount of a TEACH Grant exceeds the cost of attendance for that year, the amount of the TEACH Grant shall be reduced until the TEACH Grant does not exceed the cost of attendance at such institution.

''(d) PERIOD OF ELIGIBILITY FOR GRANTS.—

''(1) UNDERGRADUATE STUDENTS.—The period during which an undergraduate student may receive TEACH Grants shall be the period required for the completion of the first undergraduate baccalaureate course of study being pursued by that student at the institution at which the student is in attendance, except that—

''(A) any period during which the student is enrolled in a noncredit or remedial course of study, subject to paragraph (3), shall not be counted for the purpose of this paragraph; and

''(B) the total amount that a student may receive under this part for undergraduate study shall not exceed $16,000.

''(2) GRADUATE STUDENTS.—The period during which a graduate student may receive TEACH Grants shall be the period required for the completion of a master's degree course of study being pursued by that student at the institution at which the student is in attendance, except that the total amount that a student may receive under this part for graduate study shall not exceed $8,000.

''(3) REMEDIAL COURSE; STUDY ABROAD.—Nothing in this section shall exclude from eligibility courses of study that are noncredit or remedial in nature (including courses in English language acquisition) that are determined by the institution to be necessary to help the student be prepared for the pursuit of a first undergraduate baccalaureate degree or certificate or, in the case of courses in English language instruction, to be necessary to enable the student to utilize already existing knowledge, training, or skills. Nothing in this section shall exclude from eligibility programs of study abroad that are approved for credit by the home institution at which the student is enrolled.

''SEC. 233. ELIGIBILITY AND APPLICATIONS FOR GRANTS.

''(a) APPLICATIONS; DEMONSTRATION OF ELIGIBILITY.—

''(1) FILING REQUIRED.—The Secretary shall from time to time set dates by which students shall file applications for TEACH Grants under this part. Each student desiring a TEACH Grant for any year shall file an application containing such information and assurances as the Secretary may deem necessary to enable the Secretary to carry out the functions and responsibilities of this part.

''(2) DEMONSTRATION OF ELIGIBILITY.—Each such application shall contain such information as is necessary to demonstrate that—

''(A) if the applicant is an enrolled student—

''(i) the student is an eligible student for purposes of section 484 (other than subsection (r) of such section);

''(ii) the student—

''(I) has a grade point average that is determined, under standards prescribed by the Secretary, to be comparable to a 3.25 average on a zero to 4.0 scale, except that, if the student is in the first year of a program of undergraduate education, such grade point average shall be determined on the basis of the student's cumulative high school grade point average; or

''(II) displayed high academic aptitude by receiving a score above the 75th percentile on at least 1 of the batteries in an undergraduate or graduate school admissions test; and

''(iii) the student is completing coursework and other requirements necessary to begin a career in teaching, or plans to complete such coursework and requirements prior to graduating; or

''(B) if the applicant is a current or prospective teacher applying for a grant to obtain a graduate degree—

''(i) the applicant is a teacher, or a retiree from another occupation, with expertise in a field in which there is a shortage of teachers,

such as mathematics, science, special education, English language acquisition, or another high-need subject; or

''(ii) the applicant is or was a teacher who is using high-quality alternative certification routes, such as Teach for America, to get certified.

''(b) AGREEMENTS TO SERVE.—Each application under subsection (a) shall contain or be accompanied by an agreement by the applicant that—

''(1) the applicant will—

''(A) serve as a full-time teacher for a total of not less than 4 academic years within 8 years after completing the course of study for which the applicant received a TEACH Grant under this part;

''(B) teach—

''(i) in a school described in section 465(a)(2)(A); and

''(ii) in the field of mathematics, science, a foreign language, bilingual education, or special education, or as a reading specialist, or in another field documented as high-need by the Federal Government, State government, or local educational agency and submitted to the Secretary;

''(C) submit evidence of such employment in the form of a certification by the chief administrative officer of the school upon completion of each year of such service; and

''(D) comply with the requirements for being a highly qualified teacher as defined in section 9101 of the Elementary and Secondary Education Act of 1965 or, in the case of a special education teacher, as defined in section 602 of the Individuals with Disabilities Education Act; and

''(2) in the event that the applicant is determined to have failed or refused to carry out such service obligation, the sum of the amounts of such TEACH Grants will be treated as a loan and collected from the applicant in accordance with subsection (c) and the regulations thereunder.

''(c) REPAYMENT FOR FAILURE TO COMPLETE SERVICE.—In the event that any recipient of a TEACH Grant fails or refuses to comply with the service obligation in the agreement under subsection (b), the sum of the amounts of such Grants provided to such recipient shall be treated as a Direct Loan under part D of title IV, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary in regulations promulgated to carry out this part.''.

(b) RECRUITING TEACHERS WITH MATHEMATICS, SCIENCE, OR LANGUAGE MAJORS.—Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.), as amended by subsection (a), is further amended by adding at the end the following:

''PART D—RECRUITING TEACHERS WITH MATHEMATICS, SCIENCE, OR LANGUAGE MAJORS

''SEC. 241. PROGRAM AUTHORIZED.

''(a) GRANTS AUTHORIZED.—From the amounts appropriated under section 242, the Secretary shall award competitive grants to institutions of higher education to improve the availability and recruitment of teachers from among students majoring in mathematics, science, foreign languages, special education, or teaching the English language to English language learners. In making such grants, the Secretary shall give priority to programs that focus on preparing teachers in subjects in which there is a shortage of highly qualified teachers and that prepare students to teach in high-need schools.

''(b) APPLICATION.—Any institution of higher education desiring to obtain a grant under this part shall submit to the Secretary an application at such time, in such form, and containing such information and assurances as the Secretary may require, which shall—

''(1) include reporting on baseline production of teachers with expertise in mathematics, science, a foreign language, or teaching English language learners; and

''(2) establish a goal and timeline for increasing the number of such teachers who are prepared by the institution.

''(c) USE OF FUNDS.—Funds made available by a grant under this part—

''(1) shall be used to create new recruitment incentives to teaching for students from other majors, with an emphasis on high-need subjects such as mathematics, science, foreign languages, and teaching the English language to English language learners;

''(2) may be used to upgrade curricula in order to provide all students studying to become teachers with high-quality instructional strategies for teaching reading and teaching the English language to English language learners, and for modifying instruction to teach students with special needs;

''(3) may be used to integrate school of education faculty with other arts and science faculty in mathematics, science, foreign languages, and teaching the English language to English language learners, through steps such as—

''(A) dual appointments for faculty between schools of education and schools of arts and science; and

''(B) integrating coursework with clinical experience; and

''(4) may be used to develop strategic plans between schools of education and local educational agencies to better prepare teachers for high-need schools, including the creation of professional development partnerships for training new teachers in state-of-the-art practice.

''SEC. 242. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $200,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

(c) PART A AUTHORIZATION.—Section 210 of the Higher Education Act of 1965 (20 U.S.C. 1030) is amended—

(1) by striking ''$300,000,000 for fiscal year 1999'' and inserting ''$400,000,000 for fiscal year 2008''; and

(2) by striking ''4 succeeding'' and inserting ''5 succeeding''.

SEC. 102. EXPANDING TEACHER LOAN FORGIVENESS.

(a) INCREASED AMOUNT; APPLICABILITY OF EXPANDED PROGRAM TO READING SPECIALIST.—Sections 428J(c)(3) and 460(c)(3) of the Higher Education Act of 1965 (20 U.S.C. 1078–10(c)(3), 1087j(c)(3)) are each amended—

(1) by striking ''$17,500'' and inserting ''$20,000'';

(2) by striking ''and'' at the end of subparagraph (A)(ii);

(3) by striking the period at the end of subparagraph (B)(iii) and inserting ''; and''; and

(4) by adding at the end the following:

''(C) an elementary school or secondary school teacher who primarily teaches reading and who—

''(i) has obtained a separate reading instruction credential from the State in which the teacher is employed; and

''(ii) is certified by the chief administrative officer of the public or nonprofit private elementary school or secondary school in which the borrower is employed to teach reading—

''(I) as being proficient in teaching the essential components of reading instruction, as defined in section 1208 of the Elementary and Secondary Education Act of 1965; and

''(II) as having such credential.''.

(b) ANNUAL INCREMENTS INSTEAD OF END OF SERVICE LUMP SUMS.—

(1) FFEL LOANS.—Section 428J(c) of the Higher Education Act of 1965 (20 U.S.C. 1078–10(c)) is amended by adding at the end the following:

''(4) ANNUAL INCREMENTS.—Notwithstanding paragraph (1), in the case of an individual qualifying for loan forgiveness under paragraph (3), the Secretary shall, in lieu of waiting to assume an obligation only upon completion of 5 complete years of service, assume the obligation to repay—

''(A) after each of the first and second years of service by an individual in a position qualifying under paragraph (3), 15 percent of the total amount of principal and interest of the loans described in paragraph (1) to such individual that are outstanding immediately preceding such first year of such service;

''(B) after each of the third and fourth years of such service, 20 percent of such total amount; and

''(C) after the fifth year of such service, 30 percent of such total amount.''.

(2) DIRECT LOANS.—Section 460(c) of the Higher Education Act of 1965 (20 U.S.C. 1087j(c)) is amended by adding at the end the following:

''(4) ANNUAL INCREMENTS.—Notwithstanding paragraph (1), in the case of an individual qualifying for loan cancellation under paragraph (3), the Secretary shall, in lieu of waiting to assume an obligation only upon completion of 5 complete years of service, assume the obligation to repay—

''(A) after each of the first and second years of service by an individual in a position qualifying under paragraph (3), 15 percent of the total amount of principal and interest of the loans described in paragraph (1) to such individual that are outstanding immediately preceding such first year of such service;

''(B) after each of the third and fourth years of such service, 20 percent of such total amount; and

''(C) after the fifth year of such service, 30 percent of such total amount.''.

TITLE II—CLOSING THE TEACHER DISTRIBUTION GAP

SEC. 201. GRANTS TO LOCAL EDUCATIONAL AGENCIES TO PROVIDE PREMIUM PAY TO TEACHERS IN HIGH-NEED SCHOOLS.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

''PART E—TEACHER EXCELLENCE FOR ALL CHILDREN

''SEC. 2500. DEFINITIONS.

''In this part:

''(1) The term 'high-need local educational agency' means a local educational agency—

''(A) that serves not fewer than 10,000 children from families with incomes below the poverty line, or for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

''(B) that is having or expected to have difficulty filling teacher vacancies or hiring new teachers who are highly qualified.

''(2) The term 'value-added longitudinal data system' means a longitudinal data system for determining value-added student achievement gains.

''(3) The term 'value-added student achievement gains' means student achievement gains determined by means of a system that—

''(A) is sufficiently sophisticated and valid—

''(i) to deal with the problem of students with incomplete records;

''(ii) to enable estimates to be precise and to use all the data for all students in multiple years, regardless of sparseness, in order to avoid measurement error in test scores

(such as by using multivariate, longitudinal analyses); and

''(iii) to protect against inappropriate testing practices or improprieties in test administration;

''(B) includes a way to acknowledge the existence of influences on student growth, such as pull-out programs for support beyond the standard delivery of instruction, so that affected teachers do not receive an unfair advantage; and

''(C) has the capacity to assign various proportions of student growth to multiple teachers when the classroom reality, such as team teaching and departmentalized instruction, makes such type of instruction an issue.

''Subpart 1—Distribution

''SEC. 2501. PREMIUM PAY; LOAN REPAYMENT.

''(a) GRANTS.—The Secretary shall make grants to local educational agencies to provide higher salaries to exemplary, highly qualified principals and exemplary, highly qualified teachers with at least 3 years of experience, including teachers certified by the National Board for Professional Teaching Standards, if the principal or teacher agrees to serve full-time for a period of 4 consecutive school years at a public high-need elementary school or a public high-need secondary school.

''(b) USE OF FUNDS.—A local educational agency that receives a grant under this section may use funds made available through the grant—

''(1) to provide to exemplary, highly qualified principals up to $15,000 as an annual bonus for each of 4 consecutive school years if the principal commits to work full-time for such period in a public high-need elementary school or a public high-need secondary school; and

''(2) to provide to exemplary, highly qualified teachers—

''(A) up to $10,000 as an annual bonus for each of 4 consecutive school years if the teacher commits to work full-time for such period in a public high-need elementary school or a public high-need secondary school; or

''(B) up to $12,500 as an annual bonus for each of 4 consecutive school years if the teacher commits to work full-time for such period teaching a subject for which there is a documented shortage of teachers in a public high-need elementary school or a public high-need secondary school.

''(c) TIMING OF PAYMENT.—A local educational agency providing an annual bonus to a principal or teacher under subsection (b) shall pay the bonus on completion of the service requirement by the principal or teacher for the applicable year.

''(d) GRANT PERIOD.—The Secretary shall make grants under this section in yearly installments for a total period of 4 years.

''(e) OBSERVATION, FEEDBACK, AND EVALUATION.—The Secretary may make a grant to a local educational agency under this section only if the State in which the agency is located or the agency has in place or proposes a plan, developed on a collaborative basis with the local teacher organization, to develop a system in which principals and, if available, master teachers rate teachers as exemplary. Such a system shall be—

''(1) based on strong learning gains for students;

''(2) based on classroom observation and feedback at least 4 times annually;

''(3) conducted by multiple sources, including master teachers and principals; and

''(4) evaluated against research-validated rubrics that use planning, instructional, and learning environment standards to measure teaching performance.

''(f) APPLICATION REQUIREMENTS.—To seek a grant under this section, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary reasonably requires. At a minimum, the application shall include the following:

''(1) A description of the agency's proposed new teacher hiring timeline, including interim goals for any phase-in period.

''(2) An assurance that the agency will—

''(A) pay matching funds for the program carried out with the grant, which matching funds may be derived from funds received under other provisions of this title;

''(B) commit to making the program sustainable over time;

''(C) create incentives to bring a critical mass of exemplary, highly qualified teachers to each school whose teachers will receive assistance under this section;

''(D) improve the school's working conditions through activities that may include—

''(i) reducing class size;

''(ii) ensuring the availability of classroom materials, textbooks, and other supplies;

''(iii) improving or modernizing facilities; and

''(iv) upgrading safety; and

''(E) accelerate the timeline for hiring new teachers in order to minimize the withdrawal of high-quality teacher applicants and secure the best new teacher talent for the local educational agency's hardest-to-staff schools.

''(3) An assurance that, in identifying exemplary teachers, the system described in subsection (e) will take into consideration—

''(A) the growth of the teacher's students on any tests required by the State educational agency;

''(B) value-added student achievement gains if such teacher is in a State that uses a value-added longitudinal data system;

''(C) National Board for Professional Teaching Standards certification; and

''(D) evidence of teaching skill documented in performance-based assessments.

''(g) HIRING HIGHLY QUALIFIED TEACHERS EARLY AND IN A TIMELY MANNER.—

''(1) IN GENERAL.—In addition to the requirements of subsection (f), an application under such subsection shall include a description of the steps the local educational agency will take to enable all or a subset of the agency's schools to hire new highly qualified teachers early and in a timely manner, including—

''(A) requiring a clear and early notification date for retiring teachers that is no later than March 15 each year;

''(B) providing schools with their staffing allocations for a school year no later than April of the preceding school year;

''(C) enabling schools to consider external candidates at the same time as internal candidates for available positions;

''(D) moving up the teacher transfer period to April and not requiring schools to hire transferring or 'excessed' teachers from other schools without selection and consent; and

''(E) establishing and implementing a new principal accountability framework to ensure that principals with increased hiring authority are improving teacher quality.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

''(h) PRIORITY.—In providing higher salaries to principals and teachers under this section, a local educational agency shall give priority to principals and teachers at schools identified under section 1116 for school improvement, corrective action, or restructuring.

''(i) DEFINITIONS.—In this section:

''(1) The term 'high-need' means, with respect to an elementary school or a secondary school, a school that serves an eligible school attendance area in which not less than 65 percent of the children are from low-income families, based on the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act, or in which not less than 65 percent of the children enrolled are from such families.

''(2) The term 'documented shortage of teachers'—

''(A) means a shortage of teachers documented in the needs assessment submitted under section 2122 by the local educational agency involved or some other official demonstration of shortage by the local educational agency; and

''(B) may include such a shortage in mathematics, science, a foreign language, special education, bilingual education, or reading.

''(3) The term 'exemplary, highly qualified principal' means a principal who—

''(A) demonstrates a belief that every student can achieve at high levels;

''(B) demonstrates an ability to drive substantial gains in academic achievement for all students while closing the achievement gap for those farthest from meeting standards;

''(C) uses data to drive instructional improvement;

''(D) provides ongoing support and development for teachers; and

''(E) builds a positive school community, treating every student with respect and reinforcing high expectations for all.

''(4) The term 'exemplary, highly qualified teacher' means a highly qualified teacher who is rated as exemplary pursuant to a system described in subsection (e).

''(j) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $2,200,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''SEC. 2502. CAREER LADDERS FOR TEACHERS PROGRAM.

''(a) GRANTS.—The Secretary may make grants to local educational agencies to establish and implement a Career Ladders for Teachers Program in which the agency—

''(1) augments the salary of teachers in high-need elementary schools and high-need secondary schools to correspond to the increasing responsibilities and leadership roles assumed by the teachers as they take on new professional roles (such as serving on school leadership teams, serving as instructional coaches, and serving in hybrid roles), including by—

''(A) providing not more than $10,000 as an annual augmentation to master teachers (including teachers serving as master teachers as part of a state-of-the-art teacher induction program under section 2511); and

''(B) providing not more than $5,000 as an annual augmentation to mentor teachers (including teachers serving as mentor teachers as part of a state-of-the-art teacher induction program under section 2511);

''(2) provides not more than $4,000 as an annual bonus to all career teachers, master teachers, and mentor teachers in high-need elementary schools and high-need secondary schools based on a combination of—

''(A) at least 3 classroom evaluations over the course of the year that shall—

''(i) be conducted by multiple evaluators, including master teachers and the principal;

''(ii) be based on classroom observation at least 3 times annually; and

''(iii) be evaluated against research-validated benchmarks that use planning, instructional, and learning environment standards to measure teacher performance; and

''(B) the performance of the teacher's students as determined by—

''(i) student growth on any test that is required by the State educational agency or local educational agency and is administered to the teacher's students; or

''(ii) in States or local educational agencies with value-added longitudinal data systems, whole-school value-added student achievement gains and classroom-level value-added student achievement gains; or

''(3) provides not more than $4,000 as an annual bonus to principals in elementary schools and secondary schools based on the performance of the school's students, taking into consideration whole-school value-added student achievement gains in States that have value-added longitudinal data systems and in which information on whole-school value-added student achievement gains is available.

''(b) ELIGIBILITY REQUIREMENT.—A local educational agency may not use any funds under this section to establish or implement a Career Ladders for Teachers Program unless—

''(1) the percentage of teachers required by prevailing union rules votes affirmatively to adopt the program; or

''(2) in States that do not recognize collective bargaining between local educational agencies and teacher organizations, at least 75 percent of the teachers in the local educational agency vote affirmatively to adopt the program.

''(c) DEFINITIONS.—In this section:

''(1) The term 'career teacher' means a teacher who has a baccalaureate degree and full credentials or alternative certification including a passing level on elementary or secondary subject matter assessments and professional knowledge assessments.

''(2) The term 'mentor teacher' means a teacher who—

''(A) has a baccalaureate degree and full credentials or alternative certification including a passing level on any applicable elementary or secondary subject matter assessments and professional knowledge assessments;

''(B) has a portfolio and a classroom demonstration showing instructional excellence;

''(C) has an ability, as demonstrated by student data, to increase student achievement through utilizing specific instructional strategies;

''(D) has a minimum of 3 years of teaching experience;

''(E) is recommended by the principal and other current master and mentor teachers;

''(F) is an excellent instructor and communicator with an understanding of how to facilitate growth in the teachers the teacher is mentoring; and

''(G) performs well as a mentor in established induction and peer review and mentoring programs.

''(3) The term 'master teacher' means a teacher who—

''(A) holds a master's degree in the relevant academic discipline;

''(B) has a minimum of 5 years of successful teaching experience, as measured by performance evaluations, a portfolio of work, or National Board for Professional Teaching Standards certification;

''(C) demonstrates expertise in content, curriculum development, student learning, test analysis, mentoring, and professional development, as demonstrated by an advanced degree, advanced training, career experience, or National Board for Professional Teaching Standards certification;

''(D) presents student data that illustrates the teacher's ability to increase student achievement through utilizing specific instructional interventions;

''(E) has instructional expertise demonstrated through model teaching, team teaching, video presentations, student achievement gains, or National Board for Professional Teaching Standards certification;

''(F) may hold a valid National Board for Professional Teaching Standards certificate, may have passed another rigorous standard, or may have been selected as a school, district, or State teacher of the year; and

''(G) is currently participating, or has previously participated, in a professional development program that supports classroom teachers as mentors.

''(4) The term 'high-need', with respect to an elementary school or a secondary school, has the meaning given to that term in section 2501(i).

''(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $200,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

TITLE III—IMPROVING TEACHER PREPARATION

SEC. 301. AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Part E of title II of the Elementary and Secondary Education Act of 1965, as added by title II of this Act, is amended by adding at the end the following:

''Subpart 2—Preparation

''SEC. 2511. ESTABLISHING STATE-OF-THE-ART TEACHER INDUCTION PROGRAMS.

''(a) GRANTS.—The Secretary may make grants to States and eligible local educational agencies for the purpose of developing state-of-the-art teacher induction programs.

''(b) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In this section, the term 'eligible local educational agency' means—

''(1) a high-need local educational agency; or

''(2) a partnership between a high-need local educational agency and an institution of higher education, a teacher organization, or any other nonprofit education organization.

''(c) USE OF FUNDS.—A State or an eligible local educational agency that receives a grant under subsection (a) shall use the funds made available through the grant to develop a state-of the-art teacher induction program that—

''(1) provides new teachers a minimum of 3 years of extensive, high-quality, comprehensive induction into the field of teaching; and

''(2) includes—

''(A) structured mentoring for new teachers from highly qualified master or mentor teachers who are certified, have teaching experience similar to the grade level or subject assignment of the new teacher, and are trained to mentor new teachers;

''(B) at least 90 minutes each week of common meeting time for a new teacher to discuss student work and teaching under the director of a master or mentor teacher;

''(C) regular classroom observation in the new teacher's classroom;

''(D) observation by the new teacher of the mentor teacher's classroom;

''(E) intensive professional development activities for new teachers that result in improved teaching leading to student achievement, including lesson demonstration by master and mentor teachers in the classroom, observation, and feedback;

''(F) training in effective instructional services and classroom management strategies for mainstream teachers serving students with disabilities and students with limited English proficiency;

''(G) observation of teachers and feedback at least 4 times each school year by multiple evaluators, including master teachers and the principals, using research-validated benchmarks of teaching skills and standards that are developed with input from teachers;

''(H) paid release time for the mentor teacher for mentoring, or salary supplements under section 2502, for mentoring new teachers at a ratio of one full-time mentor to every 12 new teachers;

''(I) a transition year to the classroom that includes a reduced workload for beginning teachers; and

''(J) a standards-based assessment of every beginning teacher to determine whether the teacher should move forward in the teaching profession, which assessment may include examination of practice and a measure of gains in student learning.

''(d) ADDITIONAL REQUIREMENT.—The Secretary shall commission an independent evaluation of state-of the-art teacher induction programs supported under this section in order to compare the design and outcome of various models of induction programs.

''(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $300,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''SEC. 2512. PEER MENTORING AND REVIEW PROGRAMS.

''(a) GRANTS.—The Secretary shall make grants to local educational agencies for peer mentoring and review programs.

''(b) USE OF FUNDS.—A local educational agency that receives a grant under this section shall use the funds made available through the grant to establish and implement a peer mentoring and review program. Such a program shall be established through collective bargaining agreements or, in States that do not recognize collective bargaining between local educational agencies and teacher organizations, through joint agreements between the local educational agency and affected teacher organizations.

''(c) APPLICATION.—To seek a grant under this section, a local educational agency shall submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require. The Secretary shall require each such application to include the following:

''(1) Data from the applicant on recruitment and retention prior to implementing the induction program.

''(2) Measurable goals for increasing retention after the induction program is implemented.

''(3) Measures that will be used to determine whether teacher effectiveness is improved through participation in the induction program.

''(4) A plan for evaluating and reporting progress toward meeting the applicant's goals.

''(d) PROGRESS REPORTS.—The Secretary shall require each grantee under this section to submit progress reports on an annual basis.

''(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $50,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''SEC. 2513. ESTABLISHING STATE-OF-THE-ART PRINCIPAL TRAINING AND INDUCTION PROGRAMS AND PERFORMANCE-BASED PRINCIPAL CERTIFICATION.

''(a) GRANTS.—The Secretary may make grants to not more than 10 States to develop, implement, and evaluate pilot programs for

performance-based certification and training of exemplary, highly qualified principals who can drive gains in academic achievement for all children.

''(b) PROGRAM REQUIREMENTS.—A pilot program developed under this section—

''(1) shall pilot the development, implementation, and evaluation of a statewide performance-based system for certifying principals;

''(2) shall pilot and demonstrate the effectiveness of statewide performance-based certification through support for innovative performance-based programs on a smaller scale;

''(3) shall provide for certification of principals by institutions with strong track records, such as a local educational agency, nonprofit organization, or business school, that is approved by the State for purposes of such certification and has formalized partnerships with in-State local educational agencies;

''(4) may be used to develop, sustain, and expand model programs for recruiting and training aspiring and new principals in both instructional leadership and general management skills;

''(5) shall include evaluation of the results of the pilot program and other in-State programs of principal preparation (which evaluation may include value-added assessment scores of all children in a school and should emphasize the correlation of academic achievement gains in schools led by participating principals and the characteristics and skills demonstrated by those individuals when applying to and participating in the program) to inform the design of certification of individuals to become school leaders in the State; and

''(6) shall make possible interim certification for up to 2 years for aspiring principals participating in the pilot program who—

''(A) have not yet attained full certification;

''(B) are serving as assistant principals or principal residents, or in positions of similar responsibility; and

''(C) have met clearly defined criteria for entry into the program that are approved by the applicable local educational agency.

''(c) PRIORITY.—In selecting grant recipients under this section, the Secretary shall give priority to States that will use the grants for 1 or more high-need local educational agencies and schools.

''(d) TERMS OF GRANT.—A grant under this section—

''(1) shall be for not more than 5 years; and

''(2) shall be performance-based, permitting the Secretary to discontinue funding based on failure of the State to meet the benchmarks identified by the State.

''(e) USE OF EVALUATION RESULTS.—A State receiving a grant under this section shall use the evaluation results of the pilot program conducted pursuant to the grant and similar evaluations of other in-State programs of principal preparation (especially the correlation of academic achievement gains in schools led by participating principals and the characteristics and skills demonstrated by those individuals when applying to and participating in the pilot program) to inform the design of the certification of individuals to become school leaders in the State.

''(f) DEFINITIONS.—For the purposes of this section:

''(1) The term 'exemplary, highly qualified principal' has the meaning given to that term in section 2501.

''(2) The term 'performance-based certification system' means a certification system that—

''(A) is based on a clearly defined set of standards for skills and knowledge needed by new principals;

''(B) is not based on the numbers of hours enrolled in particular courses;

''(C) certifies participating individuals to become school leaders primarily based on—

''(i) their demonstration of those skills through a formal assessment aligned to these standards; and

''(ii) academic achievement results in a school leadership role such as a residency or an assistant principalship; and

''(D) awards certification to individuals who successfully complete programs at institutions that include local educational agencies, nonprofit organizations, and business schools approved by the State for purposes of such certification and have formalized partnerships with in-State local educational agencies.

''(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $100,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''SEC. 2514. STUDY ON DEVELOPING A PORTABLE PERFORMANCE-BASED TEACHER ASSESSMENT.

''(a) STUDY.—

''(1) IN GENERAL.—The Secretary shall enter into an arrangement with an objective evaluation firm to conduct a study to assess the validity of any test used for teacher certification or licensure by multiple States, taking into account the passing scores adopted by multiple States. The study shall determine the following:

''(A) The extent to which tests of content knowledge represent subject mastery at the baccalaureate level.

''(B) Whether tests of pedagogy reflect the latest research on teaching and learning.

''(C) The relationship, if any, between teachers' scores on licensure and certification examinations and other measures of teacher effectiveness, including learning gains achieved by the teachers' students.

''(2) REPORT.—The Secretary shall submit a report to the Congress on the results of the study conducted under this subsection.

''(b) GRANT TO CREATE A MODEL PERFORMANCE-BASED ASSESSMENT.—

''(1) GRANT.—The Secretary may make 1 grant to an eligible partnership to create a model performance-based assessment of teaching skills that reliably evaluates teaching skills in practice and can be used to facilitate the portability of teacher credentials and licensing from one State to another.

''(2) CONSIDERATION OF STUDY.—In creating a model performance-based assessment of teaching skills, the recipient of a grant under this section shall take into consideration the results of the study conducted under subsection (a).

''(3) ELIGIBLE PARTNERSHIP.—In this section, the term 'eligible partnership' means a partnership of—

''(A) an independent professional organization; and

''(B) an organization that represents administrators of State educational agencies.''.

SEC. 302. AMENDMENT TO THE HIGHER EDUCATION ACT OF 1965: TEACHER QUALITY ENHANCEMENT GRANTS.

Part A of title II of the Higher Education Act of 1965 is amended by striking sections 206 through 209 (20 U.S.C. 1026–1029) and inserting the following:

''SEC. 206. ACCOUNTABILITY AND EVALUATION.

''(a) STATE GRANT ACCOUNTABILITY REPORT.—An eligible State that receives a grant under section 202 shall submit an annual accountability report to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives. Such report shall include a description of the degree to which the eligible State, in using funds provided under such section, has made substantial progress in meeting the following goals:

''(1) PERCENTAGE OF HIGHLY QUALIFIED TEACHERS.—Increasing the percentage of highly qualified teachers in the State as required by section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319).

''(2) STUDENT ACADEMIC ACHIEVEMENT.—Increasing student academic achievement for all students, which may be measured through the use of value-added assessments, as defined by the eligible State.

''(3) RAISING STANDARDS.—Raising the State academic standards required to enter the teaching profession as a highly qualified teacher.

''(4) INITIAL CERTIFICATION OR LICENSURE.—Increasing success in the pass rate for initial State teacher certification or licensure, or increasing the numbers of qualified individuals being certified or licensed as teachers through alternative routes to certification and licensure.

''(5) DECREASING TEACHER SHORTAGES.—Decreasing shortages of highly qualified teachers in poor urban and rural areas.

''(6) INCREASING OPPORTUNITIES FOR RESEARCH-BASED PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that—

''(A) improves the academic content knowledge of teachers in the subject areas in which the teachers are certified or licensed to teach or in which the teachers are working toward certification or licensure to teach; and

''(B) promotes strong teaching skills.

''(7) TECHNOLOGY INTEGRATION.—Increasing the number of teachers prepared effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and parental involvement decisionmaking for the purpose of increasing student academic achievement.

''(b) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership applying for a grant under section 203 shall establish, and include in the application submitted under section 203(c), an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for—

''(1) increased student achievement for all students, as measured by the partnership;

''(2) increased teacher retention in the first 3 years of a teacher's career;

''(3) increased success in the pass rate for initial State certification or licensure of teachers;

''(4) increased percentage of highly qualified teachers; and

''(5) increasing the number of teachers trained effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of improving student academic achievement.

''(c) REVOCATION OF GRANT.—

''(1) REPORT.—Each eligible State or eligible partnership receiving a grant under section 202 or 203 shall report annually on the progress of the eligible State or eligible partnership toward meeting the purposes of this part and the goals, objectives, and measures described in subsections (a) and (b).

''(2) REVOCATION.—

''(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—If the Secretary determines that an eligible State or eligible applicant is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the second year of

a grant under this part, then the grant payment shall not be made for the third year of the grant.

''(B) ELIGIBLE PARTNERSHIPS.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the third year of a grant under this part, then the grant payments shall not be made for any succeeding year of the grant.

''(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report annually the Secretary's findings regarding the activities to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by eligible States and eligible partnerships under this part, and shall broadly disseminate information regarding such practices that were found to be ineffective.

''SEC. 207. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

''(a) STATE REPORT CARD ON THE QUALITY OF TEACHER AND PRINCIPAL PREPARATION.—Each State that receives funds under this Act shall provide to the Secretary annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional certification or licensure programs and for alternative certification or licensure programs, which shall include at least the following:

''(1) A description of the teacher and principal certification and licensure assessments, and any other certification and licensure requirements, used by the State.

''(2) The standards and criteria that prospective teachers and principals must meet in order to attain initial teacher and principal certification or licensure and to be certified or licensed to teach particular subjects or in particular grades within the State.

''(3) A demonstration of the extent to which the assessments and requirements described in paragraph (1) are aligned with the State's standards and assessments for students.

''(4) The percentage of students who have completed the clinical coursework for a teacher preparation program at an institution of higher education or alternative certification program and who have taken and passed each of the assessments used by the State for teacher certification and licensure, and the passing score on each assessment that determines whether a candidate has passed that assessment.

''(5) For students who have completed the clinical coursework for a teacher preparation program at an institution of higher education or alternative certification program, and who have taken and passed each of the assessments used by the State for teacher certification and licensure, each such institution's and each such program's average raw score, ranked by teacher preparation program, which shall be made available widely and publicly.

''(6) A description of each State's alternative routes to teacher certification, if any, and the number and percentage of teachers certified through each alternative certification route who pass State teacher certification or licensure assessments.

''(7) For each State, a description of proposed criteria for assessing the performance of teacher and principal preparation programs in the State, including indicators of teacher and principal candidate skills, placement, and retention rates (to the extent feasible), and academic content knowledge and evidence of gains in student academic achievement.

''(8) For each teacher preparation program in the State, the number of students in the program, the number of minority students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty, adjunct faculty, and students in supervised practice teaching.

''(9) For the State as a whole, and for each teacher preparation program in the State, the number of teachers prepared, in the aggregate and reported separately by—

''(A) level (elementary or secondary);

''(B) academic major;

''(C) subject or subjects for which the student has been prepared to teach; and

''(D) teacher candidates who speak a language other than English and have been trained specifically to teach English-language learners.

''(10) The State shall refer to the data generated for paragraphs (8) and (9) to report on the extent to which teacher preparation programs are helping to address shortages of qualified teachers, by level, subject, and specialty, in the State's public schools, especially in poor urban and rural areas as required by section 206(a)(5).

''(b) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in paragraphs (1) through (10) of subsection (a). Such report shall identify States for which eligible States and eligible partnerships received a grant under this part. Such report shall be so provided, published, and made available annually.

''(2) REPORT TO CONGRESS.—The Secretary shall report to Congress—

''(A) a comparison of States' efforts to improve teaching quality; and

''(B) regarding the national mean and median scores on any standardized test that is used in more than 1 State for teacher certification or licensure.

''(3) SPECIAL RULE.—In the case of programs with fewer than 10 students who have completed the clinical coursework for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

''(c) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

''(d) INSTITUTION AND PROGRAM REPORT CARDS ON QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—Each institution of higher education or alternative certification program that conducts a teacher preparation program that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, both for traditional certification or licensure programs and for alternative certification or licensure programs, the following information, disaggregated by major racial and ethnic groups:

''(A) PASS RATE.—(i) For the most recent year for which the information is available, the pass rate of each student who has completed the clinical coursework for the teacher preparation program on the teacher certification or licensure assessments of the State in which the institution is located, but only for those students who took those assessments within 3 years of receiving a degree from the institution or completing the program.

''(ii) A comparison of the institution or program's pass rate for students who have completed the clinical coursework for the teacher preparation program with the average pass rate for institutions and programs in the State.

''(iii) In the case of programs with fewer than 10 students who have completed the clinical coursework for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

''(B) PROGRAM INFORMATION.—The number of students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty and students in supervised practice teaching.

''(C) STATEMENT.—In States that require approval or accreditation of teacher education programs, a statement of whether the institution's program is so approved or accredited, and by whom.

''(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 208(a).

''(2) REQUIREMENT.—The information described in paragraph (1) shall be reported through publications such as school catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates, including materials sent by electronic means.

''(3) FINES.—In addition to the actions authorized in section 487(c), the Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

''(e) DATA QUALITY.—Either—

''(1) the Governor of the State; or

''(2) in the case of a State for which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for teacher certification and preparation activity, such individual, entity, or agency;

shall attest annually, in writing, as to the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.

''SEC. 208. STATE FUNCTIONS.

''(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing institutions that includes an identification of those institutions at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based upon information collected pursuant to this part. Such assessment shall be described in the report under section 207(a). A State receiving Federal funds under this title shall develop plans to close or reconstitute underperforming programs of teacher preparation within institutions of higher education.

''(b) TERMINATION OF ELIGIBILITY.—Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn the State's approval or terminated the State's financial support due to the low performance of the institution's teacher preparation program based upon the State assessment described in subsection (a)—

''(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education; and

''(2) shall not be permitted to accept or enroll any student who receives aid under title IV of this Act in the institution's teacher preparation program.

''SEC. 209. GENERAL PROVISIONS.

''In complying with sections 207 and 208, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals.''.

SEC. 303. ENFORCING NCLB'S TEACHER EQUITY PROVISION.

Subpart 2 of part E of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.) is amended by adding at the end the following:

''SEC. 9537. ASSURANCE OF REASONABLE PROGRESS TOWARD EQUITABLE ACCESS TO TEACHER QUALITY.

''(a) IN GENERAL.—The Secretary may not provide any assistance to a State under this Act unless, in the State's application for such assistance, the State—

''(1) provides the plan required by section 1111(b)(8)(C) and at least one public report pursuant to that section;

''(2) clearly articulates the measures the State is using to determine whether poor and minority students are being taught disproportionately by inexperienced, unqualified, or out-of-field teachers;

''(3) includes an evaluation of the success of the State's plan required by section 1111(b)(8)(C) in addressing any such disparities;

''(4) with respect to any such disparities, proposes modifications to such plan; and

''(5) includes a description of the State's activities to monitor the compliance of local educational agencies in the State with section 1112(c)(1)(L).

''(b) EFFECTIVE DATE.—This section applies with respect to any assistance under this Act for which an application is submitted after the date of the enactment of this section.''.

TITLE IV—EQUIPPING TEACHERS, SCHOOLS, LOCAL EDUCATIONAL AGENCIES, AND STATES WITH THE 21ST CENTURY DATA, TOOLS, AND ASSESSMENTS THEY NEED

SEC. 401. 21ST CENTURY DATA, TOOLS, AND ASSESSMENTS.

Part E of title II of the Elementary and Secondary Education Act of 1965, as added by titles II and III of this Act, is amended by adding at the end the following:

''Subpart 3—21st Century Data, Tools, and Assessments

''SEC. 2521. DEVELOPING VALUE-ADDED DATA SYSTEMS.

''(a) TEACHER AND PRINCIPAL EVALUATION.—

''(1) GRANTS.—The Secretary shall make grants to States to develop and implement statewide data systems to collect and analyze data on the effectiveness of elementary school and secondary school teachers and principals, based on value-added student achievement gains, for the purposes of—

''(A) determining the distribution of effective teachers and principals in schools across the State;

''(B) developing measures for helping teachers and principals to improve their instruction; and

''(C) evaluating the effectiveness of teacher and principal preparation programs.

''(2) DATA REQUIREMENTS.—At a minimum, a statewide data system under this section shall—

''(A) track student course-taking patterns and teacher characteristics, such as certification status and performance on licensure exams; and

''(B) allow for the analysis of gains in achievement made by individual students over time, including gains demonstrated through student academic assessments under section 1111 and tests required by the State for course completion.

''(3) STANDARDS.—The Secretary shall develop standards for the collection of data with grant funds under this section to ensure that such data are statistically valid and reliable.

''(4) APPLICATION.—To seek a grant under this section, a State shall submit an application at such time, in such manner, and containing such information as the Secretary may require. At a minimum, each such application shall demonstrate to the Secretary's satisfaction that the assessments used by the State to collect and analyze data for purposes of this subsection—

''(A) are aligned to State standards;

''(B) have the capacity to assess the highest- and lowest-performing students; and

''(C) are statistically valid and reliable.

''(b) TEACHER TRAINING.—The Secretary may make grants to institutions of higher education, local educational agencies, nonprofit organizations, and teacher organizations to develop and implement innovative programs to provide preservice and in-service training to elementary and secondary schools on—

''(1) understanding increasingly sophisticated student achievement data, especially data derived from value-added longitudinal data systems; and

''(2) using such data to improve classroom instruction.

''(c) STUDY.—The Secretary shall enter into an agreement with the National Academy of Sciences—

''(1) to evaluate the quality of data on the effectiveness of elementary school and secondary school teachers, based on value-added student achievement gains; and

''(2) to compare a range of models for collecting and analyzing such data.

''(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $200,000,000 for the period of fiscal years 2008 and 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 402. COLLECTING NATIONAL DATA ON DISTRIBUTION OF TEACHERS.

Section 155 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9545) is amended by adding at the end the following:

''(d) SCHOOLS AND STAFFING SURVEY.—Not later than the end of fiscal year 2008, and every 3 years thereafter, the Statistics Commissioner shall publish the results of the Schools and Staffing Survey (or any successor survey).''.

TITLE V—RETENTION: KEEPING OUR BEST TEACHERS IN THE CLASSROOM

SEC. 501. AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Part E of title II of the Elementary and Secondary Education Act of 1965, as added by titles II, III, and IV of this Act, is amended by adding at the end the following:

''Subpart 4—Retention and Working Conditions

''SEC. 2531. IMPROVING PROFESSIONAL DEVELOPMENT OPPORTUNITIES.

''(a) GRANTS.—The Secretary may make grants to eligible entities for the establishment and operation of new teacher centers or the support of existing teacher centers.

''(b) SPECIAL CONSIDERATION.—In making grants under this section, the Secretary shall give special consideration to any application submitted by an eligible entity that is—

''(1) a high-need local educational agency; or

''(2) a consortium that includes at least one high-need local educational agency.

''(c) DURATION.—Each grant under this section shall be for a period of 3 years.

''(d) REQUIRED ACTIVITIES.—A teacher center receiving assistance under this section shall carry out each of the following activities:

''(1) Providing high-quality professional development to teachers to assist them in improving their knowledge, skills, and teaching practices in order to help students to improve their achievement and meet State academic content standards.

''(2) Providing teachers with information on developments in curricula, assessments, and educational research, including the manner in which the research and data can be used to improve teaching skills and practice.

''(3) Providing training and support for new teachers.

''(e) PERMISSIBLE ACTIVITIES.—A teacher center may use assistance under this section for any of the following:

''(1) Assessing the professional development needs of the teachers and other instructional school employees, such as librarians, counselors, and paraprofessionals, to be served by the center.

''(2) Providing intensive support to staff to improve instruction in literacy, mathematics, science, and other curricular areas necessary to provide a well-rounded education to students.

''(3) Providing support to mentors working with new teachers.

''(4) Providing training in effective instructional services and classroom management strategies for mainstream teachers serving students with disabilities and students with limited English proficiency.

''(5) Enabling teachers to engage in study groups and other collaborative activities and collegial interactions regarding instruction.

''(6) Paying for release time and substitute teachers in order to enable teachers to participate in the activities of the teacher center.

''(7) Creating libraries of professional materials and educational technology.

''(8) Providing high-quality professional development for other instructional staff, such as paraprofessionals, librarians, and counselors.

''(9) Assisting teachers to become highly qualified and paraprofessionals to become teachers.

''(10) Assisting paraprofessionals to meet the requirements of section 1119.

''(11) Developing curricula.

''(12) Incorporating additional on-line professional development resources for participants.

''(13) Providing funding for individual- or group-initiated classroom projects.

''(14) Developing partnerships with businesses and community-based organizations.

''(15) Establishing a teacher center site.

''(f) TEACHER CENTER POLICY BOARD.—

''(1) IN GENERAL.—A teacher center receiving assistance under this section shall be operated under the supervision of a teacher center policy board.

''(2) MEMBERSHIP.—

''(A) TEACHER REPRESENTATIVES.—The majority of the members of a teacher center policy board shall be representatives of, and selected by, the elementary and secondary school teachers to be served by the teacher

center. Such representatives shall be selected through the teacher organization, or if there is no teacher organization, by the teachers directly.

''(B) OTHER REPRESENTATIVES.—The members of a teacher center policy board—

''(i) shall include at least two members who are representative of, or designated by, the school board of the local educational agency to be served by the teacher center;

''(ii) shall include at least one member who is a representative of, and is designated by, the institutions of higher education (with departments or schools of education) located in the area; and

''(iii) may include paraprofessionals.

''(g) APPLICATION.—

''(1) IN GENERAL.—To seek a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(2) ASSURANCE OF COMPLIANCE.—An application under paragraph (1) shall include an assurance that the applicant will require any teacher center receiving assistance through the grant to comply with the requirements of this section.

''(3) TEACHER CENTER POLICY BOARD.—An application under paragraph (1) shall include the following:

''(A) An assurance that—

''(i) the applicant has established a teacher center policy board;

''(ii) the board participated fully in the preparation of the application; and

''(iii) the board approved the application as submitted.

''(B) A description of the membership of the board and the method of its selection.

''(h) DEFINITIONS.—In this section:

''(1) The term 'eligible entity' means a local educational agency or a consortium of 2 or more local educational agencies.

''(2) The term 'teacher center policy board' means a teacher center policy board described in subsection (f).

''(i) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $100,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

SEC. 502. EXCLUSION FROM GROSS INCOME OF COMPENSATION OF TEACHERS AND PRINCIPALS IN CERTAIN HIGH-NEED SCHOOLS OR TEACHING HIGH-NEED SUBJECTS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139A the following new section:

''SEC. 139B. COMPENSATION OF CERTAIN TEACHERS AND PRINCIPALS.

''(a) TEACHERS AND PRINCIPALS IN HIGH-NEED SCHOOLS.—

''(1) IN GENERAL.—In the case of an individual employed as a teacher or principal in a high-need school during the taxable year, gross income does not include so much remuneration for such employment (which would but for this paragraph be includible in gross income) as does not exceed $15,000.

''(2) HIGH-NEED SCHOOL.—For purposes of this subsection, the term 'high-need school' means any public elementary school or public secondary school eligible for assistance under section 1114 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314).

''(b) TEACHERS OF HIGH-NEED SUBJECTS.—

''(1) IN GENERAL.—In the case of an individual employed as a teacher of high-need subjects during the taxable year, gross income does not include so much remuneration for such employment (which would but for this paragraph be includible in gross income) as does not exceed $15,000.

''(2) TEACHER OF HIGH-NEED SUBJECTS.—For purposes of this subsection, the term 'teacher of high-need subjects' means any teacher in a public elementary or secondary school who—

''(A)(i) teaches primarily 1 or more high-need subjects in 1 or more grades 9 through 12, or

''(ii) teaches 1 or more high-need subjects in 1 or more grades kindergarten through 8,

''(B) received a baccalaureate or similar degree from an eligible educational institution (as defined in section 25A(f)(2)) with a major in a high-need subject, and

''(C) is highly qualified (as defined in section 9101(23) of the Elementary and Secondary Education Act of 1965).

''(3) HIGH-NEED SUBJECTS.—For purposes of this subsection, the term 'high-need subject' means mathematics, science, engineering, technology, special education, teaching English language learners, or any other subject identified as a high-need subject by the Secretary of Education for purposes of this section.

''(c) LIMITATION ON TOTAL REMUNERATION TAKEN INTO ACCOUNT.—In the case of any individual whose employment is described in subsections (a)(1) and (b)(1), the total amount of remuneration which may be taken into account with respect to such employment under this section for the taxable year shall not exceed $25,000.''.

(b) CLERICAL AMENDMENT.—The table of section of such part is amended by inserting after the item relating to section 139A the following new item:

''Sec. 139B. Compensation of certain teachers and principals''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to remuneration received in taxable years beginning after the date of the enactment of this Act.

SEC. 503. ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS INCREASED AND MADE PERMANENT.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) of the Internal Revenue Code of 1986 is amended by striking ''In the case of'' and all that follows through ''$250'' and inserting ''The deductions allowed by section 162 which consist of expenses, not in excess of $500''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. CONFORMING AMENDMENTS.

The table of contents at section 2 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) by inserting after the items relating to part D of title II of such Act the following new items:

''PART E—TEACHER EXCELLENCE FOR ALL CHILDREN

''Sec. 2500. Definitions.

''SUBPART 1—DISTRIBUTION

''Sec. 2501. Premium pay; loan repayment.

''Sec. 2502. Career ladders for teachers program.

''SUBPART 2—PREPARATION

''Sec. 2511. Establishing state-of-the-art teacher induction programs.

''Sec. 2512. Peer mentoring and review programs.

''Sec. 2513. Establishing state-of-the-art principal training and induction programs and performance-based principal certification.

''Sec. 2514. Study on developing a portable performance-based teacher assessment.

''SUBPART 3—21ST CENTURY DATA, TOOLS, AND ASSESSMENTS

''Sec. 2521. Developing value-added data systems.

''SUBPART 4—RETENTION AND WORKING CONDITIONS

''Sec. 2531. Improving professional development opportunities.''; and

(2) by inserting after the items relating to subpart 2 of part E of title IX of the Elementary and Secondary Education Act of 1965 the following new item:

''Sec. 9537. Assurance of reasonable progress toward equitable access to teacher quality.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 191—ESTABLISHING A NATIONAL GOAL FOR THE UNIVERSAL DEPLOYMENT OF NEXT-GENERATION BROADBAND NETWORKS TO ACCESS THE INTERNET AND FOR OTHER USES BY 2015, AND CALLING UPON CONGRESS AND THE PRESIDENT TO DEVELOP A STRATEGY, ENACT LEGISLATION, AND ADOPT POLICIES TO ACCOMPLISH THIS OBJECTIVE

Mr. ROCKEFELLER submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 191

Whereas approximately half of households in the United States subscribe to high-speed data service over current-generation broadband networks, and the number of households subscribing to high-speed data service is growing by more than 20 percent annually;

Whereas households in the United States have used these networks to access over the Internet and via direct connections an increasingly broad array of critical information, services, and applications;

Whereas the information, services, and applications households in the United States access through these networks serve important policy priorities of the United States, such as improving health care and education, enhancing access to domestic and international markets, and reducing energy consumption and greenhouse gases;

Whereas, because new information, services, and applications require increasing amounts of bandwidth, and that trend is expected to accelerate dramatically, current-generation broadband networks, with their limited bandwidth capabilities, are proving insufficient to meet the electronic access needs of households in the United States;

Whereas next-generation broadband networks, with transmission speeds of 100 megabits per second, bidirectionally, have the capabilities to provide access to important bandwidth-intensive information, services, and applications being developed and can readily increase these capabilities for future developments;

Whereas, recognizing that next-generation broadband networks are essential to the achievement of social objectives, economic competitiveness, and global leadership, other countries have adopted national objectives and strategies to deploy next-generation broadband networks and are already accelerating the construction of such critical infrastructure to households;

Whereas next-generation broadband networks in the United States pass through

only approximately 5 percent of households today;

Whereas, at the current pace, next-generation broadband networks will not be universally available in the United States for more than 20 years, and, as a result—

(1) households in the United States will not have access to critical information, services, and applications;

(2) entrepreneurs and businesses in the United States will be constrained in developing new products and services that are accessed over the Internet and broadband networks; and

(3) the overall welfare and economy of the United States will suffer substantially; and

Whereas key leaders and organizations in the private sector have called recently for the immediate development of a national next-generation broadband network policy and strategy: Now, therefore, be it

Resolved, That the Senate—

(1) establishes a national next-generation broadband network goal to bring, by 2015, universal and affordable access to networks with the capability of transmitting data at 100 megabits per second, bidirectionally, so that households, businesses, and government offices in the United States can access the Internet and, via direct connections, access other households, businesses, and government offices; and

(2) directs the relevant congressional committees to work with the President—

(A) to develop a strategy to achieve the national next-generation broadband network goal; and

(B) to begin, by the end of 2007, to enact specific legislation and adopt policies to implement this strategy.

Mr. ROCKEFELLER. Mr. President, I rise today to discuss an important policy matter facing our Nation. Many of us in this body have for years called for a national broadband policy. Today, I am formally proposing the establishment of that national policy. I will propose that we take two steps: establish a goal, and develop a strategy to meet the goal.

Although broadband services are expanding and more consumers are subscribing to broadband, our Nation is falling behind the rest of the world in the deployment next generation broadband infrastructure. Broadband as we know it will be obsolete and we must begin to examine how the United States can remain a leader in communications technology. As a nation, we must have a thoughtful national policy to make sure all Americans have the communications infrastructure that they need to learn and compete in a global environment.

A national broadband policy is critical to the future of our country. Having a very robust broadband network available to all Americans would provide a tremendous social and economic benefit. The latest phrase in the broadband lexicon is ''exaflood.'' It refers to the flood of new, high bandwidth applications that are now available to those with a fast connection. The number of broadband applications now available is almost unimaginable.

In the last year, social networking Web sites, such as YouTube and MySpace, have become integral parts of our society. But, expanded connectivity would allow doctors to diagnose remotely medical conditions, music students to study with an instructor hundreds of miles away, and scientists to monitor ocean floor vents from their offices on shore. This is the real potential of broadband to transform our lives.

Those who have a fast enough pipe to use those applications will enjoy a huge benefit, both social and economic. As we all recognize, creating next generation broadband networks is crucial to our international competitiveness. It is not news that the United States is lagging many other nations in terms of penetration of current-generation broadband, for example, cable modems and digital subscriber lines. Perhaps more worrisome is that we are also falling behind in terms of next-generation broadband technology.

In Japan, tens of millions of people have access to a direct fiber connection, and 100 megabit connections are commonplace. Korea has been the leader in DSL for years, and now it also is extending fiber all the way to the home. The same is happening in Europe—100 megabit connections are becoming routine in these countries, and it is crucial that the United States not fall behind again. We must have a policy that ensures the deployment of a strong broadband network for all Americans.

The first step in going somewhere is to know where you are going, and the same is true in public policy. We need a goal. And the goal should be an ambitious, yet achievable one. The second step is to decide how to achieve that goal. We need a roadmap. And, we need it now. By the end of 2007, we should establish a national goal and pass a series of policy actions designed to achieve our national goal. There will likely be multiple parts to the plan, and we will likely need to modify those parts over time. But if we do not have a plan, we cannot expect to accomplish our goal.

So today I am introducing a resolution calling for two things: A national goal of 10 megabits per second universally available in the United States by the end of 2010, and 100 megabits by the end of 2015. As I said, that is ambitious, but achievable. A number of different wireline and wireless technologies are today capable of delivering five megabits or more, and their efficacy is constantly increasing. Ten megabits by 2010 is achievable. And by 2015 we can do much better and achieve true next generation speeds.

If we do our work, by 2015 we can become a true ''100 Megabit Nation.'' Today, speeds of 30 megabits or higher are available to millions of Americans due to the healthy competition developing between telephone companies and cable television companies, complemented by many forward-thinking real estate developers and municipalities. These entities are beginning to offer ''triple play'' services, voice, video and data, requiring them to deploy new technologies delivering very fast speeds. Having general availability of 100 megabits is achievable by 2015 if we push the technology envelope. We can do it, and we should resolve today to do so.

The second part of my resolution says that by the end of this year, 2007, we will develop a strategy for achieving our national goal. I will suggest policy actions for inclusion in that strategy, and many of you will as well. I think we should have tax incentives to push the private sector beyond their current deployment plans, we should offer low-interest loans for the same purpose, we should reform the Universal Service Fund to encourage broadband deployment, we should free municipalities to deploy as they see fit, we should ensure the wise use of wireless spectrum, and the list goes on. There will be new proposals to deal with new challenges and new opportunities. We should develop the first U.S. national broadband policy by the end of 2007, and we should revisit it every year thereafter to modify it as necessary. That is what my resolution calls for.

I invite my colleagues to join me in this call for a national broadband goal and strategy. We have talked about it for years. Now it is time to take action. We owe this to our constituents and the country. We must act to provide them with the benefits that a powerful broadband network can bring, and we must begin today.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1061. Mr. DORGAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table.

SA 1062. Mr. DORGAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1063. Mr. DORGAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1064. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1059 submitted by Mr. SESSIONS (for himself, Mrs. LINCOLN, Mr. COCHRAN, Mr. PRYOR, Mr. LOTT, and Mr. SHELBY) and intended to be proposed to the bill S. 1082, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1061. Mr. DORGAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the amendment, insert the following:

SEC. ___. COUNTRY OF ORIGIN LABELING ON PRESCRIPTION DRUGS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue regulations to require that the labeling, including retail packaging, of each prescription drug include the name of the country in which such prescription drug was manufactured.

(b) DEFINITION.—In this section, the term ''labeling'' has the meaning given such term in section 201(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(m)).

SA 1062. Mr. DORGAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the amendment, insert the following:

SEC. ___. CERTIFICATION OF SAFETY FOR NEW PRESCRIPTION DRUGS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall certify, prior to the approval for marketing of any new prescription drug under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), that the approval of such drug poses no additional risk to the public's health and safety.

SA 1063. Mr. DORGAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the amendment, insert the following:

SEC. ___. COUNTERFEIT-RESISTANT TECHNOLOGIES.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, the requirement that the Secretary of Health and Human Services certify that the implementation of the title of this Act relating to the Importation of Prescription Drugs will pose no additional risk to the public's health and safety and will result in a significant reduction in the cost of covered products to the American consumer shall not apply to the requirement that the Secretary, not later than 18 months after the date of enactment of this Act, require that the packaging of any prescription drug incorporates—

(1) a standardized numerical identifier unique to each package of such drug, applied at the point of manufacturing and repackaging (in which case the numerical identifier shall be linked to the numerical identifier applied at the point of manufacturing); and

(2)(A) overt optically variable counterfeit-resistant technologies that—

(i) are visible to the naked eye, providing for visual identification of product authenticity without the need for readers, microscopes, lighting devices, or scanners;

(ii) are similar to that used by the Bureau of Engraving and Printing to secure United States currency;

(iii) are manufactured and distributed in a highly secure, tightly controlled environment; and

(iv) incorporate additional layers of nonvisible convert security features up to and including forensic capability, as described in subsection (b); or

(B) technologies that have a function of security comparable to that described in subparagraph (A), as determined by the Secretary.

(b) STANDARDS FOR PACKAGING.—For the purpose of making it more difficult to counterfeit the packaging of drugs subject to this section, the manufacturers of such drugs shall incorporate the technologies described in subsection (a) into at least 1 additional element of the physical packaging of the drugs, including blister packs, shrink wrap, package labels, package seals, bottles, and boxes.

SA 1064. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1059 submitted by Mr. SESSIONS (for himself, Mrs. LINCOLN, Mr. COCHRAN, Mr. PRYOR, Mr. LOTT, and Mr. SHELBY) and intended to be proposed to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, strike line 4 and all that follows through line 7 on page 2, and redesignate the remaining subsections accordingly.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 10, 2007, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, May 15, 2007, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on the short-term energy outlook for the summer of 2007 for oil and gasoline.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224–7571 or Rachel Paternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a business meeting during the session of the Senate on Tuesday, May 8, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of this meeting will be to consider and approve S. 357, the Ten-in-Ten Fuel Economy Act of 2007.

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

COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the Session of the Senate on Finance will meet on Tuesday, May 8, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''The Medicare Prescription Drug Benefit: Review and Oversight.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing on the Substance Abuse and Mental Health Services Administration during the session of the Senate on Tuesday, May 8, 2007 at 10 a.m. in room 628 of the Dirksen Senate office building.

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

COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Will REAL ID Actually Make Us Safer? An Examination of Privacy and Civil Liberties Concerns'' for Tuesday, May 8, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

Allen Gilbert, Executive Director, The American Civil Liberties Union of Vermont, Montpelier, VT; Jim Harper, Director, Information Policy Studies, CATO Institute, Washington, DC; Dr. James Carafano, Assistant Director, Kathryn and Shelby Cullom Davis Institute for International Studies, Senior Research Fellow, Douglas and Sarah Allison Center for Foreign Policy Studies, Heritage Foundation, Washington, DC; Bruce Schneier, Founder and Chief Technology Officer, BT Counterpane, Minneapolis, MN; and Janice Kephart, President, 9/11 Security Solutions, LLC, Alexandria, VA.

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 8, 2007 at 2:30 p.m. to hold a closed hearing.

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

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. BROWN. I ask unanimous consent that not withstanding the provisions of rule XXII, when the Senate completes its action on S. 1082, it proceed to executive session to consider Calendar No. 104, Debra Ann Livingston to be U.S. circuit judge; that there be 3 hours for debate equally divided between the chairman and the ranking member of the Judiciary Committee or their designees; that upon the use or yielding back of time the Senate, without any intervening action, vote on the nomination; that the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the Republican Leader, pursuant to Public Law 106–554, appoints the Senator from Louisiana, Mr. VITTER, to the Board of Directors of the Vietnam Education Foundation.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 124, just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 124) authorizing the use of the Capitol grounds on May 15, 2007, for the Peace Officers' Memorial Service.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid on the table, without intervening action or debate.

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

The concurrent resolution (H. Con. Res. 124) was agreed to.

ORDERS FOR WEDNESDAY, MAY 9, 2007

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, May 9; that on Wednesday, following the prayer and pledge, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business of 60 minutes with Senators permitted to speak therein for up to 10 minutes each, with the first half controlled by the Republicans and the final portion controlled by the majority; that at the close of morning business, the Senate resume consideration of S. 1082, as provided for under the previous order; provided further that the cloture vote on the motion to proceed to H.R. 1495 not occur before Thursday, May 10.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:34 p.m., adjourned until Wednesday, May 9, 2007, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, May 8, 2007:

THE JUDICIARY

FREDERICK J. KAPALA, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.