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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

PRAYER

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

Let us pray.

Almighty and everlasting God, the protector of those who put their trust in You, on this National Day of Prayer, we thank You for the gift of intercession. When in need, we can enter Your throne room with our praise and petitions. When tempted to despair, we have an antidote in prayer.

Transform the lives of our lawmakers as they seek You in prayer. Free them to live life more fully. Through their ups and downs, help them to love You with a decisive loyalty. Lord, draw them to a relationship of grateful trust in You, as they seek Your wisdom in solving the challenging questions which trouble our world. Hear the prayers of Your people today and always.

We pray in Your amazing Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 3, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, today, following any time that may be used by the leaders, there will be 60 minutes of debate on the motion to invoke cloture on the Dorgan drug reimportation amendment, with the time divided between Senators DORGAN and the Republican leader or his designee. The vote then will occur around 10:30 or a few minutes after that this morning. Members who have second-degree amendments to the Dorgan amendment must file them by 10 this morning. A number of other amendments are still pending, and today will be a busy day, with votes occurring throughout the day.

Another issue which will need the Senate's attention will be the conference on the budget resolution. The House is going to act either today or Monday appointing conferees, which will mean we will act shortly thereafter. The chairman of the Budget Committee, Senator CONRAD, and the ranking member, Senator GREGG, have had initial conversations about the likelihood of there being motions to instruct the conferees.

Under the Budget Act, there is a maximum of 10 hours of debate to get to conference. I would hope the two managers of that budget resolution, Senators CONRAD and GREGG, can make a determination as to how many motions to instruct there will be to give some idea. As I understand the rule, we have 10 hours of debate no matter what. If there are motions to instruct that have been filed and not enough time to debate them, the votes will take place with no debate. I hope there will be adequate time to debate whatever motions to instruct and basic conversation about that most important budget resolution that we need to complete so we can get to the appropriations bills. I will be discussing this matter with the Republican leader and may have more to say during the day.

If there is a lull in the schedule today, we have a number of judges we can vote on. We may do that. Senators KENNEDY and ENZI have done a masterful job in moving this matter along. We hope they will continue their masterful work and complete this legislation.

I do say, as I have said, but it is worth repeating, Senator ENZI and Senator KENNEDY, some would say, are not a matched pair. They have different political philosophies, they come from different parts of the country. But that is really what the Senate is all about. They have set an example of how individual Senators can work together. They are really exemplary, as far as I am concerned, in being able to move a very difficult, complicated piece of legislation by understanding that this is not the last word. There is going to be a conference. Senator KENNEDY has told Senator ENZI that he would be a part of that conference. They trust each other. That is important. We finished the competition bill last week. This is another step forward. I hope we can complete this bill today.

RESERVATION OF LEADER TIME

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

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

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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.

Dorgan amendment No. 990, to provide for the importation of prescription drugs.

Cochran amendment No. 1010 (to amendment No. 990), to protect the health and safety of the public.

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. Under the previous order, there will be an hour for debate prior to a vote on the motion to invoke cloture on amendment No. 990, with the time equally divided between the Senator from North Dakota, Mr. DORGAN, and the Republican leader or their designees.

Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Would the Senator from Wyoming yield me 3 minutes.

Mr. ENZI. Certainly.

Mr. KENNEDY. Mr. President, we now have an agreement that we are going to vote on cloture on the Dorgan amendment. The Senator from North Dakota will be here to speak on that. He has a half hour. To bring our colleagues up to date, we have made very good progress during the evening, clearing matters with the Members. There are still a number of items that we will want to accept. We will indicate to the Members the topical areas so they will be familiar with the areas that we are moving ahead on. But we have narrowed the areas of controversy to probably four or five important areas where we may very well have votes during the day. The rest we will announce the agreements that have been made with the particular Senators on these issues.

We want to thank all of our colleagues. This has been very constructive. A number of these suggestions and ideas are extremely valuable. We will tell our colleagues the areas and the content of these agreements as we move on through the day.

We are in touch with a couple of Senators so we will be able to make a judgment decision at the conclusion of this vote on the cloture. We will be ready to go so we will not miss any opportunity to make progress on the bill.

I thank the Senator. The Senate will now debate the underlying cloture motion.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I have not had an opportunity to speak with the Senator from North Dakota. I hope I am not abusing my privilege of working with him and having some time this morning. I yield myself 7 minutes.

The Dorgan amendment is the moment American consumers have been waiting for. I am here to urge my colleagues to vote for cloture so we can finally legalize drug importation.

As I said yesterday, the Dorgan amendment is the result of a collaborative effort by myself, with Senators DORGAN, SNOWE, and KENNEDY, to finally make drug importation legal. This is a golden opportunity that we have been waiting for years to accomplish. The bill before us is the vehicle this year to get it done.

The bill we are debating is a must-pass Food and Drug Administration bill. The Senate should send a strong message that we are committed to finally getting it done this year. This is what we have been working to accomplish today.

Making it legal for Americans to import their prescription drugs is a top priority at the grassroots of America. It needs to be a top priority here in Washington.

It is something that shows up in almost every one of my town meetings throughout Iowa. I have long advocated allowing American consumers access to safe drugs from other countries. I have always considered this more a free trade issue than I have a health or prescription drug issue.

Imports create competition and keep domestic industry more responsive to consumers. In the United States—so that I explain why I consider this a free trade issue more than a health issue—we import everything. We allow everything that consumers might want to buy; based upon the quality they choose and the price they choose, we have allowed it to come into the country if Americans want to buy from overseas. Hopefully, they want to buy American-made products. But we have considered free trade something that has given consumers the best deal they can get. So why not do it for pharmaceuticals as well as any other product people want to buy?

Consumers in the United States now pay far more for prescription drugs than consumers in other countries. If Americans could legally and safely access prescription drugs from outside the United States under a regulation that we established to guarantee safety, drug companies will be forced to re-evaluate the price strategies that they have for American consumers. They would no longer be able to gouge American consumers by making them pay more than their fair share for the high cost of research and development. I sort out research and development because I think Canadians are getting a better deal from American pharmaceuticals. Germans are getting a better deal from American pharmaceuticals. They get such a low price. They don't pay the fair share. The American consumer of pharmaceutical products pays for most of the research and development that benefits the entire world. It is not fair to the American consumer.

It is true that pharmaceutical companies do not like the idea of opening American consumption of drugs to the global marketplace. They want to keep the United States closed to other markets in order to charge higher prices here. They would argue: We have to charge higher prices here. The Government directs what we pay the consumers or charge the consumers of Germany. Well, that is not fair to the American to pay for that sort of research.

However, with the Dorgan amendment—and this is what we are talking about on this important vote coming up—prescription drug companies will be forced to compete, forced to establish a fair price here in America.

Some don't want this to happen. I want to reiterate that there is an attempt to kill drug importation, as has been done many times before in this Chamber. I am referring to an amendment to make sure there is certification of health and safety. That amendment is designed to kill drug importation once again. It is a clever amendment, but it is a poison pill. Our effort develops an effective and safe system. This amendment requires all imported drugs to be approved by the Food and Drug Administration. That is the right thing to do. The amendment sets a stringent set of safety requirements that must be met before Americans can import drugs into this country, and there are stiff penalties for violation. Don't be fooled by this poison pill amendment. Voting for that amendment is a vote to kill drug importation. That amendment surely will be up if we get beyond the cloture vote, the next vote. It is important that people vote for cloture.

With the Dorgan amendment, we are getting the job of safety done. We need to make sure Americans have even greater, more affordable access to wonder drugs by further opening the doors to competition in the global pharmaceutical industry. We must make sure they have access to affordable prescription drugs.

I urge my colleagues to vote for cloture.

One additional editorial comment that is legitimate to maybe criticize GRASSLEY for voting for this amendment but a criticism that I think I would now explain; that is, that comes

from a very good fellow Member and friend of mine in the Senate who came up to me yesterday and said: Then wouldn't I be for having all restrictions against ethanol coming into this country done away with because I represent a State that is very high in ethanol.

I said the answer to that is twofold: No. 1, all restrictions ought to go off when ethanol is no longer an infant industry, and it is still an infant industry. Secondly, and more importantly, there is already a free importation of ethanol in this country of up to 7 percent of our production, and we have not even reached that 7 percent importation of ethanol. I will debate that issue when the leeway within present law allows.

So I do not think there is an inconsistency on my part in what I said about the free entry from the mature industry of pharmaceuticals—maybe not mature in biotechnology but surely mature in pharmaceuticals.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DORGAN. Mr. President, 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. 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, I suggest the absence of a quorum and ask unanimous consent that the time in the quorum call be charged to both sides equally.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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, let me yield myself 5 minutes from the time allotted.

Mr. President, the vote that will occur at 10:30 or thereabouts is a vote that will determine whether we can proceed to have a vote on my amendment. It is called a cloture vote—to shut off debate so we can move to the amendment I have offered. I wish to remind my colleagues again of what this amendment is.

This amendment is a bipartisan amendment sponsored by 33 Senators, Republicans and Democrats—Senator GRASSLEY, who just spoke, myself, Senator SNOWE, Senator MCCAIN, Senator KENNEDY, Senator STABENOW; a wide range of Senators, Republicans and Democrats—who believe U.S. citizens ought to be able to purchase FDA-approved prescription drugs, the identical FDA-approved drugs that are sold in other countries for a fraction of the cost of what they are sold for in this country. We believe the American people ought to be able to make the global economy work for them and ought to be able to access those same prescription drugs as long as they are in a chain of custody that makes them safe and as long as they are FDA approved.

I described them yesterday, and let me, again, ask unanimous consent to describe to my colleagues these two bottles.

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

Mr. DORGAN. In these bottles is the medication called Lipitor. Lipitor is made in Ireland. It is a common cholesterol-lowering drug taken by a good many Americans. As you can see, when made in the plant in Ireland, it is put in these bottles—identical bottles—with a label that is blue in this case, red in this case, otherwise identical. The difference in this situation is that this blue bottle is sent to Canada from Ireland, this red bottle is sent to the United States. It is the same pill, same bottle, made in the same manufacturing plant, FDA approved.

The difference? Well, the American consumer is told: You get to pay twice as much for the identical drug. You get to pay twice as much.

It describes a serious problem of what I believe is the overpricing of prescription drugs in this country. We pay the highest prices in the world for prescription drugs. I do not know of anyone in this Chamber who stands up and says: Let me sign up for that. Let me tell you, I think it is right, I think it is fair, and I think it is important that the American consumers pay the highest prices in the world for prescription drugs.

I do not think anybody stands up here and claims that. What they claim is, if they do not get that kind of money, they will shut down research and development, and they are forced to charge lower prices overseas because those governments overseas won't allow them to make money.

Let me show you what happened a while ago. This Chamber—without my support because it was a foolish thing to do—said: Do you know what. We want to say to the biggest economic interests in our country, the biggest companies that have moved American jobs overseas and make investments overseas, we want to say to them that if you make profits overseas, we will allow you to repatriate those profits into this country, back here, and you get to pay a special tax rate.

Normally, when a company repatriates its profits made elsewhere, it pays normal income tax rates. But this Congress said to them: Do you know what. We will give you a special deal, a big fat tax break. If you repatriate your foreign profits, you get to pay a 5.25-percent income tax rate. Nobody gets to pay a 5.25-percent income tax rate. I would love to pay that. Everybody else would, as well. But the biggest companies in our country got to repatriate a massive amount of money and save, I estimate, about $100 billion in taxes that should have been paid because they got a 5.25-percent sweetheart deal.

So let me just turn to one drug company—Pfizer, a good company, one of the world's biggest drugmakers. This is from the New York Times of June 24, 2005. It said it would return ''$8.6 billion in overseas profits.'' So the combined repatriation of $36.9 billion—it had already announced $28.3 billion—so that makes it $36 billion they are repatriating in profits they have made overseas. The New York Times says that is four times what Pfizer spent on research and development last year.

But isn't it interesting that they charge lower prices for prescription drugs in other countries, they say they do not make money in other countries, yet when they get a big fat sweetheart deal to pay a 5.25-percent income tax rate, they repatriate $36 billion. That is on the profit they made in other countries. It looks to me as if it is profitable selling these drugs at lower prices in foreign countries. So much for that argument.

The price discrepancy I have indicated previously. I used Canada as an example, but I could use France, Italy, Germany, Spain—it would not matter. Lipitor, 96 percent higher prices for Americans; Prevacid, 97 percent higher prices for Americans; Nexium, 55 percent higher prices; Zocor—the fact is, we are paying the highest prices for brand-name prescription drugs in the world, and it is unfair. We are trying to change that.

What we are saying is: Let's let the global economy work for everybody, not just the large pharmaceutical industry. How about allowing it to work for regular folks, to buy a safe FDA-approved prescription drug, for example, from a Canadian pharmacy.

Can anybody give me one reason why a U.S.-licensed pharmacist should not be able to go to a licensed pharmacist in Winnipeg, Canada—both licensed, both with an identical chain of custody—why a U.S.-licensed pharmacist should not be able to go to a licensed pharmacist in Canada and acquire an FDA-approved drug, such as Tamoxifen, at one-fourth or one-fifth of the price charged in the United States and pass the savings along to the consumer? I am not asking for five reasons. I am asking: Can anyone give me one reason why that should be prohibited? I think the answer is that there is not a good reason why we should prohibit that sort of thing.

So we will have a vote on this amendment. My hope is we will be able to invoke cloture so we will be able to proceed to the amendment. There will be a Cochran amendment to my amendment, a second degree, and then a vote on my amendment. My hope is we will be able to do that today.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield 10 minutes to the Senator from Mississippi.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am on the floor to urge the Senate not to invoke cloture. This is a very serious amendment the Senator from North Dakota has proffered and is being considered by the Senate, and it should attract the attention and careful review of all Senators.

I noticed in the Washington Post, in an article on Thursday, May 3, the editorial writer says—of the amendment the Senator from North Dakota has offered, which ''would allow the importation of prescription drugs from other countries,'' which he claims and other supporters claim ''would let cut-rate pharmaceuticals flow into the United States'' allegedly ''saving ailing Americans untold amounts of money.'' But here is the catch, and I quote from the editorial:

> This is a mirage; importation will not solve the problem of drug pricing. U.S. drug firms sell prescription medications to countries such as Canada at low prices, a situation that would quickly change if Canadian distributors started to recycle large quantities of drugs back to the United States.

Another fact in this debate that should not be overlooked is that President Bush has threatened to veto the bill if it contains this language.

So to achieve our goal of helping to ensure safe and unadulterated prescription drugs marketed in the United States are safe, we need to have the Federal agencies that have the responsibility of assuring that safety to be in charge of certifying that.

So I have offered an amendment to the Dorgan amendment—if cloture is invoked, it will be subject to consideration—that says unless the Food and Drug Administration or the Department of Health and Human Services can certify and vouch for the safety and efficacy of imported drugs, this amendment would not be operative. And we have been told by administration officials they cannot make that certification. They do try. We all try to help by working together to ensure that what the consumers are buying is what the labels on the drugs say they are. But we have seen in recent years a growing threat from counterfeit drugs that are made in other countries—not Canada necessarily but other countries—which could be transshipped through Canada or could be mailed directly to purchasers in the United States that aren't what they say they are. Some are even dangerous. Some contain nothing at all—nothing that is effective to do what the drug is supposed to do.

So we are already confronted with a serious problem. This is going to make it much worse and exceedingly difficult for those who are charged with certifying the efficacies of drugs, protecting our citizens from dangerous drugs, counterfeit drugs, to do their job. This is going to make it much more difficult.

This is not the first time the Senate has been asked to make a decision on this amendment or amendments similar to it. On three different occasions the Senate has, without objection, or on a vote—one vote was 99 to nothing—rejected this amendment. There have been votes that have been closer. Recently, I think Senators have gotten the message this is not an amendment that is going to achieve the goals that the proponents who are offering it say it will. There will be some cheaper drugs coming into the country—but maybe temporarily—for the reasons that have been pointed out by others and in the Washington Post editorial this morning.

So I am hopeful Senators will carefully look at the situation we face. The intent, of course, is certainly laudable, but we have an overriding responsibility to make sure medications purchased by American citizens in the United States are safe and that those are decisions made by the regulators and the inspectors in the United States who have the responsibility of making those decisions. So I am hopeful the Senate will not vote to invoke cloture. If it does, we will talk a little more about the situation. But up until that point, I hope Senators will review the history of the Senate on this subject and vote against the motion to invoke cloture.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I yield 5 minutes to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, we have an interesting challenge in front of us today. All of us support drug availability at affordable prices. The challenge that brings us to the floor today is how to ensure that prescription drugs used by Americans are both affordable and safe. That is the goal for all of us, I believe, in the Senate.

We trust the drugs we get at our local pharmacies, our neighborhood pharmacies, are safe because they go through a rigorous FDA approval process, and a series of tests and inspections are done before they reach our medicine chests. Those drugs improve, extend, and save lives.

I am proud so many of these drugs originate in my home State. In fact, more than half the medicines approved by the FDA in 2001 were developed by 70,000 hard-working people employed in the pharmaceutical companies of New Jersey. These companies have received more than 11,000 patents for their products since 1985 for their innovative work. Many of these products are life-extending and limit often painful and debilitating conditions.

When we look at the prospects these companies are offering, we want to encourage the research. I heard this morning about an inoculation that could be sufficient, given one time to women, that could prevent osteoporosis. What a wonderful thing. Recently, we have had a product come to the market called Gardasil. It says that young women who receive an injection of Gardasil can be protected against cervical cancer for their lives. What a wonderful thing that is. Lipitor has been known for some time to reduce plaque gathering in the valves and the veins that lead to the heart. We want to encourage that kind of development, and our goal is to make sure these workers continue developing life-saving medications and at the same time lower costs and increase access to these drugs.

I support the efforts to lower prescription drug prices, and I understand the appeal of reimportation, as long as we are absolutely assured of the safety and efficacy of these products. So if we are going to trust drugs imported from other countries, we need to be sure they are as effective and completely safe. We cannot put our citizens in the position of buying medicine they think will lower their cholesterol or prevent heart disease only to find out years later the drug was a fake.

According to the World Health Organization, up to 10 percent of all drugs sold across the globe are counterfeit. We heard debate about the countries that some of these drugs come from. If we want to give consumers the chance to buy drugs imported from other countries, we have to insist these drugs are authentic, reliable, and safe.

That is why the Senate has, on three prior occasions, required the Department of Health and Human Services to certify that importation be without additional risk to the public health while it reduces costs. That is why I intend to support the Cochran second-degree amendment, and I encourage my colleagues to do the same thing. Let's make sure what we are telling the public to buy is absolutely safe, harmless, and can improve life's qualities.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent for 30 seconds more.

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

Mr. LAUTENBERG. Mr. President, the Cochran amendment would require the same certification this body has approved three times before—to guarantee prescription drugs and provide consumers peace of mind, knowing that the drugs they are taking are safe and effective no matter where they originated.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the article I referred to from the

washingtonpost.com be printed in the RECORD, and I thank the distinguished Senator from New Jersey for his excellent statement. We urge the Senate to reject this motion to invoke cloture.

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

[From the Washingtonpost.com, May 3, 2007]

ALMOST THE RIGHT RX

Legislation to give the FDA important new powers can do without one provision

While most attention this week has been focused on the Iraq supplemental appropriations bill, the Senate also has been debating far-reaching legislation to give the Food and Drug Administration a long-needed increase in its regulatory powers. A very unneeded amendment, however, is threatening the bill.

The bill would reauthorize the system of user fees that the FDA charges pharmaceutical companies and manufacturers of medical devices. Congress approved this arrangement in 1992 to speed FDA decision making and get needed drugs onto the market more efficiently. User fees account for a large portion of the FDA budget, but the agency's authority to collect them expires in September. There is broad support not only for maintaining the system but for increasing the amount of fees that the FDA can collect.

Attached to the must-pass user fees measure are a number of important enhancements to the FDA's regulatory authority and responsibilities. Under the legislation, the agency would be required to collect massive amounts of data on prescription drug use from public and private sources after drugs have been approved, to detect harmful side effects and other dangers that testing before approval might have missed. The FDA would also be able to require drug companies to alter warnings and other information on labels. And, critically, the agency would have the power to order drug trials after a drug's approval in certain cases.

All of these reforms would lead to better-informed regulators, patients and doctors. Everyone has an interest in enhancing the data available to the government and, ultimately, the public on prescription drugs after they enter the market. Compiling more evidence more quickly would help detect problems with new prescription medications faster and with greater accuracy and assist consumers in making reasoned choices about the drugs they take.

Complicating the bill's prospects for passage, however, is an amendment from Sens. Byron L. Dorgan (D–N.D.) and Olympia J. Snowe (R–Maine) that would allow the importation of prescription drugs from other countries, a proposal that supporters claim would let cut-rate pharmaceuticals flow into the United States, saving ailing Americans untold amounts of money. This is mirage; importation will not solve the problem of drug pricing. U.S. drug firms sell prescription medications to countries such as Canada at low prices, a situation that would quickly change if Canadian distributors started to recycle large quantities of drugs back to the United States. Further, President Bush has threatened to veto the bill if it contains such language. For the sake of common sense, and to enhance the chances of urgently needed legislation, the Senate should reject the importation amendment before passing the bill.

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

Mr. BURR. Mr. President, if I could ask the ranking member for a few minutes to speak about reimportation.

Mr. ENZI. I yield 4 minutes to the Senator from North Carolina.

Mr. BURR. Mr. President, I thank the ranking member.

I find it somewhat ironic that we are on the floor to discuss an amendment to a drug safety bill which would allow drugs to be imported freely from any country around the world. Maybe I am the only one who finds some irony in that. We are constructing a mechanism in this country to set up a system of surveillance, to recognize red flags that may suggest to us we need to look deeper into the unintended consequences of drugs that have already been proven safe and effective; and we go even further than that and codify into law a very regimented process for the Food and Drug Administration to go through if, in fact, it is triggered that there might be a problem. Then, in the same bill, because of the outrage over the concerns we have for prescription drugs, now we are going to say to the Chinese: continue to manufacture, continue to ship in, and these products may not even have an active ingredient.

We adopted Senator DURBIN's amendment that related to pet food safety standards. Well, what this suggests to me is that for us to consider the importation or reimportation of drugs is to say we put pet food above the drug chain for the American people, that we are willing to put more standards on pet food today than we are on the importation of these drugs.

Passage of the Medicare prescription Part D plan, which was a year ago, lowered significantly the pressure that was felt to obtain drugs over the Internet or drugs from other countries. Why? Because in the first year, we have seen a 33-percent reduction in the price of those pharmaceuticals for our Medicare-eligible population. It is not that all the pressure is off, but I am not sure the remaining pressure is going to be alleviated by providing a drug supply that has no active ingredient or that denies consumers the security of knowing they are going home and they are taking their drugs but then they suffer the consequences of ending up in an emergency room because they didn't get the active ingredient they needed.

Last year, 1.7 million tablets of counterfeit Viagra were uncovered; 1 million tablets of Lipitor that were, in fact, counterfeit; and a half a million tablets of Norvasc were seized in China.

What is unfortunate is China is not the only country in the world where we have created a cottage industry of producing drugs that look just like the ones we sell in a pharmacy but that we regulate at a gold standard that many on this floor have tried to protect every time we debate legislation that is about the Food and Drug Administration. We are here today to assure the American people that we are raising the gold standard—that it is not just the bar of where we determine safety and efficacy but we are raising the standard when the population at large is exposed to that medication to make sure that, in fact, unintended consequences are fully investigated. To accept the importation of foreign drugs is to open the door for a cottage industry today to become a mega industry tomorrow by supplying counterfeit drugs with no active ingredient, with the potential that there are ingredients in it that are adulterated, that will not only not solve the health problems but, as has been proven in the pet food supply, could kill. Now, when people die, we put the standards higher than we do the standards of reimportation or importation of drugs. I urge my colleagues to at least accept the Cochran amendment which puts a safety standard in, but do not pass this importation legislation.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, my colleague is apparently going to win a debate we are not having: that this is a bill that will allow the import of prescription drugs from any country around the world. I don't know of that piece of legislation, but if it exists, I will be happy to vote against it. That is not what this amendment is. This amendment doesn't allow imported drugs from anywhere around the world at all. So I am not interested in losing a debate I am not involved in. This debate is about a piece of legislation, carefully constructed, in which we allow imported drugs from countries which have been judged to have a safe supply of drugs.

Let me give an example of testimony from David Kessler. I would say if you could find an expert better on these subjects than David Kessler, I would like to hear the name. He ran the FDA for 8 years and has been identified by everybody as an outstanding FDA Commissioner. Here is what he says. The Dorgan-Snowe bill provides:

A sound framework for assuring that imported drugs are safe and effective. Most notably, it provides additional resources to the agency to run such a program, oversight by the FDA of the chain of custody of imported drugs back to the FDA-inspected plants, a mechanism to review imported drugs to ensure that they meet FDA's approval standards, and the registration and oversight of importers and exporters to assure that imported drugs meet these standards and are not counterfeit.

All of this discussion about counterfeit that is happening today, under today's rules, without importation. That is a specious issue. Dr. David Kessler says it provides a sound framework for assuring that imported drugs are safe and effective.

Let me show you a chart from Dr. Rost. I mentioned earlier that they have been doing this for 20 years in Europe. Dr. Peter Rost, former vice president of marketing at Pfizer, said:

During my time responsible for a region in northern Europe, I never once—not once—heard the drug industry, regulatory agency,

the government, or anyone else saying that this practice was unsafe—

He was talking about importation of prescription drugs. If you are in Germany and you want to bring a drug in from France, you can do it through what is called parallel trading. If you are in Spain and want to bring a drug in from Italy, you can do that. So he said not once has anybody raised the issue that this practice was unsafe.

He also said:

Personally, I think it is outright derogatory to claim that Americans would not be able to handle reimportation of drugs, when the rest of the educated world can do this.

That is the fact. One other thing: the Congressional Budget Office says this amendment will save $50 billion in 10 years. The leading expert says there is no safety issue. We have a regime in this bill that provides for safety. So the question isn't on all of these ancillary issues—by the way, the Washington Post doesn't take on this issue with respect to safety. It says there is, in fact, a problem with drug pricing. I will read it. They don't want this passed, but the reason is they are worried it will undercut the underlying bill because the President will veto it.

Here is what the President said when he was running in 2000. He was asked:

What about importing drugs?

The President said:

Well, if it is safe, then it makes sense.

Obviously, he was telling those at that debate that he thinks it makes sense if it is safe. How about consulting Dr. David Kessler, who says it is safe and effective, as we have described it in this legislation. So what the Washington Post says—because the President threatened to veto the bill—they are talking about ''importation will not solve the problem of drug pricing.''

Apparently, the Washington Post thinks there is a problem in drug pricing. What is that problem? To respond to my colleague's comments, in the first quarter of 2007 we had the largest price increase in prescription drugs in this country in 6 years. The American Association of Retired Persons, AARP, said in 2006 the price of prescription drugs rose four times the rate of inflation. There is no problem? I think there is a problem. The Washington Post says there is. The numbers show there is a problem.

The question is, Are we going to solve the problem, or are we going to punt it down the road one more time?

Mr. President, I yield 5 minutes to my colleague from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I congratulate my colleague from North Dakota for the extraordinary and comprehensive outline of this issue that he has made not only today but in the past.

Mr. President, every single day in this Congress, and throughout America, people sit down and eat their lettuce and tomato and their salads. Their tomatoes come from Mexico, Latin America, and their lettuce comes from Latin America. Other foods they eat come from as far away as China. Billions of dollars of food imports come into this country, but I don't hear anybody in this body standing up and saying, oh, we have a problem about food safety or food coming from other countries. They come in.

There is a problem—and I don't hear it too often here, but somehow the U.S. Government, with the FDA, cannot regulate a small number of drug companies so that we can safely bring in prescription drugs from Canada and other industrialized countries so that, as a result, we can substantially lower the cost of medicine for millions and millions of Americans. This is absurd. Of course, we can safely regulate the flow of medicine coming into this country.

The real issue is not the safety of medicine. The real issue is the power of the pharmaceutical industry, the most powerful industry in terms of lobbying impact in the United States of America. If you think the oil companies are powerful, take a look at the drug companies. If you think the banks are powerful, take a look at the drug companies. Today, we are living under a Medicare Part D prescription drug program that was written by the drug companies, for the drug companies. Today, billions of dollars of taxpayer money goes into research and development for new medicines that go to benefit the drug companies, while the American people do not get reasonable prices for the products they help to produce.

Mr. President, since 1998, the pharmaceutical industry has spent over $900 million on lobbying activity—$900 million. That is more than any other industry. Today, there are over 1,200 prescription drug lobbyists right here on Capitol Hill and throughout this country. Do you know what their job is? Their job is to make sure in the United States of America we continue to pay, by far, the highest prices in the world for the medicine we use.

If you have a chronic illness, there is a strong likelihood you will be paying two times as much for the same medicine as our friends in Canada or Europe pay. Why is it that the same medicine, manufactured in the same factory, costs us, in some cases two times, and in some cases three times, as much money as it costs our Canadian and European friends?

The answer is pretty simple. It has everything to do with the power of the pharmaceutical industry and the enormous amounts of money they spend on lobbying, on campaign contributions, on advertising, and the pressure they put on Members of the United States Congress.

Mr. President, I have been involved in this issue for a number of years. I have been involved in it in an emotional way because I was the first Member of Congress to take constituents over the Canadian border to purchase, in that case Tamoxifen, which is a widely prescribed breast cancer drug that ended up costing Vermont women one-tenth the price they had to pay in the United States.

In our country today, there are people struggling very hard with terrible illnesses who have no health insurance and who need their prescription drugs. Some of them simply cannot purchase their prescription drugs. Some are taking money out of their food budget to buy their prescription drugs. We are a great nation in many respects. But the time is long overdue for Members of the Senate, for Members of the House, to reclaim this institution from the powerful special interests.

Today is a day of reckoning. This is very important legislation. This can drive the price of prescription drugs down by 25 to 50 percent. Let's stand together and, for those Members who are wavering on the issue, who think they cannot vote for it, I hope at least they will support cloture to allow us to continue this debate and to finally lower the cost of prescription drugs for the American people.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Wyoming has 10 minutes. The Senator from North Dakota has 3½ minutes.

Mr. ENZI. Mr. President, I rise to oppose cloture on the amendment. I find it ironic that in the midst of the work on the biggest drug safety reform in the last decade, perhaps longer than that, we are even considering the issue of drug importation.

Our drug safety bill is an acknowledgment that we don't have things quite right in our domestic drug safety system. I am baffled that we want to take on all the hard work and effort to fix our drug safety problems and throw it away by opening our borders to foreign drugs.

When I was Chairman of the HELP Committee, we held three hearings on drug importation. The witnesses at the hearings raised a number of problems and questions about importation in general, and this bill in particular. In fact, one of those hearings was entirely about this bill. At that time, I asked my colleague from North Dakota if he would work with me to develop a State-based pilot program for drug importation. He turned me down. He was convinced then, as he is now, that this bill is the way to go. I would like to take these kinds of proposals in small chunks, if we are going to have to take them, to ensure we don't create a large-scale disaster. I hope we are not going to create a disaster here by accepting this amendment without further consideration.

I respectfully suggest that this bill is not the way to go, and even if it were, this isn't the time for it to go there. We have heard a lot of comments about the Washington Post editorial, and I refer people to that editorial. They

cover a number of factors, but they do emphasize that the main bill, the safety bill—the FDA safety reform bill that we are working on—is a very important bill. They do recognize this amendment would add some very strong complications to it. The Senator from North Dakota suggests we read the bill. You know, that is a good suggestion for anything we cover around here. I make an effort to read all of the bills we do, and I have read this one. I hope everybody takes a look at this one.

I think you will vote against cloture if you read the bill. It is a roadmap to loopholes. Yes, every time somebody brings up a potential safety issue, they stick another clause in there that might cover that gap. But it shows where the gaps are most likely. They keep adding paragraphs to try to patch up these loopholes. We have an amendment that would have been a second degree, but it was too late for it to be submitted as a second degree, so it is a first-degree amendment that would deal with anti-counterfeiting.

That is another area that has to be looked at carefully. The Senator from Vermont talks about taking people into Canada to buy drugs. Well, you know they are going to the exact pharmacy at that point. They are not going through the Internet or through the telephone. These drugs can be intercepted—there are false sites that are set up out there, and people may think they are getting drugs from Canada, but are actually getting them from Saudi Arabia and other places around the world. It is so easy to get information and believe it is coming from a particular location—they may even imply it is a particular location to get the consumer's confidence. There are so many ways they can mislead consumers and it may not be that location. To try to solve some of that, Senator GREGG has an amendment that would perhaps tighten up the Internet problems. But look at that, too, and you will see there are problems if you are not getting it directly from the pharmacy.

I am a strong supporter of people getting drugs from their local pharmacist, the one who will help you interpret all of the sheets of paper that come with the prescription. They are going to know what other drugs you are taking and if there are possible interactions. Local pharmacists are the most valuable asset we have in the entire pharmaceutical chain. But bills like this work against them and may have consequently put them out of business. That is going to be a tragedy for America.

I have read the amendment. I encourage people to read it and look at the complexity of the amendment and look at the loopholes they are suggesting they have fixed. See if you think this patchwork fixed them. But I also ask that you look at what the Washington Post said, and I am not one of those who normally advocates that you listen to what they say. But it is definitely food for thought on this bill. It will take away a major reform that we could have by throwing something else in that we need to discuss more.

I ask my colleagues to oppose cloture for the sake of the safety of our drug supply. Let's get it fixed at home before we try to open it up to the world.

Mr. President, how much of my time remains?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. ENZI. Mr. President, in order to allow the Senator from North Dakota to have the final word, since it is his amendment, I ask people to vote against cloture.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank my colleague from Wyoming. I regret he cannot be a supporter of cloture and the amendment. I respect and understand his position. We disagree, and I do so respectfully.

I do wish to mention one thing with respect to a pilot program. Following that hearing, I did put together a pilot project and went to Tommy Thompson. I went down to his office and made a presentation of a northern plains pilot project on prescription drugs. He felt like he couldn't move forward with it.

I do want to say what he said to me after he left Health and Human Services. I met him in the elevator outside the Senate Chamber one day after he left being Secretary. I badgered him a lot about the issue of reimportation. As I got off the elevator and he was getting on, we greeted each other. I liked him. I thought he was a good Health and Human Services Secretary. He said: By the way, Byron, you keep working on the imported drug issue. You are right about that. That was after he left Health and Human Services.

Let me again respond with respect to David Kessler. All this talk about safety. First of all, this is where this amendment belongs, on this bill. This improves the bill. It doesn't detract from safety issues at all. It does address something not addressed in this bill, and that is a serious pricing problem with prescription drugs in our country.

There is no answer to this that I have heard in all the discussion. David Kessler, head of FDA for 8 years—I think he is the expert on these issues—said: The Dorgan-Snowe bill ''provides a sound framework for assuring that imported drugs are safe and effective.''

He says they will be safe and effective. Why would someone go to some fraudulent Web site, as was discussed, or maybe go to a bad Web site, why would somebody go to a bad Web site in order to import prescription drugs if a Web site by the FDA exists that would describe where they can access these prescription drugs safely? Those are specious arguments.

The Congressional Budget Office says this amendment will save $50 billion over 10 years. Why would they say that? Precisely because the Washington Post acknowledges there is a pricing problem with prescription drugs in our country. There will be a $50 billion savings over 10 years.

I mentioned that in the first quarter of this year the price of prescription drugs had the largest increase in 6 years in this country. Last year, 2006, according to AARP, it rose four times the rate of inflation.

There is a pricing problem with prescription drugs. The identical drug FDA approved, same pill, put in the same bottle, made by the same company, is sent virtually every other place in the world at a lower price, and the American consumer is told: You know what, we have a special deal for you. You get to pay the highest price in the world.

The question is whether this Congress will decide that special deal of the highest price in the world ought to stop. I hope this Congress will decide we are going to stand with the consumers. Yes, we are going to insist on safety, but we are going to stand with consumers. There is a pricing problem. This amendment is one way to fix that problem in a manner that is safe and effective.

Finally, Mr. Rost says that for 20 years, they did this in Europe. He said:

I think it is outright derogatory to claim that Americans would not be able to handle reimportation of drugs, when the rest of the educated world can do this.

Of course, we can do this. Of course, we can allow someone to go to Canada and buy from a Canadian drugstore that has as safe a chain of custody as we do and buy prescription drugs, in this case Lipitor, for half the price that is being charged 5 miles south across the border.

Why on Earth should the global economy not be able to work for average folks? The pharmaceutical industry imports all of these drugs. Why should the average person in this country not be able to put downward pressure on prescription drug prices by being able to access FDA-approved drugs from other countries, such as Canada and other countries, that have a supply of safe drugs. That is what our amendment does. It is the right thing to do.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. Then I yield the floor, Mr. President.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule

XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Dorgan amendment No. 990 to S. 1082, the FDA Revitalization bill.

Byron L. Dorgan, Dick Durbin, Claire McCaskill, John Kerry, Ted Kennedy, Amy Klobuchar, Sherrod Brown, Ken Salazar, Mark Pryor, Daniel K. Inouye, Chuck Schumer, Harry Reid, Ron Wyden, Dianne Feinstein, Carl Levin, Blanche L. Lincoln.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 990, offered by the Senator from North Dakota, to provide for the importation of prescription drugs shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Connecticut (Mr. DODD), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) and the Senator from South Carolina (Mr. GRAHAM) would have voted ''nay.''

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

The yeas and nays resulted—yeas 63, nays 28, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—63

Akaka	Feinstein	Nelson (NE)
Baucus	Grassley	Obama
Bayh	Harkin	Pryor
Boxer	Inouye	Reed
Brown	Kennedy	Reid
Byrd	Kerry	Rockefeller
Cantwell	Klobuchar	Salazar
Cardin	Kohl	Sanders
Carper	Landrieu	Schumer
Casey	Lautenberg	Sessions
Clinton	Leahy	Shelby
Coburn	Levin	Smith
Coleman	Lieberman	Snowe
Collins	Lincoln	Specter
Conrad	Lott	Stabenow
Corker	Martinez	Tester
Craig	McCaskill	Thune
DeMint	Menendez	Vitter
Dorgan	Mikulski	Webb
Durbin	Murray	Whitehouse
Feingold	Nelson (FL)	Wyden

NAYS—28

Alexander	Cochran	Gregg
Allard	Cornyn	Hagel
Bennett	Crapo	Hutchison
Bond	Dole	Inhofe
Bunning	Domenici	Isakson
Burr	Ensign	Kyl
Chambliss	Enzi	Lugar
McConnell	Stevens	Voinovich
Murkowski	Sununu	
Roberts	Thomas	

NOT VOTING—9

Biden	Dodd	Johnson
Bingaman	Graham	McCain
Brownback	Hatch	Warner

The PRESIDING OFFICER (Mr. BROWN.) On this vote, the yeas are 63, the nays are 28. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

AMENDMENT NO. 1010

Mr. COCHRAN. Mr. President, I have an amendment at the desk. It is to S. 1082. I propose this amendment in my behalf and in behalf of Senators CARPER, NELSON of Nebraska, HATCH, BENNETT, ENZI, BURR, and MENENDEZ. I ask the amendment be stated or reported.

The PRESIDING OFFICER. The amendment of the Senator is already pending. The Senator may proceed.

Mr. COCHRAN. Mr. President, the purpose of this amendment is to require, before importation can be undertaken, a certification by the Secretary of Health and Human Services or the Food and Drug Administration that the importation of the drugs will indeed have an economic benefit to the consumers who buy those drugs and that they are safe and not harmful for human consumption.

We have had discussions over the last several years, really, with administration officials who have been very concerned that the importation of drugs that would be permitted by the Dorgan amendment needs to be balanced by the interest we have in protecting the integrity of the marketplace so no counterfeit drugs are imported, creating the impression that they are something that they are not.

This is a very real problem. I recall having meetings here in the Senate with members of the committees with jurisdiction, learning about the growing problem and the continuing increase in instances where postal inspectors and others who are charged with the responsibility of enforcing our laws and protecting American consumers are finding that drugs which are manufactured in other countries—not Canada necessarily but in India, in Asia, in South America—are counterfeit. They look like the real thing. The labels look like the legitimate and ordinary labels you see on the drugs being purchased, but they are not what they say they are.

This is a very difficult issue to deal with. What we are asking in this amendment is that the Senate insist that if drugs are going to be imported, then there has to be a certification by the FDA or the Department of Health and Human Services that they are safe for human consumption, that they have not been tampered with, and that they are not counterfeit.

I hope the Senate will approve this amendment to the Dorgan amendment. I don't know of anything else to say. I submitted, in earlier comments, a washingtonpost.com article, which is printed in the RECORD now, which supports this effort and talks about the importance of certification to the consuming public. We have a lot of information. We will be happy to discuss the details with any Senator who is undecided about approving this amendment, but I hope the Senate can adopt this amendment.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 991

Mr. KOHL. Mr. President, I ask unanimous consent to set aside the pending amendment so I may call up my amendment, amendment No. 991, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ENZI. There is still a lot of work being done on this amendment. Senator KYL and others are involved in it and would not want the debate until we had more chance to work on it.

Mr. KOHL. I will offer the amendment after that.

Mr. President, I rise to speak to amendment No. 991, which is supported by Senators GRASSLEY and LEAHY. I thank my colleagues for their support. Our amendment is in almost all respects identical to S. 316, the Preserve Access to Affordable Generics Act, which passed the Judiciary Committee unanimously earlier this year.

Our amendment will prevent one of the most egregious tactics used to keep generic competitors off the market, leaving consumers with unnecessarily high drug prices. The way it is done is simple—a drug company that holds a patent on a brandname drug pays a generic drugmaker to not put a competing product on the market. The brandname company profits so much by delaying competition that it can easily afford to pay off the generic company. And the generic company can also make much more money by simply accepting this pay-off settlement. The losers are the American people, who would continue to pay unnecessarily high drug prices for years to come.

Our amendment is basically very simple—it will make these anticompetitive, anticonsumer patent payoffs illegal. We will thereby end a practice seriously impeding generic drug competition, competition that could save consumers literally billions of dollars in health care costs.

Despite the FTC's opposition, recent court decisions have permitted these backroom payoffs. And the effect of these court decisions has been stark. In the year after these two decisions, the FTC has found, half of all patent settlements—14 of 28—involved payments from the brandname to the generic manufacturer in return for an agreement by the generic to keep its drug off the market. In the year before these two court decisions, not a single patent

settlement reported to the FTC contained such an agreement.

When brandname drugs lose their patent monopoly, this opens the door for consumers, employers, third-party payers, and other purchasers to save billions—63 percent on average—by using generic versions of these drugs. A recent study released earlier this year by Pharmaceutical Care Management Association, showed that health plans and consumers could save $26.4 billion over the next 5 years by using the generic versions of 14 popular drugs that are scheduled to lose their patent protections before 2010.

We have heard from some in the generic drug industry that on occasion these patent settlements may not harm competition. That is why our amendment includes a new provision not contained in S. 316. This new provision would permit the Federal Trade Commission—the guardians of competition in this industry—to exempt from this amendment's ban certain agreements if the FTC determines such agreements would benefit consumers. This provision will ensure that our amendment does not prevent any agreements which will truly benefit consumers.

It is also important to note that—contrary to the arguments made by some—our amendment will not ban all patent settlements. In fact, our amendment will not ban any settlement which does not involve an exchange of money. Our amendment will do nothing to prevent parties from settling patent litigation with an agreement that a generic will delay entry for some period of time in return for ending its challenge to the validity of the patent. Only the egregious pay-off settlements in which the brandname company also pays the generic company a sum of money to do so will be banned.

We understand that several of our colleagues would prefer alternative versions of this proposal. As I have said all along, we continue to be willing to consider modifications to this measure as long as this legislation will be effective to ensure these anticonsumer payoff settlements stop. I am happy to work with my colleagues to find an effective manner to do this. I have directed my staff to work with the staff of other interested Senators in this regard, and I am willing to continue to engage in this process. Short of such an effective alternative being presented to me, we will ask for a vote on adoption of this amendment.

In closing, we cannot profess to care about the high cost of prescription drugs while turning a blind eye to anticompetitive backroom deals between brand and generic drug companies. It is time to stop these drug company payoffs that only serve the companies involved and deny consumers to affordable generic drugs. I urge my colleagues to join me in this effort by supporting this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, the Kohl amendment seeks to end abuse of the system for bringing generic drugs to the market. Under Hatch-Waxman, there is a sensible and balanced system for rewarding generic drug makers who enter the market first, but some companies have subverted this balanced system.

Instead of allowing market forces to bring medicines to consumers at lower prices, companies collude to deny consumers the benefit of the lower cost drugs through ''reverse payments.'' Essentially, there is a payoff from the brand drug companies to the generic companies to split the benefits of the incentives provided under Hatch-Waxman.

Everyone benefits under these arrangements, except consumers. Brand drug companies get further protection from competition, generics get payoffs and a guaranteed market. Only consumers get left behind, stuck with high prices and lesser competition.

The Judiciary Committee reported legislation on this important issue. I commend Senator KOHL for his leadership. I know Senator SPECTER and Senator HATCH have important recommendations. I am sure we can work these matters out in a proposal to include the best ideas.

We understand there are members of the Judiciary Committee who may want to speak to this amendment. I would hope the Senator would withhold further comments until we can see if there are members of the Judiciary Committee who want to address this amendment. I hope we will be able to include it and adopt it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I ask unanimous consent the Senator from New Mexico, Mr. DOMENICI, be added as a cosponsor to my amendment.

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

The Senator from Massachusetts.

Mr. KENNEDY. 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.

The PRESIDING OFFICER. The Senator from Michigan.

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

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

Ms. STABENOW. Mr. President, I send to the desk a modified version of amendment No. 1001 to the desk. We are adding Senator KOHL, Senator HATCH, and Senator COBURN as cosponsors of the amendment.

Mr. ENZI. I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, as was indicated earlier, the Cochran amendment, with cosponsors, is currently pending, I believe, or has been appropriately offered and is pending. I would like to make a couple of comments about the vote we will have at some point in the future on the Cochran amendment. And what I would like to do is go through so that all of our colleagues understand what is in the underlying bill.

I indicated earlier that one of my colleagues stood up and said the legislation we had offered would allow drug importation from any country in the world, and that is not true. There is no such debate on a bill that doesn't exist.

Mr. President, I have a piece of information distributed by Pfizer Corporation that is opposed to my amendment. It describes various problems with the drugs that are purchased online and counterfeit drugs, and so on. Interestingly enough, all of these problems would be solved by the legislation I have introduced with all of the safety issues involved. You know these are specious issues because the underlying legislation would address all of those issues.

Now, let me go through a list—this is the list; you won't be able to read it, but I will go through them—of the safety provisions in this legislation. First of all, with imported drugs, drugs imported from other countries, which, as I have indicated, Europe has done for 20 years with no safety issues at all, so we are as competent as the Europeans are in being able to do this.

Our bill would require that all imported drugs be approved by the Food and Drug Administration. So we are not talking about any renegade drugs, all FDA-approved drugs, all of them imported be approved by the FDA.

It creates a process to approve medications sold outside the United States which are identical to FDA-approved products. It sets a process by which the FDA may approve medications which differ from the domestic version of the drug; provides that no imported drug may be misbranded or adulterated, and requires compliance with GMP. It requires the FDA to enter into agreements to monitor drug recalls and approval status changes; establishes a set of standards which countries must meet to be a ''permitted'' country. With respect to pharmacies and wholesalers on this list, we say it provides for registration and regulation of exporting pharmacies and importing wholesalers, only by licensed operators in both cases; requires registrants to pay an application fee, submit to evaluation, and post a substantial bond; requires pharmacists and wholesalers to be fully compliant with applicable local, State, provincial, and national laws; requires the FDA to perform inspections of operations, including facilities and records, at least 12 times per year; requires exporting pharmacies to verify prescriptions, to review medications for interactions, to ensure privacy; requires pharmacies to maintain records for 2 years for FDA review.

Exporting pharmacies must preserve samples of each lot of a drug for the FDA to utilize for testing. It gives authority to FDA to monitor and inspect the full chain of custody of a drug; sets penalties for violation, including suspension, lifetime revocation, and criminal penalties. It requires every imported drug to have a full record of the chain of custody, which is a pedigree. That is very important. Every imported drug will have to have a pedigree, full record of the chain of custody.

It requires every package to have an FDA-approved label affixed, and every product must clearly be identified as ''imported.'' Drug labeling would also include the name of the registrant who handled the medication and the product lot number as a part of that pedigree. Any differences in the imported drug, even in an inert ingredient, must be noted on the label.

It requires packaging to include anticounterfeiting or track-and-trace technologies. Exporters must provide the FDA with prior notice of shipments of prescription drugs to the U.S. importing wholesalers.

It provides, for the first sale of a drug, it may not be shipped outside of the permitted countries. It requires the FDA to provide information to consumers to identify the safe and legal directed sources of approved imports. It gives Customs Service the authority to seize and destroy any unauthorized shipments; blocking elicit electronic payments to unauthorized foreign pharmacies by Customs; full funding for FDA to facilitate the drug import regulatory operations through a 2½-percent user fee.

It provides implementation of drug pedigrees for domestic medications by 2010, which do not exist now, by the way; requires the packaging of all prescription drugs to incorporate a standardized numerical identifier unique to each package of a drug and counterfeit resistant technologies.

When one reads through these safety features and then alleges that this is unsafe, I mean it just—it baffles me how one can reach that conclusion.

Tommy Thompson, Secretary of Health and Human Services, said: In order to import drugs from any country, and especially Canada, I have to certify that all of those drugs are safe. That is an impossible thing. If Congress wants to import drugs, they should take out that provision.

Well, let me ask this question: Would it be possible for the Health and Human Services Secretary to certify that all drugs sold in this country, FDA-approved drugs, are safe? Does one think the HHS Secretary could certify that? The answer is, no, of course not.

I can give you examples of metal traces and things in pharmaceuticals that were sold in this country, FDA-approved, by major manufacturers. Could a Health and Human Services Secretary certify that the existing drug supply is ''safe,'' possess no ''risk''? They can't do that for pet food. They could not do that for lettuce. They could not do it for carrots. They could not do it for celery. They could not do it for imported vegetables. They can't do it for imported meats. They can't do it for domestic production to say, there is no risk.

The issue of requiring certification is an attempt to kill the legislation. It is perfectly appropriate for some to say: The current system works fine, don't change it. I don't quarrel with that. I don't agree with it, but I respect those who hold that view. But I do believe it is hard for anyone to, with great merit, make the case that with what we have done in this legislation, on a bipartisan basis, it still renders this to be an unsafe process.

The experience in Europe, of course, undermines that argument. They have done it for 20 years. It has been perfectly safe. Also, let me go back to David Kessler's statement. I don't know of an FDA Commissioner who comes to his belt buckle, let alone his shoulders in terms of capability.

I thought David Kessler had been an extraordinary FDA Commissioner back for 8 years. I worked with him when he was there. He said this: The Dorgan-Snowe bill ''provides a sound framework for assuring that imported drugs are safe and effective.''

Now, we can talk all day about these drugs being unsafe, but, obviously, that does not change the facts. It does not change Dr. Kessler's opinion. It does not change the circumstances of the safety provisions we put in the bill. They are there. They are there for a very specific reason. We took the interests and concerns of Secretary Shalala and Secretary Thompson. We wrote them into this bill dealing with safety provisions.

The fact is, this bill will make our domestic supply of prescription drugs safer. That is the plain fact. Then we will have a pedigree for all prescription drugs, imported or domestic. That is just a fact.

Now, the second part of the amendment says it has to be assured that it will save money and pose no risk. Well, ''save money,'' that is easy. The Congressional Budget Office has said it is going to save $50 billion in 10 years. And $6.1 billion—I thought it was 5—$6.1 billion of that is savings to the Federal Government.

We just have a new estimate by the Congressional Budget Office that if the Cochran amendment is passed, that savings goes to zero. Why? It undermines the bill. It means this will not have impact. Importing won't happen. Not because anyone wants to import an unsafe drug because, in fact, the safety provisions we have included will make this supply, the drug supply, domestic supply included, as well as imported drugs, safer. That is the point.

This issue is not horribly complicated. The question is, should the American people have the ability in this global economy to access a drug that has been produced, in many cases by an American company, with research in many cases paid for by American taxpayers, produced in many cases in a plant here in the United States, and then sent to another country at a much lower price? Should the American consumers be able to access that FDA-approved drug that is sold for a lower price elsewhere? Stated another way, should American consumers continue to accept the notion that they should pay the highest prices in the world?

Some say: There is not a problem here. They cite the Washington Post editorial today. That editorial says there is a problem with respect to drug pricing. The first 3 months of this year saw the highest price increases on prescription drugs in the last 6 years. In 2006, it was six times the rate of inflation, the price increase in prescription drugs. In addition, we pay the highest prices of all the other countries. Does that make sense? It doesn't to me.

I want to have somebody stand up on the other side of this issue and say: I disagree; I think the American people should pay the higher prices; I think that is fair.

That is the alternative, it seems, because that is the reality. I am not interested in debating some fiction. The reality is this: We pay prices that I believe are wrong. I said yesterday, I don't come here with any disrespect for the pharmaceutical industry. I have met many of these people. I know the head of PhRMA, former Congressman Billy Tauzin. I used to serve with him. I like him. I don't come here disrespecting the industry. They do important work. I have a profound disagreement with their pricing policies because they are unfair to consumers in this country. That is my difference and my beef. Their pricing policies are wrong.

Why should an 80-year-old woman have to go to Canada every 3 months as she is fighting breast cancer in order to buy Tamoxifen at a price she can afford? Why should you be able to cross an imaginary line into Canada and discover that you could pay one-fifth the price you have to pay for Tamoxifen in this country? The pricing policy is wrong, and we ought to fix it. This is an approach that will fix it.

We will have other debate. I do not disrespect the pharmaceutical industry. I have great respect for what they do. I have a profound disagreement about their pricing policy. I don't disrespect those who have a profound disagreement with my amendment. I respectfully think they are wrong.

In the end, the question for the Congress is, do you think what is happening with respect to drug pricing is appropriate? My answer is no. The American people are being disserved by a pricing policy that the pharmaceutical industry can make stick. They have the capability to control prices. They do it behind a law that says the

only interest that is able to import prescription drugs is the manufacturer of that drug. Europe doesn't require that. Europe hasn't required that for a long while. They allow parallel trading so the consumer can take advantage of price shopping among the countries of Europe. Only this country has decided, no, the consumer doesn't have this right. The manufacturer has the right but not the consumer.

I say let's let the consumer, let's let the American people have access to the benefits of the global economy as well. Yes, let's make it safe. We have done that. This legislation with the safety precautions I have described in some detail, if passed, this amendment, if passed, would significantly improve the safety of the domestic drug supply and significantly improve safety of the reimportation that now occurs on an occasional basis by people driving back and forth across the border, those who are fortunate enough to live near a border.

We have just gotten a Congressional Budget Office score on the amendment I have offered. It says the amendment, if passed, will save the Federal Government $10.6 billion in a 10-year period. I believe it is a $50 billion savings in total for consumers. I will put in the CONGRESSIONAL RECORD the specifics. But I do know the Congressional Budget Office has just scored this amendment. It will save consumers tens of billions of dollars. The specific savings to the Federal Government itself, as a result of savings through our programs and expenditures, will be $10.6 billion.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, for the information of Senators, I will seek to define in more specific terms exactly what the Dorgan-Snowe prescription drug amendment does.

Before proceeding to that, I ask unanimous consent that the Senator from Pennsylvania, Mr. SPECTER, be added as a cosponsor to amendment No. 1010.

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

Mr. COCHRAN. Mr. President, the Dorgan-Snowe bill, pending before the Senate as an amendment, eliminates language from the Food, Drug, and Cosmetic Act that allows importation to take effect only if the Secretary of Health and Human Services can demonstrate to Congress that it will pose no additional risk to the public health and result in a significant reduction in the cost of covered products to the American consumer.

The amendment I have offered to the Dorgan-Snowe bill would restore this language. The Senate has overwhelmingly voted on three occasions to include a safety and savings certification provision in prescription drug importation legislation for the purpose of protecting the public health. Following passage of the safety and savings certification requirement, no Secretary of HHS, Democrat or Republican, has been able to demonstrate that importation is safe or will lead to cost savings. Both Secretary Shalala in the Clinton administration and Secretary Thompson in the Bush administration could not demonstrate that importation poses no additional risk to public health or would lead to significant cost savings.

Back in 2000, Secretary Shalala concluded it was ''impossible . . . to demonstrate that it [importation] is safe and cost effective.''

Secretary Thompson reached a similar conclusion in the next year, 2001, by saying he could not ''sacrifice public safety for uncertain and speculative cost savings.''

The Dorgan-Snowe bill contains numerous provisions that would expose Americans to harmful or adulterated imported drugs—could expose. In particular, the bill permits the importation of drugs that originate in such countries as Latvia, Estonia, Slovakia, Greece, Hungary, and the Czech Republic. These are outside the control of the manufacturers and outside of the jurisdiction of the Food and Drug Administration.

The bill also permits the importation of drugs that are not FDA approved and are not equivalent to FDA-approved products. Some of the drugs that could be imported under this provision would violate Food, Drug, and Cosmetic Act requirements against adulteration and misbranding.

Canadian law has been discussed here. It permits the transshipment of unapproved prescription drugs from any country in the world through its borders to the United States. These shipments move across borders, free from examination from Canadian regulators who have said their Government will not ensure the safety and effectiveness of exported drugs. The FDA and Customs officials have seized counterfeit drugs entering the United States from alleged Canadian pharmacies that are established for the purpose of permitting transshipments from other countries outside of Canada into the United States. These places where the drugs have originated include countries such as India, Pakistan, China, and Thailand.

If my amendment is not adopted, the underlying bill, as amended by the amendment of the Senator from North Dakota, would permit transshipment and severely restrict the ability of border officials to stop suspected drug shipments entering the United States. My amendment would not allow importation to begin unless these safety concerns are resolved and the Government can assure the American public that imported drugs will not endanger their health.

There is no guarantee that American consumers will experience reductions in their prescription drug costs if the Dorgan bill takes effect, because middlemen have shown they may keep the savings. The amendment I have offered ensures that consumers would benefit from importation before weakening consumer protections against potentially unsafe drugs.

In conclusion, the Dorgan bill requires the FDA to allow importation from Canada within 90 days of enactment, whether the FDA has had time to set up an appropriate regulatory framework or not.

In addition, the bill places an arbitrary cap on user fees collected to oversee the importation system. My amendment would ensure that an importation program would take effect only after a regulatory system has been put in place to protect American consumers.

I hope the Senate will approve my amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I won't speak at length. I do want to make one point. The Senator from Mississippi indicated the amendment I have offered would allow for the reimportation of drugs that are not FDA approved. I don't know where that information comes from, but it is demonstrably untrue. I don't want there to be a mistaken impression on that. I ask my colleague from Mississippi if we could at least resolve that issue. The intent of this, the written version of this, is very clear. No drug will be imported into this country unless it is FDA approved. My colleague indicated this amendment would allow drugs to come in that are not approved. I don't know where that information comes from. If he and I could at least exchange information so that we resolve that, I would appreciate that.

Mr. COCHRAN. Mr. President, if the Senator will yield, I am advised that the FDA has said it could not put a regulatory framework in effect to guarantee what my amendment insists it should guarantee; that is, the effectiveness of the drug, the fact that there will likely be savings that will result for American consumers if the Dorgan amendment is adopted.

Mr. DORGAN. Mr. President, that is a different issue. The amendment itself, whether there is a regulatory framework or not, will not allow a drug to be imported that is not FDA approved. That is the written provision in the amendment itself.

Second, with respect to cost, we may have a disagreement on that, but I again observe that the Congressional Budget Office this morning has given us another score, and the score from the Congressional Budget Office says this will save the Federal Government $10.6 billion in a 10-year period. I believe the global savings—the rest would be for consumers—is slightly over $50 billion in 10 years. So it seems to me it is self-evident. If the Congressional Budget Office is putting out information to the Senate this morning that describes the amount of savings, in this case averaging about $5 billion a year,

it is quite clear, someone is going to save something somewhere. I think we also can resolve the cost issue at some point down the road.

Let me say, I respect the Senator from Mississippi. He is a very worthy legislator, cares passionately about the things he works on. I do the same. I think the way to resolve this is to talk through what are the safety provisions in the bill. If they are inadequate, demonstrably inaccurate, I will accept that we would make some changes. But I do not believe that is the case. I do not believe it has been demonstrated.

As I have indicated previously, Dr. David Kessler, who ran FDA for 8 years, says this bill provides a sound framework for assuring that imported drugs are safe and effective. I understand the pharmaceutical industry does not say that. I understand some others do not believe that. I understand and respect that. But I also believe, very strongly, that the evidence is overwhelming. We have added the safety provisions that were raised by Secretary Shalala. We have added the provisions raised by Secretary Thompson.

I believe—and 33 of my colleagues in this Chamber, Republicans and Democrats, believe—we have done a very good job in resolving those issues. This issue almost has a gray beard. It has been around a long time. We have been trying a long time. It is hard to win on this issue. I accept that, and I understand it. But I am hoping that perhaps this is the year in which we might give the American consumer an opportunity to be able to participate in the global marketplace in a safe and effective way, just as the Europeans do, and be able to access a lower price of FDA-approved drugs.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I agree with my colleague that this issue has been around for a long time. One of the reasons we continue to debate it is because we continue to have real-life examples of a product that comes in that is adulterated. I am not sure we have done anything to eliminate the ability to counterfeit, other than to confuse it even more, because, in fact, today we basically say it is almost impossible, unless you are an individual crossing the border, to bring in drugs from another country.

We are challenged at Customs today with immigration. Oh, we are just as challenged at Customs today on the shipment of pharmaceutical products that come into this country from abroad. It is not held to a single country.

I do not believe the reason we embrace this bill is because the Europeans do it. There are a lot of things the Europeans do today that I would not necessarily suggest are right for America. As a matter of fact, we have some international treaties that suggest we should harmonize our drug standards with the European Union. What we found was, for the European Union, with 22 members, they accept whichever country the application was applied for. If that country approves it, then it is good for the EU. If you look at some of the standards throughout the 22 countries, it would be dismantling the gold standard of the FDA.

So for those who suggest what we would do in this amendment maintains our gold standard, it would not happen. The reality is, as you accept what they do—which does not come close to the gold standard of the FDA for safety and efficacy—over time it would bring further deterioration to the confidence of our drug supply. When every American goes to their local pharmacy and they have their prescription that is written by a doctor, they go in with 100 percent confidence of knowing there is an active ingredient in it, that it is not adulterated, that their health is not going to be affected adversely when they take it.

We are on the floor today. This is part of the drug safety bill. Why? Because in some cases when products are approved and given to a much larger population, that larger population experiences different side effects because every person is genetically different. There are no two alike, unless we change the cloning laws in this country. The reality is, I do not think we are going to do that, so we do not have it to worry about. But we are here trying to strengthen the safety of the product. We currently can maintain the chain of custody because it is manufactured, it is distributed, and every product has a case lot number.

What have we experienced with counterfeit drugs? They have been able to make a pill look identical to the pills we go to the pharmacy and buy—identical in not just the pill but the packaging. As we shift packaging, so do those who are trying to game the system. The reality is, the person who is on the receiving end—and I sympathize with exactly what the Senator from North Dakota has claimed; that in many cases, pharmaceuticals are not affordable for some people. That is why we created Part D Medicare. That is why over 30 million Americans who are Medicare eligible now have coverage—coverage that has brought down the price of pharmaceuticals 33 percent in the first year.

For any other area for which we would propose legislation, if we saw a trend like this, we would be embracing the fix we put in. But no, we are going to delude it even further and confuse seniors across the country and say: Now just go on the Internet and buy it because we have said it can only come in if it is an FDA-approved product. Well, FDA-approved products are the only things we write prescriptions for in the country. The reality is, the only counterfeit product that counterfeiters are making are FDA look-alikes.

There is nothing in the Dorgan bill that says somebody cannot counterfeit anymore. There is nothing in the bill that says if we do not catch it at Dulles Airport when it flies in and test it immediately to find there is no active ingredient, we have not put somebody's life in danger. There is no assurance in this bill that if there is an adulteration of some kind that affects somebody's health—in the host of millions of pills that come in, if we do not catch it, there is somebody on the receiving end who is going to be adversely affected health-wise.

So I appreciate the fact that everybody wants cheaper drugs. We all do. But there is a reality about the United States of America: We protect intellectual property; therefore, we attract companies. And it is not just limited to pharmaceuticals. I guess the next thing we are going to do is claim Microsoft software is too expensive, so we are now going to allow that to come in from somewhere else. Well, we protect handbags. We protect clothing. We protect the copyrights, the intellectual property. There is even more of a reason to do it in pharmaceuticals. It is because there is a safety component.

I think when many people think they might be buying a counterfeit handbag—if they buy it on the streets of this town or some other town—they probably think: Well, if I get a year's use out of it, based on the price, that is OK. I do not think you can apply the same standard to pharmaceuticals. If it does not have the active ingredient, somebody might die. In fact, we beefed up, in the drug safety bill, dog food higher than what this importation provides for our pharmaceutical supply in this country.

We are going to have plenty of time to talk about it. And just as the Senator from North Dakota brings a lot of facts and figures to the floor, there are a lot of facts and figures from the 8 years—maybe more—we have debated this issue. It has not been Congress that has turned it down, it has been the American people. At the end of the day, they send us here to make decisions that are positive in relation to their health and their future. I do not think Americans want to take a pig in a poke on pharmaceuticals. But that is what this amendment will allow to happen.

This will probably change America being the innovator of drugs and medical devices because we will ignore patents and copyrights. We are advantaged by that. There are many countries in the world where you do not have access to the drugs and biologics and devices we have in this country. Yes, they are expensive because they are expensive to develop, but we put more value on quality of life, the ability for us in this country to treat what others are not able to treat because we believe that, in the overall scheme of our system, we save more money in health care if, in fact, we give somebody a pill. If that was not the case, we would not have programs for HIV/AIDS. But every time we supply that

therapeutic for an HIV/AIDS patient, we know they are not going to have one case a year with some type of retinal infection. We know they are not going to be admitted to the hospital for a week because of pneumonia. We know the savings over that incident is probably going to be $15,000 or $20,000, and that is before we put any cost on the quality of life of the patient who is affected by the disease.

Well, I would imagine we will see counterfeit HIV products because they are expensive. It is one of those diseases that does not stay in the same place. It is smart. It changes itself within somebody's body, and it means that over a period of time, you can take a drug that is very effective or a combination of drugs that is very effective, and after 2 or 2½ or 3 years, the disease has now changed, and if you do not change with new therapies, the reality is there is going to be a deterioration of that person's quality of life and a further advance of the disease.

Right now, we have companies that are excited about working on the next product that will continue to take a disease we cannot cure today but for which we can stop the progression right in its tracks. What we are going to say to those companies that spend hundreds of millions of dollars, if not billions of dollars, is: Well, the United States does not put any value on that anymore. Say that to the population that is affected by the disease. Say that to the population of any group of Americans that is affected by a disease, that we are not going to have the policies in place that advance the development of drugs, biologics, and devices. When we do this, that is what we are saying.

Again, I appreciate the authors' attempts to try to assure us that safety is at the forefront. But that is only there if we are smart enough to catch it. If we were that smart, we would not have an illegal immigration problem in this country. If we were that smart, we would know that we caught 100 percent of what was coming in the country. But I do not think there is anybody who is going to take this floor and suggest to the American people that we catch 100 percent of the adulterated or counterfeit drugs. There is certainly nobody who can come to the floor, even with our food safety standards where they are—where the FDA is in charge and USDA is in charge and DHS now has some responsibility for it—and suggest to the American people that we catch 100 percent of the contaminated food before it finds its way to the shelf or to a plate in our house.

The reality is, we have had 12 examples just in the last year where we are just not that good. We are not perfect. I would suggest to you, to try the system, by setting up a program that cannot be policed—and I think that is what my colleague from Mississippi was saying. Time and time again, we have had the debate. We have pulled in the experts. They have said this is just something which is undoable for us. We cannot do it.

My hope is that as this debate goes on, more and more Members will realize it sounds good, but it is not a risk we should take in this country. It is a risk that affects people's lives.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from North Dakota.

Mr. DORGAN. Mr. President, one of the observations I made when I was privileged to come to the Senate is that virtually everyone here is a pretty effective communicator. I am reminded of that every day. I hear debate by people who really are effective, and I always appreciate it, and it is always interesting to me.

I do think—certainly everybody is entitled to their opinions; I respect their opinions—not everybody is entitled to their own set of facts. We have to deal with a common set of facts.

My colleague just made a statement, a philosophical statement, about what he believes. I respect that. But the statement included thoughts like that this piece of legislation would probably abrogate or not respect copyrights. Nothing could be further from the truth. There is nothing in here that would abrogate copyright protection, and so on. In fact, this amendment provides the requirement of serial numbers on lots and samples by those who are engaged in this sort of thing that has been prevented from occurring inside this country. It requires it for importation, and it requires it for domestic medicines. This will dramatically change the safety of the drug supply here and with respect to that which would be imported.

With respect to the American people, the American people are not undecided on this issue. Mr. President, 70 or 80 percent of them believe there ought to be allowed the importation of prescription drugs. This is not something the American people are undecided about. It is only in this Congress that it has not been decided. So I think that is something we should understand. Why would the American people believe they should be able to import FDA-approved drugs? Because they believe it is fair for them to be able to do it.

Let me describe where the prescription drugs come from by the manufacturers of the drugs. If you are taking Lipitor, that is not made here; that is made in Ireland. If you are taking Toprol XL, that is made in Sweden. Nexium is made in France. Altace is made in Malta. Vytorin is made in Singapore and Italy. These drugs are already imported. Regrettably, by the way, I might say they are imported without the protections that would exist in our amendment. It would require the manufacturer—the manufacturer of the drug—to have serial numbers on the lots, to have samples of every lot reserved, to have a pedigree for every medicine that is moved. That is for domestic consumption. I am not talking about the imported drugs under my bill; I am talking about the drugs that are made in these countries and other countries that ship them into this country, and every drug that is produced in this country will require the same.

The fact is we have tried to get that same requirement on domestic drugs and have been blocked for a long time. This legislation will make the drug supply in this country far more safe than it currently is.

We all know the amendment that is being offered about risk. Were that amendment to be offered with respect to new prescription drugs that come from research to say, you can't put a drug out there if there is risk, do you think you would have a new drug on the market anytime soon? Do you think a Health and Human Services Secretary or an FDA administrator can say: By the way, I am approving this drug and there is no risk. Of course, they can't. Of course, they would not. We know that. Drugs have risks. In fact, some drugs are put on the marketplace, and we discover later they should not have been there—a substantial risk. Vioxx. An official at the FDA says he believes 50,000 to 70,000 American people died of heart attacks as a result of Vioxx being put on the market. Further, he says—this isn't me, this is an official at the FDA—that Vioxx was widely advertised and widely promoted as some wonderful new drug, when in fact it was not a new class of drugs that had any significant benefit over existing drugs. The point is this: If one were to ascribe this risk category to new drugs, there would be no new drugs.

I know all this talk about counterfeiting—and man, have we talked a lot about counterfeiting in this Chamber in the last couple of days—all this talk about counterfeiting ignores the point that it is occurring under today's laws. The way to fix that and the way to stop counterfeiters is to do what we do in this amendment: You require on every prescription drug that is sold, that it have a pedigree. You require in every circumstance there be serial numbers on lots and samples. It is incontrovertible, in my judgment, that this will dramatically improve the safety of domestic prescription drugs as well as imported prescription drugs.

One final point with respect to the issue of research. My colleague said: Well, if we pass this amendment, what the Senate has said is there is no value to research on prescription drugs. I don't have the foggiest idea where that concept comes from. We spend a lot of money on research. I was one of a group of Senators who said: Let's double the amount of money at the National Institutes of Health, and we did, in 5 years, to dramatically improve and increase the amount of research at the National Institutes of Health. I am a big supporter of research. We do a lot of wonderful research, some in the public sector, some in the private sector.

At the NIH, by the way, we do the research and often much of that research is used by the pharmaceutical industry to produce lifesaving drugs. But lifesaving drugs save no lives if you can't afford to get them, if you can't afford to have them, and if you can't afford to take them.

It is true none of us have a problem, in this Chamber, dealing with the price of drugs; we have health care policies and those kinds of things. But there are a lot of folks all over the country who are taking a lot of different prescription drugs. I think prescription drugs are wonderful. They keep people out of an acute care hospital bed, the most expensive kind of health care. Interestingly enough, in many cases they are taking 10 or 12 different kinds of prescription drugs to manage various diseases. As a result of that, we passed Part D; my colleague is correct about that. Part D provides drug benefits to those who have reached the age of Medicare. Regrettably, of course, there was nothing in Part D that would put downward pressure on prescription drug prices. I would say look at the increase in prescription drug prices in the first quarter in this country. Look at the increase in prescription drug prices in 2006, and then ask yourself whether all of this is working to put some downward pressure on pricing. It is not. It is just not.

So as I said earlier this morning, I hate to lose a debate I am not having. I would love to have a debate in which we are both debating the same bill, but a suggestion somehow that this bill allows drugs to come into this country that are not FDA-approved means that you are off debating some other bill someplace. Well, fine. Win that debate if you want. It is not the bill that is on the floor of the Senate. It isn't. The same is true with a number of statements that have been made about respecting copyrights, and so on. In fact, what we have required is a regulatory burden that the industry doesn't like—I understand that—but it will, in fact, protect them and protect their copyright because it will make it much harder for anyone to counterfeit. That is a fact.

One of the interesting aspects of this country is that we are seeing some unbelievably good news. The good news is people are living longer and better lives. In a century, in 100 years, we have increased the lifespan by somewhere around 30 years, from 46 years old to about 76 years old. That is good news. People are living longer and better lives. A significant part of that, I think, is being able to, at an advanced age, manage diseases. A significant part of that is prescription drugs. There are some who don't have that. I have an uncle I have described before who is now 86 years old. He and his wife take no prescription drugs at age 86. The fact is, as I have also described to my colleagues, he is a runner. He runs in the Senior Olympics at age 86. He used to run in his seventies and early eighties the 400 meter and the 800 meter. Now he tells me he is a specialist in the 100-meter dash, at age 86. He has a good life. He is healthy. He likes life. He is very active. He is not riding his motorcycle so much anymore, but he has one of the biggest motorcycles you can get sitting in his garage. He doesn't need to take prescription drugs. Good for him.

We have a lot of folks who reach their eighties and nineties. We know about that because in our part of the country, my State of North Dakota ranks No. 1 in the Nation in the number of people 86 years of age or older as a percent of the population. We rank No. 5 in the country in the number of people 65 years of age or older as a percent of the population. So a lot of people are living a lot longer. That is good news. It puts some drain on Social Security and Medicare.

A quick way to fix Social Security and Medicare is to go back to the old life expectancy, go back to age 46. We wouldn't have any trouble. I am digressing a bit, but when Social Security was created, on average, people lived to be 63. So we created a system that says: When you retire, you get benefits at 65. Well, I went to a small school, but I understood enough in math to think that works out real well. You pay taxes and, on average, you are going to live to age 63, and when you retire at 65, you get some benefits. That is not a system that is going to have financing trouble at all. But then the problem is people began living much longer. That is not a problem. That is a success. So good for them.

At any rate, prescription drugs about 40 years ago became a much larger part of the discussion in modern life, to keep people out of the acute care hospital beds and to manage their diseases. So that is a wonderful thing. I have said before, and I will say it again: The pharmaceutical industry is a fine industry; I have serious problems with their pricing strategy. I think it is wrong. I want them to succeed. I want them to research. I want them to do the research on prescription drugs. I would like them to stop advertising early in the morning when I am shaving and brushing my teeth and getting ready for work, telling me what I ought to go talk to my doctor about. They have all these pills they want me to ask the doctor if they are right for me. I get confused. I am not sure I need them. But there is a lot of advertising going on and a lot of promotion.

I want them to find new medicines to unlock the mysteries of dread diseases. I want the Federal Government, through the NIH, to substantially invest in new research and development. I want all of those things. But I also want, even as I compliment the pharmaceutical industry and I compliment the NIH and all those who are spending their days—today, Thursday—trying to figure out how do you unlock the mysteries of ALS or diabetes or cancer or heart disease, even as I do that, I say to the pharmaceutical industry: I think your pricing strategy is wrong and it is unfair to the American people. We ought not be paying the highest prices in the world for prescription drugs. That is unfair.

The amendment I have offered with 33 of my colleagues, Republicans and Democrats, would change that. No, it wouldn't shut down research, not at all. No, it wouldn't exacerbate counterfeiting, not at all. The fact is this will be fair to the American people, if we pass this legislation. It will continue, I think, to see substantial research. It will also, in my judgment, contribute to shutting down the counterfeiting of prescription drugs, but most importantly, it will finally say to the American people that we are on your side on this issue. We believe in fair pricing and we finally are going to insist on it.

I yield the floor, and I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANDERS. 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. SANDERS. Mr. President, I rise in strong opposition to the Cochran amendment. We should be very clear. For anybody who is interested in prescription drug reimportation, for anybody who is interested in lowering the cost of prescription drugs in this country from 25 to 50 percent, for anybody who is interested in standing up for the working families of this country who are getting ripped off every day by outrageously high prescription drug costs, the Cochran amendment is a poison pill. To vote for the Cochran amendment is to vote against prescription drug reimportation; it is to kill the Dorgan amendment.

The idea of asking permission from the Secretary of Health and Human Services, from the Bush administration, who have already gone on record rather firmly and decisively in opposition to reimportation, is to simply mask your vote. The Bush administration represents the pharmaceutical industry. They will kill prescription drug reimportation. To ask their permission to go forward is simply to kill prescription drug reimportation. So anyone who is serious about lowering the cost of prescription drugs will not be supporting the Cochran amendment.

The unfortunate reality is, in the United States of America we continue to pay, by far—it is not even close—the highest prices in the world for prescription drugs. Because of the escalating cost of medicines, many of our fellow Americans, many working people, many people with chronic health problems, simply do not get their prescriptions filled. I am sure in Montana the experience is the same as it is in Vermont. People tell me they walk into the drugstore and cannot believe

the prices they are being charged. They can't afford those prices. I have talked to pharmacists, as I suspect the Chair has as well, who have been embarrassed. They have seen tears coming out of people's eyes when they have told them the cost of their medicine.

Meanwhile, as a result of the power of the pharmaceutical industry, we have the highest prices in the world, and those prices are rising every single day. In fact, tomorrow, if an American walks into a pharmacy and the pharmacist says to that person: I am sorry to have to tell you this, but the cost of your medicine went up 50 percent, or 75 percent, we can do nothing about it. Unlike the rest of the industrialized world—Canada, Europe—where they understand prescription drugs are an integral part of a whole strategy regarding health care, we let the drug companies do anything they want to do.

As the first Member of Congress to take constituents across the Canadian border to enable them to pay substantially lower prices than they were paying in the United States, I have seen firsthand what it means to people's lives when they get the drugs they need at a price they can afford. I will never forget—never forget—when in 1999 I brought a busload of Vermonters over the Canadian border. Many of the women there were struggling with breast cancer, fighting for their lives, and they didn't have a whole lot of money. They went to Montreal and purchased Tamoxifen, a widely prescribed breast cancer drug, which at that time—at that time—was one-tenth the price they were paying in the United States. Imagine that. Fighting for your life, not having a lot of money, and needing a drug. Suddenly, they looked at the price they were paying and they literally could not believe it.

Mr. President, I ask unanimous consent that a chart which compares prices in the year 2005—so the prices may be different today, but as of April 2005, a price comparison between United States prices and Canadian prices, and United States prices and German prices.

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

SOME PRICE COMPARISONS AS OF 4/06/2005

Drug (in US $)	Illness/condition	US price	Canadian price
Actos (15mg, 90)	diabetes	296.89	257.97
Cardizem CD (240mg, 90)	heart	215.89	88.03
Celexa (20mg, 30)	depression	81.99	52.05
Clarinex (5mg, 30)	allergies	74.99	37.31
Fosamax (10mg, 100)	osteoporosis	242.89	178.62
Imitrex (50mg, 27)	migraines	503.89	365.08
Nexium (20mg, 30)	heartburn	144.99	87.77
Norvasc (5mg, 90)	blood pressure	127.59	135.32
Prevacid (15mg, 30)	ulcers	129.99	74.40
Prilosec (20mg, 30)	ulcer	128.99	74.50
Procardia XL (30mg, 30)	heart	53.99	33.84
Relafen (500mg, 200)	arthritis	340.19	183.86
Tamoxifen (20mg, 30)*	breast cancer	68.59	40.21
Ticlid (250mg, 60)	stroke	171.99	101.36
Vasotec (10mg, 60)	heart	70.99	63.30
Zocor (20mg, 30)	cholesterol	131.99	74.65
Zoloft (50mg, 100)	depression	227.49	182.04
Zyrtec (10mg, 30)	allergies	69.99	41.87

Drug (in US $)	Illness/condition	US Price	German price
Actos (15mg, 30)	diabetes	116.64	50.62
Celexa (20mg, 30)	depression	85.46	35.72
Clarinex (5mg, 30)	allergies	77.06	38.64
Imitrex (50mg, 9)	migraines	166.40	102.67
Nexium (20mg, 30)	heartburn	145.33	60.25
Norvasc (5mg, 30)	blood pressure	54.83	35.72
Prevacid (15mg, 30)	ulcers	146.47	35.22
Zocor (50mg, 30)	cholesterol	85.39	23.83
Zoloft (50mg, 30)	depression	89.44	54.98
Zyrtec (10mg, 30)	allergies	73.02	34.33

All prices found via www.walgreens.com and www.canadadrugs.com.
*Price found at www.cvs.com.

Mr. SANDERS. Mr. President, let me talk about a few of the drugs.

Actos is a drug for diabetes. As of 2005, in the United States, the price of that drug was $116. For the same number of pills and the same milligrams, it was $50.62 in Germany. Twice the price—same product, same company, same factory, but less than half the price in Germany.

For Celexa, a drug for depression, it was $85 in the United States and $35 in Germany. Same company, same product. Clarinex was $77 in the United States and $38 in Germany. On and on it goes—sometimes more, sometimes less but often half the price in Germany, and different prices in Canada but often the same end result.

The very simple question the Members of the Senate have to ask themselves is: Why is it that in the United States we have to pay the highest prices in the world for our medicine? Why is it that at a moment in history when we are eating food products from farms in Mexico and in Latin America, produced in China, and they are coming to our kitchen tables today, why is it that anybody here can say with a straight face it is OK for products all over the world to come into this country from tens of thousands of farms, but in terms of a handful of major drug companies, somehow we cannot regulate the flow of those medicines from Canada, for goodness' sake, into the United States?

Give me a break. That argument is so totally absurd as to be almost beyond the laugh test. This debate has nothing to do with drug safety. All of us are concerned about drug safety, and the Dorgan amendment has page after page after page of regulations making sure the FDA-approved medicines that come into our country will be safe.

What saddens me very much is that in many ways the American people have given up on this issue in terms of the ability of their own government to act, and they have taken matters into their own hands. I don't know what goes on in Montana, but in the State of Vermont thousands of people in our State go over the Canadian border. They go to the Canadian drugstores and buy the products they need. It is not a big deal, and they save substantial sums of money.

There was an estimate a few years ago, and I don't know what those numbers are today, but there was an estimate several years ago that about 2 million Americans were buying their medicine in Canada. What the Dorgan amendment is about is simply saying that it is a little bit absurd for Americans to have to get in their cars and drive to Canada to get the drugs they need; that it might make more sense for our pharmacists to be able to purchase that medicine, our prescription drug distributors to be able to purchase that medicine so, in fact, Americans could take advantage of the lower prices at their own local drugstore.

That is what we want to do. We don't want all of America to have to go to Canada or Germany to buy reasonably priced medicine. We want those products sold in this country at an affordable price.

I think many Americans are wondering: Well, how does it happen that a product made by an American drug

company—at a time when the taxpayers of this country, by the way, spend billions of dollars in research and development for drugs that go to the drug companies—that in the midst of all this, how does it happen that we pay two or three times as much as our neighbors in Canada or our friends in Germany or throughout Europe? How does that happen?

Well, the answer is pretty simple. The answer is pretty simple. The answer has everything to do with the way we do politics in this country and the enormous power of large multinational corporations and the enormous power of lobbyists who represent those corporations. Let me quote from a Washington Post article of Friday, January 12, 2007. It is a front page article. This is what it says. This is January 12, 2007:

This month alone [i.e. January] the Pharmaceutical Research and Manufacturers of America [PhRMA] spent more than $1 million on full-page newspaper ads touting the success of the existing Medicare drug system.

Drug companies spent more on lobbying than any other industry between 1998 and 2005—$900 million, according to the nonpartisan Center for Responsive Politics. They donated a total of $89.9 million in the same period to Federal candidates and party committees, nearly three-quarters of it to Republicans.

''You can hardly swing a cat by the tail in Washington without hitting a pharmaceutical lobbyist,'' said Senator Charles E. Grassley, Republican of Iowa, a key sponsor of the 2003 legislation that created the current program.

That is what we are dealing with today, and we should not kid ourselves. The pharmaceutical industry, year after year, turns out to be one of the more financially successful industries in our country. According to Fortune magazine, the top 19 pharmaceutical companies in 2005 made $42.1 billion in profit; in 2004 the profit margin was almost 16 percent, three times higher than the average Fortune 500 company.

That is what you have. We have a situation where millions of Americans are struggling to pay their prescription drug costs. We have a situation where many Americans simply cannot afford the medicine they desperately need. We have a pharmaceutical industry which, year after year, enjoys some of the highest profits of any industry in this country. We have an industry which pays its CEOs very exorbitant salaries. We have an industry which has an estimated 1,200 paid lobbyists in this country, many of them former leaders of the Republican and Democratic Parties. We have an industry that makes huge amounts of campaign contributions. We end up with a situation in which we pay by far the highest prices in the world for prescription drugs.

Senator DORGAN quoted a study from the CBO, I believe it was, that suggests we could save some $50 billion over a 5-year period if we move to prescription drug reimportation. In this body we have people who get up every day and tell us how wonderful they perceive unfettered free trade to be. It is not a problem when American workers are thrown out on the street because factories are moved to China where people are paid 30 cents an hour; hey, that is part of the global economy. No problem there. There is no problem when food comes into this country from China and our farmers lose money. No problem. That is part of the global economy.

But somehow, amazingly enough, when an aspect of free trade works for the average American and not for a large multinational corporation, suddenly we do not like unfettered free trade. Suddenly we cannot reimport prescription drugs from Canada—from Canada, which neighbors us, obviously—from a handful of drug companies. We cannot do that. I think that argument is very absurd.

Let me conclude. A vote for the Cochran amendment is a vote to kill prescription drug reimportation, pure and simple. The Bush administration has said they will not go forward with reimportation. Let us defeat the Cochran amendment. Let us pass the Dorgan amendment. Let us lower prescription drug costs in this country by 25 percent to 50 percent. Perhaps even more important, let us show the American people that the Congress has the courage to stand up to the most wealthy and powerful lobby on Capitol Hill.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. As a member of the HELP Committee and someone who was an active participant in shaping this legislation, I rise to let everyone know it is very important that we pass this bill. This legislation is perhaps one of the most important bills in more than a decade to improve drug safety. I am very distressed that for a variety of ideological reasons, this bill is being impeded. Yet drug safety should not be impeded. Drug safety is one of the most important issues we face. The recent testimony of two former FDA commissioners—one appointed by a Republican, Dr. Mark McClellan, and the other appointed by a Democrat, Dr. David Kessler—discussed the need for this legislation as one of the most important items to come before the Senate.

Congress has a unique opportunity to change the way we monitor the safety of drugs. We can't afford to miss this chance. We owe it to consumers, physicians, and patients, who rely on FDA to be the gold standard, to pass this legislation. This is about protecting the American people. There are countries all over the world that can't afford an FDA so they look to us to see what drugs are approved.

I have long been a supporter of the Food and Drug Administration. It is in my State, and I am very proud of it. I have fought hard for the employees at the FDA; for the resources to maintain the mission of the FDA. Through the years we have done a variety of things to improve FDA but nothing as important as this bill.

When we began to work on this legislation, I wanted to know what impact I could make. I was concerned about the fact that FDA seemed to have lost its way. It seemed not to have the right leadership, and it certainly didn't have the right monitoring for drug safety—particularly post-market surveillance. So we ended up with the Vioxx situation. We ended up with drugs to treat young adolescents triggering suicidal thoughts and worse. The issue of drug safety is paramount in America. When I looked at this legislation before the HELP Committee, I wanted to find a way to strengthen the FDA but not create a whole set of regulations that were bureaucratic and technocratic but without efficacy. So where did I turn? I turned to the Institute of Medicine. The Institute of Medicine is the premier agency that often gives advice and direction to the larger community.

They published a report called ''The Future of Drug Safety.'' It had been commissioned by the FDA itself. As I read this report, I was struck by its commonsense provisions. I was also struck by the fact that we have endless reports. We have lots of commissions that Congress asks to be created, but we never act upon them. Just yesterday, the Journal of the American Medical Association ran an editorial about how the Institute of Medicine developed the right prescription for FDA, but no one is going to act on it.

Well, I acted on it. I took the prescription to help the ailing FDA. While our leadership, through Senators KENNEDY and ENZI, was working a comprehensive bill, I brought to their attention these recommendations. By working in a civilized, collegial way, my amendments were adopted. It is not about my amendments. It is about the Institute of Medicine recommendations. Isn't it great when we can take the best thinking, work on a bipartisan basis, and put it into action to protect the American people. To me, that is what it is all about.

Today when I look at this bill, I am so proud of the provisions we included. It strengthens science. It increases transparency. It improves drug safety. Yet it doesn't shackle the FDA.

Let me share the recommendations of the Institute of Medicine. In terms of strengthening science, they were very clear and said that science must be strong to protect the public and to keep the best and brightest scientists at FDA. What did we do? No. 1, we created the Office of Chief Scientist at the

FDA. A single scientist will now oversee all of the offices to be sure they have strong scientific guidance from the very top of the agency. This Chief Scientist will work with a strengthened Scientific Advisory Board who will make sure the Commissioner and the Center Directors are getting the best scientific advice. Imagine, the FDA didn't have a chief scientist. We have a chief scientist at the National Space Agency. We should certainly have a chief scientist at the Nation's drug safety agency.

Then we made sure that all new drugs would be reviewed by an Advisory Committee. That means all new drugs will receive a comprehensive review. You might ask: Don't they now? No. Most got an advisory committee review, but under this legislation, there will be an advisory committee review of ALL new drugs to help assure that as a drug moves into clinical practice, it will be as safe as it can be. Remember, the FDA has a job to make sure drugs do two things: are safe and effective. These Advisory Committees will help make sure the drugs do no harm but also make sure they do good.

We also reinforced the ability of scientists at the FDA to publish their scientific papers. One might ask: Can't they now? No. If you work at the FDA, you often can't publish articles unless your boss says it is OK. Imagine that. We are talking about allowing scientists to publish in peer-reviewed scientific journals. This might sound kind of wonky, but it is important to morale. Its important for Scientists who now work at the FDA and important for recruiting new scientists that the FDA desperately needs.

The other actions we took were to improve transparency. Transparency at the FDA is critical, especially throughout the drug approval process where all scientific views, even dissenting ones, should be made public. I added provisions to make sure this will happen. Through language I had incorporated in the bill, we will make summaries of the drug approval process available to the public on the Internet. A summary will be available 48 hours after the drug is approved and the whole drug review package will be publically available within 30 days. If there are dissenting scientific views, they will also be made available as well. If you are a scientist, a researcher, even if you are a consumer, you will be able to know the history of a particular drug and review its approval process. You can learn if there were there flashing lights raised during the approval process about which you can talk to your doctor.

This is big. I know the distinguished presiding Senator was the attorney general for the great State of Colorado. I know he would also be very concerned about protecting proprietary information. This is not going to be about that. It is about safety issues, and they will be made public. We are also going to make sure patients and consumers help to make sure the FDA is communicating well with the public by creating an Advisory Committee on Risk Communication. This is modeled after two committees at the NIH and will facilitate getting FDA's message out to the public.

We also made additional changes that will directly improve drug safety. Throughout the approval process, it is important to include scientists who know how to follow drugs after they are approved. This takes me to one of my most important considerations. This legislation will strengthen the Office of Surveillance and Epidemiology to make sure it is part of the drug process from the beginning and all the way through.

This legislation will also generate additional money for drug safety. Provisions in this bill would add $29 million in PDUFA fees and up to an additional $65 million specifically for monitoring drug safety.

In sum, there are about 15 IOM drug safety recommendations we added to this bill. By working together, we have improved safety, we have improved transparency, we have improved morale, and we have improved resources. This is a good bill.

I say to my colleagues on the other side of the aisle: I don't know what you are cranky about. I don't know why you are holding up this bill. I will tell you what I am cranky about. I am real cranky when a drug goes out into clinical practice, and all of a sudden kids have problems. Kids have problems because they are trying to be like other kids. They are taking medication and it triggers something biomedical in their brain and gives them very dark thoughts. We don't want them to do dark things to each other. I am cranky when we have a doctor working in a rural part of my State, who doesn't have the time to read every medical journal but is relying on the fact that the drug he is prescribing to a patient for a heart condition has been approved by the FDA. He relies on the FDA to make sure that drug is as safe and as reliable as that doctor is in his own clinical practice.

I get cranky, real cranky, when we cannot improve drug safety. If we want to talk about that, we have to get back to mission and to purpose. It is the mission of the FDA to stand sentry over our food and drug supply to ensure safety and efficacy. It is incumbent upon us to give them the right policy framework and the right resources. I think we ought to get into action and pass this bill. Let's work together to make sure that when we talk about defending America, we defend Americans by passing this bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. 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. GREGG. Mr. President, I wanted to speak briefly, partially in response to statements made on the other side of the aisle, specifically by the Senator from Vermont whom I had the good fortune to listen to and whom I always enjoy listening to—the junior Senator from Vermont. Although I always enjoy listening to him, the junior Senator, I enjoy listening to the senior Senator, too, but in this case it was the junior Senator, a very eloquent individual and a neighbor.

I did want to make a couple of points. He said, or implied—in fact, he said—that the Cochran amendment was essentially a poison pill to the efforts of Senator DORGAN to generate reimportation language which would be effective in allowing Americans to purchase drugs from Canada, or over the Internet for that matter. Then he said this was a result of the fact that the Bush administration was basically a tool—those are my words, but I think that is a characterization that is fairly accurate—a tool of the pharmaceutical industry, and the Cochran language was a reflection of that sort of attitude.

I think it is important to understand what the genesis of the Cochran language is. The Cochran language did not come from the Bush administration. The Cochran language actually came from the Clinton administration. I was here when it was originally proposed, and it was supported by President Clinton and by his Secretary of Health and Human Services—I believe it was Donna Shalala—because they felt very strongly, as does the Bush administration, that the FDA should not have two standards of safety. It should not have a standard of safety that says the products that are sold in the United States have to be subject to FDA review to make sure they are safe, but for products which somebody goes out of the country and buys and brings back to the United States, the FDA will be forced to turn a blind eye and will not review that product's safety.

The language is simple. It says if the Secretary of Health and Human Services cannot assure, through the FDA, a product coming into the country is safe and effective, then the product cannot be brought into the country. That is pretty reasonable language. That is what we asked the FDA to do. That is why the FDA was created, to protect American citizens who are purchasing pharmaceutical products or medicines. What this language which Senator COCHRAN is proposing would do is simply extend that language, should the Dorgan amendment pass, to products which are purchased outside of the United States and brought into the United States the same way, the exact same way, the FDA is required to review the safety and efficacy of a product which is purchased in the United States. That is all the language does.

Yes, it will have a significant impact on the Dorgan language because, yes,

both under the Clinton administration and under the Bush administration the Secretaries of Health and Human Services have said it is going to be extremely difficult, with the resources they have, with the authorities they presently have, to assure the safety and efficacy of drugs that are being reimported into this country.

But it is truly an inaccurate representation to say this is a Bush initiative, the purposes of which are to protect the pharmaceutical industry. It is just the opposite, in fact. This was an initiative created by President Clinton and his administration to protect the American consumer from purchasing drugs which the FDA doesn't have the wherewithal to determine whether or not they are adulterated.

Now, the response to this, of course, the substantive response versus the pejorative response, which is that it is just a pharmaceutical stalking horse—the substantive response to this from the Senator from North Dakota is, we are not suggesting anything that gets purchased isn't FDA approved. It has to be an FDA-approved drug. That is what the language in his amendment says. Yes, that is true; that is what the language of his amendment says. But the practical way it works is the FDA can't assure you, the American customer, my constituents, they can't assure that customer who goes to Canada the product they purchase in Canada is FDA approved, is the FDA-approved drug it says it is because the FDA has no ability to monitor that drug in Canada.

In the United States, it can absolutely guarantee if you buy—the Senator from North Dakota has been using the example of Lipitor—if you buy a bottle of Lipitor, that it is going to be Lipitor. But if you buy that bottle and you cross the border and bring it back into the United States, the FDA has no way of knowing or being able to manage the question of whether that is the drug that is supposed to be in that bottle. That bottle can be bottled in a way that puts a drug that has been adulterated into the bottle and then claim to be FDA approved. That is not a projection. In fact, that is exactly what is happening today.

Yesterday, for example, the FDA put out a press release citing the fact that there are 24 pharmacies that are online today people use in America that are not American pharmacies, that are international, and they now have absolutely firm evidence those pharmacies, or the group of pharmacies, the group that manages those pharmacies, is selling drugs representing that they are one type of drug but actually what is being delivered is something entirely different. In some cases it was just starch. It wasn't a drug at all. Even though it was claimed to be an FDA-approved drug, with the certification on it, with the batch number on it, with the expiration number on the package, it turned out it was starch.

In another instance it turned out it was an entirely different component than the drug which was allegedly being sold, which could do significant harm to you if you took it. In fact, we have innumerable anecdotal examples of people being harmed by purchasing drugs both over the Internet and by crossing the border because those drugs turned out to be fabrications. They turned out to be counterfeit. They turned out to be basically fraud on that consumer. So the purpose of the FDA is to ensure that doesn't happen.

What this language says very simply is, the FDA will assure that doesn't happen by giving the authority to the Secretary to make the decision—the same authority asked for by President Clinton and his Secretary of Health and Human Services—to make the determination as to whether a drug coming into this country through reimportation is safe and effective. That is what we charge the FDA to do. To claim it is some sort of an attempt to undermine the purpose of keeping consumers safe is just the exact opposite of what it is.

The purpose of this amendment is to make sure American consumers, when they buy a pharmaceutical, whether they buy it in the United States or whether they go over the border and buy it and bring it back into the United States, can be confident that pharmaceutical is safe and effective as determined by the FDA. So it is extremely reasonable language. It is not language that was proposed, as was represented by the Senator from Vermont, by the Bush administration as a stalking horse for the drug industry. It is, in fact, language which was proposed by President Clinton, President Clinton's Secretary of Health and Human Services, supported by them. They asked for the authority, and it is now the same position which has been taken by this administration, the Bush administration.

Mr. President, the Senator from Georgia has been very courteous in allowing me to go forward and taking this time before he and the Senator from Arkansas were to speak. So at this time I will reserve my comments and yield the floor so the Senator from Georgia can take his time.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I thank my good friend from New Hampshire for yielding. I certainly agree with everything he has just been speaking about relative to the bill that is on the Senate floor now.

(The remarks of Mr. CHAMBLISS pertaining to the introduction of S. 1283 are located in today's RECORD under ''Statements on Introduced bills and Joint Resolutions.'')

Mr. SANDERS. 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. SANDERS. Mr. President, the debate we are now having is an extraordinarily important debate; in fact, it will be one of the most important votes we will be casting this year.

This vote is about whether we stand with the American people, millions of whom are having a very difficult time paying their prescription drug bills or whether we stand with the most powerful and greedy lobby on Capitol Hill, and that is the pharmaceutical industry which has spent extraordinary sums of money to make sure the American people pay outrageously high prices for the medicine they desperately need.

I wish to briefly examine a chart which talks about the very high profit margin of the pharmaceutical industry. One of the reasons why the pharmaceutical industry can spend so much money on lobbying, on campaign contributions, on advertising is because of the profits they make year after year.

In 2004, drug companies ranked as the third most profitable industry in the United States with a 15.8-percent profit margin, which is about three times higher than the profitability of a median Fortune 500 company, which is at about 5.3 percent. This is in 2004. This comes from the Kaiser Foundation.

What we can also see, and what this chart tells us, is the extraordinary profits the drug companies are making from particular drugs. Epogen is the drug. Amgen is the company with profits of $2.5 billion. Taxol is the drug; the firm is Bristol-Myers Squibb, $2.1 billion for one drug, and on it goes. They are profitable year after year. The pharmaceutical industry continues to be one of the most profitable industries in this country.

I have another chart. One of the issues I look forward to discussing with Members of the Senate is the fact that as taxpayers in our country, we contribute billions and billions of dollars to the National Institutes of Health, the universities, the foundations for the very noble and important purpose all of us support: to create drugs that will address the major illnesses facing us, whether it is cancer, diabetes, AIDS, whatever it may be. We have spent billions and billions of taxpayers' dollars in a sense subsidizing the drug companies and, in fact, taxpayers do not get any reasonable price returns from them. We just give them the money.

Here is an example. Taxol is a very important and widely used medicine. According to a 2003 GAO report, the NIH spent $484 million on research for Taxol, Bristol-Myers Squibb spent $1 billion and subsequently earned $9 billion in profits.

In other words, American taxpayers are paying twice: once in the form of underwriting pharmaceutical research and the second time in the form of monopoly prices.

When we talk about the drug companies, we should also deal with the issue they often bring up. PhRMA is a very powerful lobbying group, the most powerful trade group on Capitol Hill. What they tell us is they need these very

high prices, they need all of the taxpayers' money because they are putting all of that into research and development. Don't we all want new drugs for diabetes, cancer, AIDS, and a dozen other terrible illnesses? This chart tells us something a little bit different.

This chart tells us the pharmaceutical industry spends far more for marketing—and goodness knows we have seen their ads on television over and over again, and guess who is paying for those ads. We are, in terms of high prices for the drugs, far more for marketing than for research and development.

Let me get back to the thrust of what this debate is all about, and let me be very clear. As I mentioned a little while ago, the Cochran amendment is a poison pill. If anyone is serious about prescription drug reimportation, if people are serious about lowering the cost of prescription drugs from 25 to 50 percent, if people are serious about standing up for consumers in this country, they will vote against the Cochran amendment.

So that no Senator has any doubt about what is going on, Mr. President, I ask unanimous consent to have printed in the RECORD a Statement of Administration Policy, dated May 1, 2007, from the President's office, and I will quote from the bottom of page 2, where there it is in black and white. This is a two-page letter. It says:

As a result, if any such importation provision were included in the final version of the bill presented to the President, the President's senior advisers would recommend that he veto the bill.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, May 1, 2007.

STATEMENT OF ADMINISTRATION POLICY

S. 1082—FOOD AND DRUG ADMINISTRATION REVITALIZATION ACT

(Sen. Kennedy (D) MA)

The Administration strongly supports reauthorization of the Prescription Drug User Fee Act (PDUFA) and the Medical Device User Fee and Modernization Act (MDUFMA). These two programs account for nearly one quarter of the Food and Drug Administration's (FDA) annual budget and support more than two thousand Agency employees who work diligently to ensure the safety and efficacy of the medical products on which the American people rely. Reauthorizing PDUFA and MDUFMA will enhance FDA's ability to more efficiently and effectively regulate drugs, biological products, and medical devices, a critical component of the Agency's public health mission. Additionally, the Administration is committed to reauthorizing the Best Pharmaceuticals for Children Act (BPCA) and the Pediatric Research Equity Act (PREA), which have provided invaluable information to the Agency about medical products' interaction with pediatric populations.

The Administration shares the goal of S. 1082 to provide FDA with the appropriate tools and resources to enhance the safety and efficacy of the products the agency regulates. However, the Administration has serious concerns with S. 1082 in its current form and will work with Congress to address them as the legislative process moves forward.

The Administration appreciates that portions of S. 1082 are consistent with the Administration's recommendations for reauthorization, which strengthen FDA's ability to ensure the safety and availability of new drugs and medical devices, create a new program for review of television advertisements, and strengthen post-market review. These user fee programs expire at the end of the current fiscal year, and their timely reauthorization is critical to the ability of FDA to continue to carefully and expeditiously review and approve new drugs and devices to benefit the health of the American people.

The Administration is committed to further improving drug safety through better tools for surveillance of drug events, improved scientific tools for evaluating drug safety problems, and better means of communicating drug safety problems to providers and patients. However, the Administration is concerned that the bill, as written, would require significant resources to implement burdensome process changes that will not contribute meaningfully to improving drug safety. For example, the prescriptive timeframes to develop and process Risk Evaluation and Mitigation Strategies are particularly burdensome and are not likely to contribute to improving drug safety. Additionally, the Administration is concerned about the provision in S. 1082 that would use increased user fees to fund certain additional drug safety activities that were not agreed to during the statutorily required Agency-industry negotiations. This provision reopens and is inconsistent with the Administration PDUFA proposal that was developed through extensive consultation.

There are other provisions in S. 1082 that also raise serious concerns. Specifically, the bill would make changes to the BPCA and PREA to reduce the incentives to conduct clinical trials for children, thus reducing the effectiveness of the program. It also would impose administrative burdens that would make the programs inefficient and in many ways unworkable. These provisions would reduce the flexibility the agency needs to conduct these programs, require an inefficient duplication of scientific expertise, and cause delays in the review of pediatric assessments. Both BPCA and PREA have been very successful in providing the necessary incentives for drug companies to conduct pediatric clinical trials to improve our understanding of how drugs work in children, thus enhancing the quality of their medical care. BPCA and PREA should be extended without modification.

Potential Amendments: Follow-on Protein Products and Importation of Prescription Drugs

The Administration supports the goal of making safe and effective drugs available and affordable for American consumers. While some in Congress may be interested in attaching legislation related to follow-on protein products to this bill, the Administration believes that these complex issues should be considered thoroughly through a robust scientific, regulatory, and legal discussion. Sufficient discussion has not yet occurred and should not be abbreviated for the convenience of a particular legislative vehicle. Any legislative proposal considered to authorize a regulatory pathway for follow-on protein products must, as a first priority, ensure the safety and efficacy of the resulting products, thus protecting patient safety. Furthermore, it should also include adequate intellectual property protections for innovators, in order to maintain the research enterprise that has generated life-saving medications. The Administration believes further discussion must take place before addressing these issues in legislation. The Administration strongly opposes the inclusion in this bill of any provision related to follow-on protein products.

The Administration would also strongly oppose any provision that might be added on the Senate Floor regarding the importation of prescription drugs that does not address the serious safety concerns identified in the December 2004 Department of Health and Human Services Task Force Report on Prescription Drug Importation. The Administration believes that allowing importation of drugs outside the current safety system established by the FDA without addressing these serious safety concerns would threaten public health and result in unsafe, unapproved, and counterfeit drugs being imported into the United States. As a result, if any such importation provision were included in the final version of the bill presented to the President, the President's senior advisors would recommend that he veto the bill.

The Administration strongly opposes the inclusion of any unrelated provisions that would disrupt the timely reauthorization of the user fee program. The Administration looks forward to working with Congress to reauthorize PDUFA and MDUFMA expeditiously to avoid any disruptions to these successful programs.

Mr. SANDERS If you are voting for the Cochran amendment, which says, well, we want the Secretary to certify we can go forward, what you are voting for is to kill reimportation. The White House was honest enough to make that very clear. So it would seem to me that for those people who want reimportation, you have to vote ''no.'' If you don't want reimportation, then you can vote for it. But that is the simple reality.

There is another issue which I understand was raised a little while ago—I was not on the floor at that moment—and that dealing with the Clinton administration's attitude toward reimportation. I must say when I was a Member of the House, I was very involved in this issue. I was one of the leaders in the House in fighting for prescription drug reimportation. Back in the year 2000, we worked very closely with the Clinton administration and with then Secretary of Health and Human Services Donna Shalala to craft and pass reimportation legislation. During that process, the Clinton administration came to support reimportation over a period of time.

Unfortunately, as many in this Chamber remember, it was during that debate on reimportation that the Senator from Mississippi first offered the certification language he is putting forward today. So he has been doing this for quite a while. It is true Secretary Shalala refused to implement the reimportation legislation passed in 2000 as a result of this certification. I know opponents of reimportation like to characterize Secretary Shalala's refusal to implement reimportation because she believed reimportation was impossible to make safe. That is the argument we hear over and over again: Hey, it is not us. Even the Clinton administration said reimportation could not be made safe. But what I must say,

as straightforwardly as I can, is that argument is not accurate. It is not right.

In her December 26, 2000, letter to President Clinton dealing with this issue, Secretary Shalala outlined several ''flaws and loopholes'' that would prevent the legislation from being effective. As someone who was active in the debate of 2000, let me also say it is a fact that these ''flaws and loopholes'' were identified prior to the passage of that legislation, but opponents of reimportation refused to address them because they knew those flaws and loopholes would be fatal.

The legislation being offered today by Senator DORGAN addresses each and every one of those flaws and loopholes identified by Secretary Shalala. So let me say this again. If anyone comes to the floor of the Senate and says the Clinton administration thought reimportation should not go forward because there were flaws in it that could not be dealt with, that is simply inaccurate. What Secretary Shalala said is, there are concerns I have, and these concerns have got to be addressed. Well, guess what. Senator DORGAN's legislation does just that.

Let us take a look at her letter. Mr. President, I ask unanimous consent that the letter I am referring to be printed in the RECORD.

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

DECEMBER 26, 2000.

Hon. WILLIAM J. CLINTON,
The White House
Washington, DC.

DEAR MR. PRESIDENT: The annual appropriations bill for the Food and Drug Administration (FDA) (P.L. 106–387), signed into law earlier this year, included a provision to allow prescription drugs to be reimported from certain countries for sale in the United States. The law requires that, prior to implementation, the Secretary of Health and Human Services demonstrate that this reimportation poses no additional risk to the public's health and safety and that it will result in a significant reduction in the cost of covered products to the American consumer.

I am writing to advise you that I cannot make the demonstration called for in the statute because of serious flaws and loopholes in the design of the new drug reimportation system. As such, I will not request the $23 million that was conditionally appropriated for FDA implementation costs for the drug reimportation system included in the FY 2001 appropriations bill.

As you know, Administration officials worked for months with members of Congress and staff to help them design safe and workable drug reimportation legislation. Unfortunately, our most significant concerns about this proposal were not addressed. These flaws, outlined below, undermine the potential for cost savings associated with prescription drug reimportation and could pose unnecessary public health risks.

First, the provision allows drug manufacturers to deny U.S. importers legal access to the FDA approved labeling that is required for reimportation. In fact, the provision explicitly states that any labeling information provided by manufacturers may be used only for testing product authenticity. This is a major loophole that Administration officials discussed with congressional staff but was not closed in the final legislation.

Second, the drug reimportation provision fails to prevent drug manufacturers from discriminating against foreign distributors that import drugs to the U.S. While the law prevents contracts or agreements that explicitly prohibit drug importation, it does not prohibit drug manufacturers from requiring distributors to charge higher prices! limit supply, or otherwise treat U.S. importers less favorably than foreign purchasers.

Third, the reimportation system has both authorization and funding limitations. The law requires that the system end five years after it goes into effect. This ''sunset'' provision will likely have a chilling effect on private-sector investment in the required testing and distribution systems because of the uncertainty of long-term financial returns. In addition, the public benefits of the new system are diminished since the significant investment of taxpayer funds to establish the new safety monitoring and enforcement functions will not be offset by long-term savings to consumers from lower priced drugs. Finally, Congress appropriated the $23 million necessary for first year implementation costs of the program but did so without funding core and priority activities in FDA, such as enforcement of standards for internet drug purchase and post-market surveillance activities.

In addition, while FDA's responsibilities last five years, its funding authorization is only for one year. Without a stable funding base, FDA will not be able implement the new program in a way that protects the public health.

As you and I have discussed, we in the Administration and the Congress have a strong obligation to communicate clearly to the American people the shortcomings in policies that purport to offer relief from the high cost of prescription drugs. For this reason, I feel compelled to inform you that the flaws and loopholes contained in the reimportation provision make it impossible for me to demonstrate that it is safe and cost effective. As such, I cannot sanction the allocation of taxpayer dollars to implement such a system.

Mr. President, the changes to the reimportation legislation that we have proposed can and should be enacted by the Congress next year. At the same time, I know you share my view that an importation provision—no matter how well crafted—cannot be a substitute for a voluntary prescription drug benefit provided through the Medicare program. Nor is the solution a low-income, state-based prescription drug program that would exclude millions of beneficiaries and takes years to implement in all states. What is needed is a real Medicare prescription drug option that is affordable and accessible to all beneficiaries regardless of where they live. It is my strong hope that, when Congress and the next Administration evaluate the policy options before them, they will come together on this approach and, at long last, make prescription drug coverage an integral part of Medicare.

Sincerely.

DONNA E. SHALALA.

Mr. SANDERS. Mr. President, the first flaw Secretary Shalala identified was the lack of any requirement that the drug manufacturers give importers permission to use the FDA-approved labeling for imported medicines.

The Dorgan amendment addresses that concern.

The second flaw identified by Secretary Shalala was the lack of any ban on drug companies discriminating against foreign companies that export medicines to the United States.

The Dorgan amendment addresses that concern.

The third flaw identified by Secretary Shalala was the 5-year sunset in that version of the bill. That sunset would limit the public benefit from the investment the public would be making to put a safe reimportation system in place. In other words, she was saying, why should we go through all this effort if we are to only have a 5-year process.

The Dorgan amendment addresses that concern.

Finally, the Secretary noted the absence of a long-term income stream to fund enforcement of the reimportation system.

The Dorgan amendment addresses that concern.

In short, to characterize Secretary Shalala's letter as one that says reimportation is unsafe is to mischaracterize the essence of that letter. What Secretary Shalala was critical of was poison pills, what she called ''flaws and loopholes'' that were put in, or allowed to remain in the bill at the bidding of the pharmaceutical industry so they could defeat reimportation.

I have been involved in this issue for a long time, and that is what the drug companies do. Every day there is another reason why we can't go forward to lower the cost of prescription drugs. Every day there is another reason why we have to pay the highest prices in the world for prescription drugs. We have 1,200 lobbyists, no doubt many of them running around right now knocking on doors, to make sure our people continue to pay the highest prices in the world.

Secretary Shalala wrote in her letter that she, in fact, hoped Congress would fix the flaws and close the loopholes in that 2000 legislation of 7 years ago, and this is what she wrote to President Clinton:

> Mr. President, the changes to the reimportation legislation that we have proposed can and should be enacted by the Congress next year.

In other words, in 2001. Let me repeat that. Secretary Shalala wrote to President Clinton:

> Mr. President, the changes to the reimportation legislation that we have proposed can and should be enacted by the Congress next year.

Unfortunately, it has taken 7 years of work to bring us to where we are today. This should have been done years ago. Under the Republican leadership, there was no question we could not get to first base on reimportation. I hope things have changed now.

Let me conclude by saying that anyone who comes up here and says they are for reimportation but they are voting for the Cochran amendment is in fact not for reimportation. Anybody who comes up here and says, well, even the Clinton administration said we could not do that, I am afraid also that is not accurate and I think they are quoting Secretary Shalala, who was then Secretary of Health and Human Services, out of context.

As I have mentioned before, I have been through these battles with the

drug companies before. There is nothing the pharmaceutical industry will not do—nothing—in order to make sure they remain one of the most profitable industries in America. They will say anything, do anything, and put any kind of pressure they can on Members of the Senate or Members of the House.

Today, we have an opportunity to do something important. For many years there was growing concern in this country about a do-nothing Congress, about a Congress that was worried far more about the wealthy and the powerful than the needs of ordinary Americans. The elections in November have changed that. We have new leadership here. I hope very much that under this new leadership we will all summon up the courage to stand up to the drug companies, the most powerful, the most greedy lobby and industry right here on Capitol Hill, and that we will go forward and we will pass this legislation to lower the cost of prescription drugs for all Americans.

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

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BURR. Mr. President, we are at a lull in the movement of the drug safety bill, a bill to assure American consumers, American patients, that there is more than just the acknowledgment by the Food and Drug Administration that a drug is safe and effective; that there is a mechanism post-approval as Americans across the country begin to take those medications; that we are watching for potentially any adverse reactions to a drug that a new population, an increased number of Americans that may be taking the drug. It is in an effort to make sure that if we see the signals of that unintended consequence, that we look more thoroughly at the benefits of that drug being on the market.

When I left the floor earlier today, the sponsor of the importation amendment suggested that Vioxx was not beneficial to anybody. The fact is, I do not think it is the role of Members of the Senate—unless you are Dr. COBURN—to suggest that you practice medicine. There are physicians who found the advantages of Vioxx, while it was on the market, they found it was advantageous to thousands, if not hundreds of thousands, of patients.

I am sure those patients are back on ibuprofen, Naprosyn, or other products that might cause significant gastro challenges for them, and that is why their doctors switched them originally. They needed relief from pain.

Well, a lot of things have been said, and the Senator from North Dakota said we should stay focused on the facts. I have come to the floor for a few minutes just to talk about some of the facts.

Many of us have suggested that, two years ago, when we created Medicare Part D—which is a prescription drug benefit for individuals in this country who are Medicare eligible—we lessened the problem that many seniors had expressed; and that is, their inability to buy pharmaceutical products.

Just recently, an analysis published by AARP, the American Association of Retired Persons, showed the new Medicare drug benefit saves seniors more money than buying pharmaceuticals from Canada. Now there is a new one. For those who are on border States, the AARP—the authority because they certainly had a loud voice before Part D was created—said drugs from Canada are actually more expensive than what Part D has been able to negotiate.

Let me say in every State we have multiple choices. Seniors make their choice. They participate in a plan. It is a private sector plan. But there are basically four large benefit managers, and they negotiate prices. What they have done is, they have been able to negotiate a price that has even exceeded what Canada could sell drugs for at retail.

This AARP bulletin found that many who choose the least expensive plan that meets their prescription drug needs—this is under Part D—will still pay less for those drugs than they would purchasing them from Canada. So it is not the ''Cadillac'' plan that seniors would have to choose to get less expensive drugs in the United States than from Canada. In fact, with the least expensive plan, AARP evaluated they would get a cheaper price on their pharmaceuticals by having Part D, accessing it at a U.S. pharmacy where they can feel fairly confident, if not totally confident, the product is, in fact, what they thought it was.

Just recently, in Detroit, MI, an indictment charging 19 individuals with operating a global racketeering conspiracy, was unsealed. The Federal court announced—the U.S. attorney for the Eastern District of Michigan—the indictment alleges that portions of the profits made from illegal enterprises were, in fact, funding Hezbollah. This is a foreign terrorist organization, by the way. Nine of the individuals were arrested. The indictment charged that between 1996 and 2004, this group worked together in a criminal enterprise to traffic in contraband cigarettes, counterfeit Zig-Zag rolling papers, and counterfeit Viagra.

So as to the claims we have made on the Senate floor—I believe the Senator from North Dakota when he says: We have done everything we can in this bill to assure the public of the safety and integrity of the product—though there is nothing in the bill that forbids anybody who wants to circumvent the law, in other words, make counterfeit drugs, make drugs that have no active ingredient, make drugs that look just like those drugs that are approved by the FDA, whether they are Viagra or Zocor, and to find a way for those to come to the marketplace.

It is not something the FDA today, or any FDA prior, has said they can police. For those Members who have been intricately involved since September 11, 2001, at understanding what our ability is to have a full knowledge of what comes into this country, some of us have actually gone to Washington Dulles Airport. We have seen the Customs officials go through the bags and bags of pharmaceutical products that come into this country. It is impossible, without a chemical test, to determine whether one tablet is authentic or the next one is counterfeit, whether one has an active ingredient or whether one is minus all active ingredients.

There have been several operations conducted in this country that deal with the cyber-trafficking of pharmaceutical products.

Fictitious pharmacies: These are companies that prey on individuals who are solely looking for low-priced pharmaceuticals. They think they are dealing with reputable pharmacies around the world. Yet there is no pharmacy. At the other end of the Internet are crooks. They prey on people who look for pricing. In fact, as some of those groups have been rolled up by our law enforcement, what we find is the products that were coming in had substantial deficiencies in things such as active ingredients.

What happens when a patient takes a product where the active ingredient does not exist? The illness they have is not affected. For an individual who might have high cholesterol who has been put on a drug that will lower that cholesterol because they are susceptible to heart problems, to have no active ingredient means they have a cholesterol buildup in their veins, and without intervention the likelihood is they might have a heart attack. They might die. Unfortunately, when they take a drug they think is real, but it has no active ingredient, unfortunately, they do not know until they have a medical incident.

So let me make this point to all my colleagues: If the purpose is to lower the cost of health care, then we are taking a mighty big risk because, in fact, what we may be doing is we may be raising the cost of health care in America, and with a disregard for the lives of the individuals who might be affected.

When I came to the floor earlier today, I mentioned that last year alone 1.7 million tablets of counterfeit Viagra were uncovered, 1 million tablets of Lipitor. This is according to the Wall Street Journal. I think that is surpassed, though, by the fact that last year—as we were in the heat of this new potential pandemic flu, H5N1, the bird flu; and we aggressively in this country then and still today are trying to come up with a vaccine and with

other countermeasures that might be able to defeat or minimize the impact of the bird flu—companies around the world started to look for Tamiflu as a successful countermeasure.

Individuals in this country searched outside of the country because the supply was so limited. Well, Customs agents have intercepted more than 50 shipments of counterfeit Tamiflu. It is an antiviral drug that is specifically designed to be stockpiled for the pandemic flu.

You see, my point is this: Counterfeiting, the trafficking of pharmaceuticals exists today. Anything that loosens the regulations on access to these pharmaceuticals invites more people to participate in gaming the U.S. consumer and, for that matter, the global patient. This is not something that is limited to the United States.

Clearly, the adulterated product is usually a product that is manufactured somewhere outside of this country. Not only can they make a handbag look like a designer bag, they can make a ''Viagra'' pill look like Viagra. Now, unfortunately, you will know real quick whether there is an active ingredient in that. But you will not know if it is, in fact, a cholesterol-lowering drug or one of the things that really does affect the long-term health of the American people.

A study published in the medical journal Science found when a cholesterol-lowering drug manufactured in the United States was compared just to generic copies bought over the Internet from Mexico, Thailand, India, and Brazil, there were differences in the blend, the uniformity of the blend—an error that could dilute their effect on patients. The authors concluded that clinically this would have significance for a patient who was prescribed a half a tablet per day, which is not an uncommon practice.

So for that senior at home, who has suggested an increase in the amount of milligrams of active ingredients so they can cut their pills—take half one day and half the next day because there are ways to maximize—what this report found, published in the medical journal Science, was that an adulterated product that does not reach the correct consistency throughout the pill might on one side provide the active ingredient and might on the other side not provide any active ingredient whatsoever. It could affect the dissolving rate, which could affect the onset of effect, or bioavailability.

These are stories that come right out of medical journals. This is not about pharmaceutical companies and how powerful they are in Washington. This is about whether the focus of the Senate is on the safety and the well-being of the American people. This is about whether, in fact, we are going to maintain the gold standard of the Food and Drug Administration or whether we are going to accept the standards of other countries in the world where their bar is not quite as high, where they are willing to accept less in innovation, just to receive less in price.

I am not sure that is a good tradeoff for the country. Clearly, the Senator from North Dakota has the votes potentially to win this. I do not find that too comforting, myself. I spent 2 years of my life actively involved in the 1997 modernization of the Food and Drug Administration. I worked with people on the right, the left, and the middle. I worked with people who wanted to do things at the FDA that today we still have not done, thank goodness, but there are still people who want to do it. But we all came together to uphold one thing in that process—not to lower the bar, not to lower the standard that we asked companies to reach with their products for us to put that FDA stamp of approval, ''safe and effective,'' on it.

There are products sold outside the United States that could never pass the application process in this country. I know the Senator from North Dakota does not, in his bill, allow those products to come in. He limits it to FDA-approved products. So my focus is solely on the product that is FDA-approved in this country, but that has been manufactured in a way that either provides little active ingredient or no active ingredient, and with potentially harmful components found in that pill, or whatever the dosage might be.

It is my hope we will continue to talk about this issue. But when I left the floor I thought it was important to go look at some of the articles to see if this is still a real problem. It is a problem today. It will be a problem tomorrow, and if we pass this, I think it will be a bigger problem in the future. It is a problem that is involved in funding terrorism around the world. It is a problem that will not go away, but at least today, we are able to control it. We are able to control it in a way that has a smaller effect on the quality of life of the people in this country. I think that is why they have us here. But we will continue the debate and we will see where we end. I think it is important enough that we spend days, if it takes days, to debate this legislation and to make sure everybody in this country understands what is at stake.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I would like to offer a few comments about this subject. My colleague has spoken on it several times. As I have indicated, we all want to deal from the same set of facts. This is not—let me emphasize again—it is not importing the standards of other countries with respect to the safety of prescription drugs. It does not do that. I want to make sure everybody understands what the facts are. Everyone is entitled to their own opinion; everyone is not entitled to their own set of facts. This does not import the standards of some other country into this country with respect to the safety of prescription drugs. This is simply the question of whether we want to continue to have FDA-approved drugs made in FDA-approved plants; that is, a plant inspected by our Food and Drug Administration, producing medicine and put into a bottle that is approved by our Food and Drug Administration and sold in this country and the same medicine, in the same bottles, sold in France, sold in Italy, sold in Germany, sold in Canada, sold in England, to have the U.S. consumer pay the highest prices of all of those countries. Is that fair to the U.S. consumer? The answer is no.

We have a lot of issues that are being raised on the issue of safety. All the things I have heard discussed on the floor of the Senate apply to today—now—when we don't have importation. We are not able to import safely. I should say we are not able to import, rather, prescription drugs because there is a prohibition against it. The only entity that can import a prescription drug is the manufacturer. Lipitor. I held up two bottles of Lipitor on the floor today. Lipitor is made in Ireland. They send it all around the world. They send it to Canada and they send it to the United States. The bottle looks the same, the pill looks the same because it is the same, and it is sold under the same chain of custody—Canada and the United States. There is only one difference. The U.S. consumer is treated to double the price when they purchase their Lipitor. Is that fair? Should we pay twice the price for an FDA-approved drug? I don't think so.

My colleagues have said there are counterfeiting issues. Well, all of the stories that have been recounted about counterfeiting issues are occurring under today's schematic of prescription drug sales in America. This has nothing to do with importing. In fact, the legislation I have offered is legislation that would make the supply of prescription drugs in this country and the supply that would come into this country under reimportation much safer. They would be safer because we have put in place safety procedures that have previously been blocked in the Congress, establishing serial numbers on the supply of prescription drugs, samples of the supply of prescription drugs to be held back by those who are manufacturing and moving the prescription drugs, establishing a pedigree for all of these drugs and the bottles in which they travel. It is much safer. It will be much safer for the domestic supply in addition to the supply of imported prescription drugs. That is the point we make.

I suppose people will be tired of hearing me say that I respect those who have a different opinion, but I would prefer if they would stand up and say: You know something. Here is my situation. I think the American people ought to pay twice the cost for Lipitor because I believe that. That is a pricing strategy that works for my constituents.

I don't hear anybody saying that, of course. They stand up and say there will be big safety issues, or my colleague who in an earlier speech this

morning said this amendment would allow drugs to be imported into this country from all over the world. I am sorry. That is not right. That is not debating the bill that exists. We are not letting drugs in from all over the world; only from countries that would qualify, that meet the safety standards. These would only be FDA-approved drugs, and they would only be drugs that are retained under a chain of custody, with a pedigree attached to the drug. There are no safety issues, unless one thinks it is unsafe for the pharmaceutical industry not to make the profits they currently make. They perhaps would see some smaller amount of profit if they passed part of the lower cost along to the consumers.

Maybe perhaps the industry could do a little less advertising, just a little less advertising. When you turn on the television at night and you sit down at the end of a long day and you see somebody driving in a convertible with beautiful people and they park under a tree someplace and the Sun is setting, it is a beautiful appearance, and they say: These people are feeling good because of medicine they are taking. You should be asking your doctor whether you might want to take some of that. Get some of this pill. Get some of this medicine. The Sun shines, you get to ride in convertibles, feel better, hang around beautiful people. That is the way advertising works, I guess. I have talked about the purple pill. They say: Ask your doctor, is the purple pill right for you? I don't know what the purple pill is, but I almost feel like asking the doctor, is the purple pill right for me? All of this promotion and advertising, maybe they could back off a little bit of that and reduce the prices to the American consumer. But that is not the strategy.

The strategy in pricing prescription drugs is that almost every country has some kind of limitation on what can be priced with respect to prescription drugs, except the United States of America, and here it is Katie bar the door. Whatever they want. We do have price controls in America. Not imposed by the Government; price controls by the pharmaceutical industry.

Now, this is a fine industry. They have men and women working, trying to unlock the mystery of diseases, trying to find ways to produce medicines that will manage diseases. I admire all of that. I say congratulations to them. But I have a serious disagreement with them on pricing strategy. They are wrong to believe they have to charge the highest prices to American consumers. That is a fact. They are wrong about that. They say: Well, it is the only way we can do research and development. That is not true at all. That is not true. A substantial portion of research and development is done by the taxpayer through the National Institutes of Health and others, and the product of that is turned over to the pharmaceutical manufacturers in terms of intellectual property that is developed and they manufacture drugs. Good for them. I know they also do substantial research on their own and I appreciate that. I don't appreciate the pricing strategy because I think it is unfair to the American consumer.

I don't know how many people I have talked to over the years who have come up to me and told me of their problems: I am 80 years old. I have heart disease. I have diabetes. I take all kinds of medicines, they say, but I can't afford them. The doctor says in Dickinson, ND, one night: I have this welfare woman, and this patient has a pretty aggressive form of breast cancer. He says: You have to be taking this medicine to prevent a reoccurrence when you have surgery. You have to take this medicine to prevent a reoccurrence of breast cancer. She says: What does it cost? He tells her. She says: I can't possibly do that. I can't possibly take that. I don't have the money to do that. I can't buy that medicine. Does this matter? It sure matters to the person whose life is at stake. So price is an issue. It is a big issue.

We have all these anecdotal stories. We know the data. The amendment I have offered will save $50 billion over the next 10 years—$50 billion—most of it to consumers, through lower drug prices. That is a fact. It is not going to, in any way, injure the safety of our prescription drug supply. It will, in fact, enhance it dramatically by establishing pedigrees with respect to the movement of prescription drugs in this country and into this country. That is a fact as well.

I said this morning I hate to lose debates I am not having, and it happens all the time on the floor of the Senate because someone is debating a bill I didn't introduce. They are welcome to do that. If it is attractive, maybe I will introduce it someday, but I am not interested in having a debate with somebody who wants to reformulate the legislation I have introduced. This addresses safety, all of the issues that Donna Shalala, the former Secretary of Health and Human Services raised, so we have incorporated into the bill, Senator SNOWE and I and others have incorporated that right into the legislation. So you can't, it seems to me, make a strong case that there are valid safety issues. Again, I don't have problems with those who come to the floor saying let's continue the current system, but I think the current system is wrong. They have a right to advocate for the current system, but the current system is unfair to the American consumer, in my judgment.

I want us to have the opportunity to have good health care and opportunities to be able to access miracle drugs, the opportunity to use those miracle drugs to manage diseases so you can stay out of an acute care bed, which is the most costly health care in our country. But I think it becomes almost a health care rationing in our country when we say we will ignore the situation that exists in this global economy in which the American consumer pays one price and consumers in virtually every other country pay a lower price for their prescription drugs. That, I think, is a horrible disadvantage to consumers in our country.

Some will say: Well, you know now we have a Part D in Medicare which offers prescription drug benefits to senior citizens. Yes, that is true. It does. It has what has been defined around here only in the lexicon of politics as a doughnut hole. Only in the political system could we use those kinds of descriptions, but it has a kind of a circumstance where you reach a certain level and then there is no drug coverage on up from that level. Obviously, the prescription drug Part D for Medicare is helpful to senior citizens; there is no question about that. But it certainly isn't perfect because there is a substantial portion of it in which prescription drugs are not covered. At that point, senior citizens who are reaching the declining years of their lives are finding it very difficult to purchase their prescription drugs.

There is much to say about this issue. I know there are some who worry that offering this amendment on prescription drug pricing to this underlying bill, the FDA Reauthorization Act, injures the underlying bill. I support the underlying bill. I think my colleagues, Senator KENNEDY and Senator ENZI, have done some good work. I support that work. Let me say—and I know they know this—it is perfectly appropriate to offer this amendment on this bill because this is where it belongs. This is exactly where you would offer an amendment of this type. No one should express surprise about that.

So we offer the amendment and then we file cloture so we can actually get to a vote on it, and all of a sudden it is like the circus left town. They pull up the tent stakes, fold up the tent, everybody is gone. All of a sudden we can't vote anymore. Why? I guess they are upset that my amendment is now in order to be voted on, and they say: You know, I don't know. We can't do that.

As I have indicated before, I would be willing to offer this amendment in a different form—the same amendment but in a circumstance where I had an agreement to be able to bring it up. Four hours of debate, for example, a couple of amendments that would be offered by the other side, I would have the right to offer second-degree amendments, we would go to a vote and decide whether the Senate will pass a proposition that would give us an opportunity to reimport FDA-approved drugs from other countries that are identical to the other drugs we now purchase, except at a lower price. I would be happy to agree with others who would give us that time and that circumstance so that we could have this vote. I don't need to have the vote today or Monday or Tuesday, if I have an agreement that we will be able to get the vote at some moment.

This vote has been stalled a long while. Senator Frist, when he was the majority leader, standing right back here at the end of this aisle at about 1 o'clock in the morning, in exchange for my releasing a hold on the nomination of Dr. McClellan, indicated to me and then put into the CONGRESSIONAL RECORD, in the Senate RECORD, that we were going to have action on this kind of legislation. It turns out it never happened. Senator Frist, of course, is now gone. For whatever reason, it never happened. I spoke at great length to him about these issues, but it didn't happen.

So this is an opportunity for us to advance this legislation, and it is the right place at the right time. This has 33 cosponsors. JOHN MCCAIN is a cosponsor, TED KENNEDY is a cosponsor, CHUCK GRASSLEY is a cosponsor, DEBBIE STABENOW is a cosponsor, and OLYMPIA SNOWE is the major cosponsor with me. It is the Dorgan-Snowe bill.

Thirty-three Republicans and Democrats are cosponsors of this legislation. This is exactly where it should have been offered, and it was. Now, all of a sudden, apparently there is some kind of gastric distress because we had a cloture vote and we prevailed in the vote that we say, all right, let's have votes on this amendment. So my hope is that, first, while we might form opinions on this amendment, we could coalesce on a central set of facts that represents what the amendment does and says; and, second, that we can begin, on behalf of the American people, to make some movement here and to begin to have votes.

I also hope that, as I listen to further debate on the floor, we can stick to what the amendment is. It is not to reimport lower priced FDA-approved prescription drugs from everywhere. It limits it to those areas where we have safe and effective supplies of prescription drugs.

I hope we can get all of the facts straight. This amendment has a lot of support. I believe the American people, by 75 to 80 percent, support this. I have seen poll after poll where the American people believe it is wrong and unfair for them to be charged the highest prices in the world for prescription drugs. Why on Earth should they drive 10 miles between two drugstores—one on the Canadian side and one on the American side of the border—only to find that the same medicine, put in the same bottle, made by the same company, FDA approved, has only one difference—the American consumer gets a chance to pay double. How do you justify that? You don't. We ought to change it.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

U.S. POLICY IN IRAQ

Mr. BYRD. Madam President, President Bush marked the fourth anniversary of his announcement that major combat operations in Iraq have ended by vetoing war funding legislation because he claimed it limited his ability to prosecute a war unconditionally and indefinitely. Our Armed Forces are now well into their fifth year of combat operations—longer than the U.S. was involved in World War II—and the time is overdue to examine and update U.S. policy in Iraq.

The legislation, which President Bush vetoed, would have set a responsible, new course for the war that was a balanced and fair proposal that I was pleased to support. Sadly, the President continues to believe peace and stability can be forced on the Iraqi people at the point of a gun. He was wrong in 2002 when he sought authorization to go to war, and he is wrong today.

However, now that the President has insisted on continuing down this failed path, it is our responsibility to discuss alternatives that can become law. The Congress is not an ATM, spitting out billions whenever the President requests it. It is a policy arm of the Government, as well as its banker. The Constitution says the Congress shall have power to provide for the common defense. It is the Congress—yes, it is the Congress—that is given the sole power to declare war. The Congress is sworn to raise and support armies. The Congress and the people of the United States have a right to expect clarity in our mission and a foreseeable end to this conflict.

The situation in Iraq, in 2007, is very different from what it was in 2002, when the Congress authorized the use of military force in Iraq. The President himself said this:

> This is not the war we entered in Iraq, but it is the war we are in.

It is time to rethink, reset our goals, and consider a new authorization which outlines the mission as the President now sees it. The October 11, 2002, authorization for the President to use force in Iraq was very specific. After expressing support for diplomatic efforts to resolve the causes of conflict with Iraq, the authorization allowed the use of force for two purposes. The first was to defend the national security of the United States against the continuing threat posed by Iraq. The second reason was to enforce all relevant United Nations Security Council resolutions against Iraq.

In 2002, and early 2003, President Bush made his case to Congress and to the American people for the invasion of Iraq. His stated goals included the elimination of the weapons of mass destruction programs that Iraq was thought to possess, and the overthrow of Saddam Hussein's regime. By that yardstick, the U.S. military has achieved brilliant success. No weapons of mass destruction were found in Iraq—not just weapons that could threaten the national security of the United States but also no weapons of mass destruction of any description. Saddam Hussein and his Government are gone. The Iraqi people have elected a new government. The U.S. military has achieved success in Iraq, and that success has come at a high price, both in dollars and in lives. Thus far, over 3,350 American men and women have been killed, and many more have been wounded. Including the funding in the emergency supplemental vetoed by the President, over $450 billion has been provided by Congress to execute this war.

The October 11, 2002, authorization to use force has run its course. It is time—past time—to decommission this authorization and retire it to the archives. If the President has more that he wants to do in Iraq, then he needs to make that case to Congress and to the American public. Our continuing presence in Iraq is not supported by the people or the Congress. The President must redefine the goals and submit his plan to achieve them to a thorough and open debate in the Congress and throughout the country. That is the American way. Success will elude us without the support of the people whose sons and daughters are being asked to die daily in the sands—yes, the sands—of Iraq.

I propose October 11, 2007, as the expiration date for the 2002 authorization and that the President seek a new authorization from the elected representatives of the people in Congress. The President must be clear about what he now hopes to accomplish in Iraq and how he intends to achieve it. President Bush must build support for his plan. Without the support of the public and the Congress, we should no longer be in this fight. It is now an Iraqi fight for national reconciliation, not a war to ensure U.S. national security. If the President sees a further role for U.S. troops, he should articulate it and seek consensus for a changed mission. I hope my colleagues on both sides of this important debate and on both sides of the aisle can agree that the 2002 authorization has run its course. It is no longer viable, and it should be set aside.

What I propose does not mandate redeployment on any date certain. It simply calls on the President to make the case for the new situation in which we find ourselves. My proposal does not set limits on troop levels, nor prevent them from doing what is necessary to protect themselves and U.S. personnel. It also does not prevent us from pursuing terrorists who may have set their sights on the United States. What it does is stop our troops from fighting endlessly in an Iraqi civil war after October 11, 2007, unless the President—our President—receives a mandate from the American public and the U.S. Congress.

Let us try to give the President a chance to refocus his vision on the changed circumstances in Iraq, free

from the shackles of a shamelessly outdated grant of authority. I deplore the political gamesmanship which has polarized our Nation. I regret the harsh partisanship which rages while our brave troops fight and die.

A fresh start could help to change the dynamic in this country. A concerted effort by the White House to reassess its goals and opportunities in Iraq could point a path to progress. A new debate in Congress could resolve confusion and contention about continuing a strategy for Iraq that no longer addresses the exigencies of today. We need a new mission which makes clear the changed role of our troops. We need a diplomatic component to the plan which might encourage the national reconciliation so badly needed to quell the violence in Iraq. We need a plan to reach out to other countries in the area which share our interest in seeking stability in Iraq. But first we need to clear the cobwebs and the confusion caused by a grant of authority that no longer has any relevance to the present conditions of Iraq.

I ask other Senators to consider my proposal, whether this proposal is considered on the supplemental, on the Defense authorization bill, or on the Defense appropriations bill. I ask cooler heads to see the possibilities of beginning a new assessment of where we are and where we are going. I ask for a cease-fire in the political war in Washington for the sake of our troops and for the sake of our country.

Madam 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.

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

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

Mrs. CLINTON. Madam President, I rise to join my colleague and friend, Senator BYRD, to announce our intention to introduce legislation which proposes October 11, 2007—the 5-year anniversary of the original resolution authorizing the use of force in Iraq—as the expiration date for that resolution.

As Senator BYRD pointed out, the October 11, 2002, authorization to use force has run its course, and it is time to reverse the failed policies of President Bush and to end this war as soon as possible.

Earlier this week, President Bush vetoed legislation reflecting the will of the Congress and the American people that would have provided needed funding for our troops while also changing course in Iraq and beginning to bring our troops home.

I believe this fall is the time to review the Iraq war authorization and to have a full national debate so people can be heard. I supported the Byrd amendment on October 10, 2002, which would have limited the original authorization to 1 year, and I believe a full reconsideration of the terms and conditions of that authorization is overdue. This bill would require the President to do just that.

The American people have called for change, the facts on the ground demand change, and the Congress has passed legislation to require change. It is time to sunset the authorization for the war in Iraq. If the President will not bring himself to accept reality, it is time for Congress to bring reality to him.

I urge my colleagues to join Senator BYRD and me in supporting this effort to require a new authorization resolution or to refuse to do so for these new times and these new conditions that we and our troops are facing every single day.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, what we are actually on, of course, is the 30 hours of debate postcloture on the drug importation amendment, and I do want to make some comments on that. I perhaps should have done more extensive debate before, rather than agreeing for a time specific for a vote on it, but that option has passed at the moment. I congratulate Senator DORGAN for his tremendous victory.

I am hoping there will be some changes yet. Perhaps there will not be. We took a 300-page bill that dealt with drug safety in the United States and we then added a 140-page bill that deals with bringing in drugs from other countries. It is a limited number of countries, to start with, but it is bringing in drugs from other countries. I suggest if they are as safe as what we have been told, parts of this bill would not exist.

For instance, page 48, on bioequivalence. It was my understanding what would be brought into the United States would be drugs from companies from the United States that went to Canada, or went to some other place, and could be brought back into this country. These would be FDA-approved drugs. These would be the ones we rely on the FDA for. If they are exactly the same drugs, by exactly the same company, why would there be a section on bioequivalence?

It says:

. . . if the Secretary determines that the qualifying drug is not bioequivalent . . . the Secretary shall . . . include in the labeling provided under paragraph (3) prominent advisory that the qualifying drug is safe and effective.

Well, let me see. We didn't ask them to review it, we didn't ask that it go through the same procedure, but we want the Secretary to provide labeling that says it is safe and effective. I don't know why we would expect the FDA to say anything that is bioequivalent should have their endorsement of being safe and effective. If we do, it expands their job dramatically and there ought to be resources that go with it to be sure that what we are promising will be done gets done.

There are a lot of pages here, a lot of different things. I am definitely not going to hit on all of them, but I am going to mention a few that people probably ought to be a little concerned about.

Here again, on page 56, I thought it was going to be U.S. drugs, or at least drugs from U.S. companies that are already FDA approved that we were going to make sure there was an absolute chain of making sure they got back into the United States so that you could trust what came from U.S. companies. Yet on page 56 we see:

Notice; drug difference not requiring approval.

What?

. . . supplemental application would not be required for the difference to be made to the U.S. label drug, or that states that there is no difference.

And then a whole bunch of requirements again for the Secretary, which goes down the line to the FDA. So I think we can conclude we are not just going to bring in U.S. drugs. If there is anything you would like to have, you can.

Then there is a section called ''Importation by Individual.'' This covers the portion where each person can get on the Internet or telephone or whatever way and order drugs. There are requirements in this bill for exporters, which are the people who are sending drugs to other countries; there are requirements in here for importers, which are companies receiving drugs—and those could be pharmacies, probably would be pharmacies, although there could be some wholesale—but there is also this section about importation by the individual.

I hope everybody takes a little look at that, because in the United States I have been working a lot on financial literacy, trying to get people to understand finances and how they can stay financially sound and hopefully financially secure, and it is a huge job. With regard to the No Child Left Behind Act and in Education, we keep talking about plain old literacy; just being able to have people read, and read at grade level, and hopefully read well enough to have a good job and to protect themselves. They better be literate, because look on page 62 and read what the importing individual is responsible for. Because if they are not responsible for this, they could easily be getting something that is not an approved drug or that is not from the source they think it is. It could be a counterfeit drug, and particularly as this opens up on the front end. How many people doing counterfeit drugs now are going to want to jump into the breach and catch people before they understand any of this? I suspect there will be a huge escalation of companies getting into the counterfeit business. There are a few dollars in it—quite a few dollars.

I would encourage people to look on page 62. There are things scattered

throughout the bill an individual would have to know to be sure what they were getting was safe, if they ordered individually. But that is kind of the point of the bill, because most of them probably will be ordered individually.

On page 64, Request for Copy of Special Labeling and Ingredient List. I think that probably would be handy.

Then, on page 65, it goes into the question of adulteration, where it says a qualifying drug that is imported or offered for import shall be considered to be in compliance if the drug is in compliance with all these other sections.

There is also a section titled Standards for Refusing Admission. There are quite a few ways it can be denied, but in order for these adulterated drugs to be denied, to be refused admission, somebody has to find them. So what kind of force are we going to add to the FDA to make sure these things can be found?

I am particularly fascinated with item (F), which gives the Secretary some extra capability if the drug is counterfeit or if the drug may have been prepared, packed, or held under insanitary conditions. Now, the fact that they mention it has to make you believe there is a possibility—maybe a probability, the way it is put in here—that they will be prepared, packed, or held under insanitary conditions.

The United States has a little different level of sanitation than a lot of the countries around the world. Of course, all of these aren't going to come from all around the world to begin with, or will they?

Let's see. They do not have to be bioequivalent. There are a whole bunch of things the individual has to watch out for themselves. It doesn't have to be the same drug that was manufactured in the United States or from a United States company, and if it gets into the EU, it can come to us. That is EU now; EU later. The EU is expanding. We ought to take a look at some of the countries that are being brought into consideration, particularly if you might be worried about them being packed, held, or prepared under insanitary conditions.

Then we get to page 71. Again, there are a lot of things I would like to mention in between, but this is all boring detail stuff, anyway, so I will highlight a few of these things and let people think about them a little bit.

On page 71, we give the Secretary some more responsibilities. They have to:

> . . . enter into an agreement with the government of the country to receive information about recalls and withdrawals of qualifying drugs in the country; to monitor recalls and withdrawals of qualifying drugs in the country using any information that is available to the public in any media.

There are requirements for notice and changes in the labeling, packaging, and that sort of thing.

That is all additional. We are asking them to do some more things in the United States to make what we have here and are relatively certain about even safer. That is the purpose of the bill. Now we are adding these additional sections, 140 pages, which bring the problem from other countries to our country. I grant it, a lot of those are made in the United States or by companies from the United States.

Page 72, again, has a whole bunch of requirements for what kinds of things ought to be included with the drug. You need to know those because if they are not, you maybe ought to suspect there may be a problem. You have to be able to check the packaging and note whether it has the proper seals and whether there could have been any damage to them. It is your problem—unless, of course, the consumer consents to waive the requirements after being informed the packaging does not comply. There is fascinating stuff in here.

Here is one of the parts that really ought to interest us. When we get to page 76, page 76 says you have to play the game: You can't win, you can't lose, and you can't get out. Here is how that works.

Canada has price fixing. There is no doubt about it. That is how they get some of the lower prices on some of the drugs. You can't buy all of the drugs in Canada at lower prices. In fact, I have a friend in Afton, WY, who is a pharmacist. He had a fellow come in who was from Canada but he could not get back to Canada and his prescription had run out, so he relied on an American pharmacy to get his prescription refilled. All the time they were filling the thing, he is complaining about how this darned prescription is going to cost him an arm and a leg because it is in the United States and the cheap drugs are in Canada. The pharmacist gave it to him, told him what the price was, and he said: But that is cheaper than I get it in Canada.

That is a little bit of financial literacy. Just because you heard everything is cheaper in Canada doesn't mean it is.

You should particularly pay attention if there are generics because U.S. generics do not translate to Canada nearly as quickly, if at all. The companies had to go through this bidding process. The bid doesn't take into consideration the change, and that is part of the deal, that you get a little bit of exclusivity with your pill.

I was interested in Zocor. It is a big drug in the United States and a big drug in Canada, although Canada has one-tenth the population of the United States. The Health Minister called me and said: You cannot be considering this import thing. We do not have the capability to supply the United States with their drugs. We will be inundated with prescriptions, and we do not have that big of a supply because we have a tenth of the people the United States has.

Getting back to my Zocor story, that has gone generic. In Canada, you still have to get Zocor, and it is $33.64 for 30 pills. That is a 1-month supply of 10-milligram pills. That would not, of course, include the cost of shipping and handling.

In the United States, there is a generic Zocor, simvastatin. The statins are all designed so that part of the label talks about doing similar things. But the generic Zocor in the United States costs $29.99 for 30. So that is $3.50 less. It is not a lot, depending on what you consider a lot to be, but it is less. But if you are willing to use provostatin or lovastatin, we are talking about $4 a month—$4 a month as opposed to $33.64 a month.

People need to be aware that just because we say Canada is cheaper, it is not always cheaper. But for those drugs which are cheaper, page 75 has a little provision.

I need to explain how Canada gets this price fix. It is called negotiated price. How do you negotiate a price if there is a sole supplier? You really do not have much luck negotiating if it is a sole supplier, so you have to take similars. I use the example that if there are five heart medicines, you make those five bid against each other. That is your leverage. If you make them bid against each other, you have to drop somebody to get the price down, and probably several to get the price down, so maybe you have one or two heart drugs instead of five. But you tell your doctors—who in Canada work for the state—that is their choice, and they make it.

But in the United States, we are used to having our doctor make the decision. And because of television advertising, we are able to make some of our own decisions on what we think would be the best one and tell our doctor what he better do for us. Sometimes that is another little problem.

At any rate, that is how Canada gets lower prices. We can probably do that in the United States, too, but people in the United States really expect to be able to get the drug their doctor says they ought to have. I think we would have a large-scale revolution if we started suggesting that the Government could figure out which drugs they could have so we could get lower prices.

Page 75, section (b), that is where they say if a company has a drug that is in Canada, it has to be sold in the United States at the same price. So you really do not have to go through Canada. That will just move Canada's price fixing down to the United States.

I have to mention a little thing on pricing when the Government gets into that business. Back in 1975, I got married, and my wife and I started a shoe store in Gillette, WY. You will recall at that time that the Government decided they would put some prices in there. This really shows that it was 1975. We always made sure there were several styles of men's shoes that were under $10. I don't know if you can get the laces for $10—yes, you can. But you

cannot buy $10 leather shoes, leather lined, particularly not made in America. That has disappeared, too.

But they decided, for a whole range of products in the United States, that the Government would set the price to keep down inflation. The companies, as soon as they heard about that, said: This will really affect our profitability, and we are not going to be allowed to raise them except at set particular times and for set amounts. So what they did was raise their prices right away. A $10 shoe became a $15 shoe overnight. Then the price setting went into effect and they were allowed to raise it again, and they raised it again to the maximum there. And every time they were allowed to raise it, they raised it. It made a huge difference in the price of shoes, as it did with everything that was being attempted to be controlled. People wound up paying a lot more than if there had been no Government pricing.

How will that work here, if you are a pharmaceutical company and they say that you are not going to be able:

. . . to discriminate by denying, restricting or delaying supplies of a prescription drug to a registered exporter or other person in a permitted country that exports a qualifying drug to the United States under this section. . . .

And you can't:

discriminate by publicly, privately, or otherwise refusing to do business with a registered exporter or other person in a permitted country that exports a qualifying drug to the United States under this section . . .

And so on. I am reading from the bill here. What it says is that if you are selling it to them now, you can't change at all.

If I am the company that is about to find out that the price I have in this deal with Canada, which is just a small part of the deal, and I am doing it—I am the only accountant in the Senate. For accounting purposes, sometimes these companies will sell to another entity a ways away—in this case, another country—for a lower price because they cover the costs and make a profit on what they are doing. But by picking up peripheral sales, there is less cost involved in them, so there is still the same amount of profit. Granted, that is kind of an accounting technique, but it is the way a lot of businesses have to pick it up. That is why they keep going for additional sales and looking for ways to get additional sales. They have gotten additional sales in Canada by going through this bidding process which fixes the price.

But what we are saying on page 75 of this bill is that if you sell to Canada, you have to keep selling, you have to keep selling at the same price, and you cannot get out of the game unless—and here is the ''unless'' that I bet you kicks in—unless you are not selling to them. So unless there is some kind of ironclad contract that requires them to continue to do that, Canada is just about to lose its drug supply because they are not going to continue to sell up there at a rate that is below cost—if you are doing it at U.S. costs—if you can jerk that drug.

That is why Canada is a little bit concerned about what we are doing here. First of all, they don't have enough drugs in the pharmacy and enough pharmacies to supply 10 times their population, for the people in the United States, and second, they are worried because their supply will be cut off before this bill goes into effect, so it really doesn't go into effect. That would be the effect of it, that this would be 140 pages of wasted trees.

You have to believe, unless there is an ironclad contract, that is what a business would do. It is a terrible thing to have happen to Canada or the other countries. But that is what happens when you fix prices.

I would mention that on page 115, it begins a section on Internet sales of prescription drugs. I will give them credit for giving it a try. I will not give them credit for having a very complete or safe job on it, but it is a try. It is important for them to try because most of the people in the United States will be ordering their drugs, probably, through the Internet—perhaps over the telephone but not in person.

The examples we have heard of everything working fine have been of people going across the border in a car and buying at a pharmacy. That makes sure the trail of concern and safety is more likely to be there. But the Internet is a little bit more universal. Things can go around the world in a matter of minutes. They can go from one server to another server to another server—you are now covering three countries—and it looks as if it came out of the last country, perhaps, if you want it to look like that. There are a lot of things that can be done. I know the kids would probably understand that more than I would because they are able to do a lot more things on the Internet than I am able to do on it.

I know there are some difficulties with the Internet because the FDA has already intercepted problems and been able to confiscate some drugs that were tremendous problems. They are pretty sure some got into the country and didn't wind up in a situation of death, but they did find out they wound up in a situation where the person was not getting what they thought they were getting and it wouldn't digest and problems such as that. But they have also confiscated a huge amount of drugs which have been sold over the Internet which came into this country and which have a lot of problems.

I had a display up here on the desk. The Senator from North Dakota likes to hold up two pill bottles and say: What is the difference between these two pill bottles? One is the United States and one is Canada. What is the difference in price? And he goes through the pricing difference. But one of the things he ought to go through at the same time is: Can you tell which was made in the United States and which was not? Can you be sure the one you say was made in Canada was made in Canada? I will tell you, there are some absolutely marvelous counterfeits out there.

The box I have here has a couple of examples of confiscated drugs from the FDA. You cannot tell by the box, you cannot tell by the packaging, you cannot tell by the pill. I am even told that if you grind it up, you will wind up with the same components; they are just not put together right, so they don't work. But as long as it is not a lifesaving drug for you, you can get along with it, anyway, you just will not be getting the benefits from the drug. Something to think about.

There is a possibility of improving that section, because one of the amendments that has already been filed is by the Senator from New Hampshire, Mr. GREGG, who has been working this Internet problem for a long time. He has an amendment that is a vast improvement over this section and might be able to greatly enhance and perhaps correct some of the problems that can happen there.

I would mention one more. Page 131, a restricted transaction. See if you have the pharmaceutical literacy to know exactly what is happening here. A restricted transaction means a transaction or transmittal on behalf of an individual who places an unlawful drug importation request to any person engaged in the operation of a registered foreign pharmacy.

Now we have got to know who the registered and unregistered ones are and whether it is lawful or unlawful drugs. Again, there is so much literacy that has to go into this, as opposed to what you get in the United States, that you know it was from the United States.

We probably do pay a premium for our safety. Most people want to be sure they are safe. There is also a little bit of a problem with the bill the way it is written and being able to tell about the wholesale licensure and the pedigrees that go with that licensure. There will be another amendment that will be submitted that hopefully can clear up some of those problems. I hope people will work with us.

As you can see, one of the things we are trying to do is to make a problem better. I think it would have been a lot better if we could have gone ahead and had the drug safety taken care of today, which we were on a track to do, because Senator KENNEDY and I had already worked through all of the amendments that had been turned in, with the exception of the importation one. We had been able to resolve or have them withdrawn for almost everything and could have wrapped it up with a few more votes. But it will take us a little longer now. We are hoping there are opportunities to improve the bill. I know under the procedure of the Senate there are ways to keep people from being able to have votes.

I mentioned a number of times the success Senator KENNEDY and I have

had with the Health, Education, Labor, and Pension Committee, a big bite of the apple, the success we have had in the previous 2 years. Some was because we did not follow an exact procedure of going to a markup and arguing until things were polarized. We took what we could and worked with people through the process, and they trusted us enough to work through the process, so by the time it came to the floor, we had a managers' amendment that covered a lot of the difficulties people had with the bill.

When you put in an amendment, technically the amendment is one way or the other. Oh, yes, there are ways to do second-degree amendments, but you will not see many of those around here, because that is putting in another very concise set of words that is accepted or rejected. They can change the original bill a little, or perhaps a lot. Some of them can be complete substitutes. But they are polarizing, and they do not take care of the technicalities. The advantage of running the bill through this sized body, then through the other end of the building with 435 people, is to get 535 opinions of what ought to be done. Out of 535 opinions, we can usually come up with a pretty good bill. But when an amendment is put in and there is no way to do any correcting, or the only way you can do correcting is another take-it-or-leave-it bill correction to it, it is a very difficult way to get any legislation done.

Our success over the last 2 years of getting legislation done was because we worked this process of continually working until we got to a final product, which meant cleared through conference committee.

But evidently we are not going to do that this year with this piece. It was a significant victory for someone who has worked very hard on it. Senator DORGAN has worked hard on it for a long time. He did an outstanding job of presenting it. Now I am hoping he will work to see that it gets perfected a little bit more. It cannot be perfected in the way we normally perfect it, but a little bit more as we go through the process, and perhaps by about next Thursday we can finish with the bill. It is an extra week of work, but I think this could have been brought up in a separate bill, handled individually, and had some of the same mechanisms for improving it we would normally have in a bill. But that is behind us now. So we continue to work on the bill, and we hope by a week from today we can have this concluded.

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

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. 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. KENNEDY. Mr. President, to review where we are in this debate and discussion, we will be meeting again on Monday next, making critical choices and decisions about the way we are going to proceed. We have made good progress over the course of this week. Some of us were hopeful that we would be able to move toward the completion of this legislation. But this legislation is enormously complex and enormously important.

We have made, as I say, good progress. We have a number of different areas we have worked through over the period of these past days. We will propose a managers' package and we will make the final judgments about the determination of this legislation on Monday next.

Again, we thank all of our colleagues who have worked with us on the legislation. Very quickly, to say again why this legislation is important, and that is because, as we know, the FDA effectively protects the prescription drug supply and our pharmaceutical supplies, medical devices, vaccines, food supply and cosmetics; about 25, almost 30 percent of all of the consumer products. So, it is enormously important that we have the FDA be the gold standard to protect American families, particularly with regard to prescription drugs and with regard to food and other items as well.

So very quickly, and finally, to review exactly what this legislation does and why it is so important, why it is so urgent, why it is so necessary—and this legislation falls in that category—that is why we are urging that we reach conclusion on Monday next.

One of the notorious recent examples of fear that took place in many households this past year, over the period of the last year, was the Vioxx scare, the whole issue and question about those whose lives may very well have been shortened because of Vioxx.

The best way to illustrate what we are talking about in terms of patient safety is how this legislation would deal with a future kind of a Vioxx that might endanger the health of our fellow citizens.

First, can the FDA quickly detect a safety problem with a drug? With the Vioxx situation, the answer was no. Now we have a completely new system, a sort of an information technology system with regard to post-marketing surveillance. We draw on all of the public as well as private systems—the Mayo system, the veterans system, the myriad different systems that will be collecting information. It will be collected in one central place—the FDA—so the Food and Drug Administration can demonstrate that there is a safety problem. There will be notice for the Agency.

Can the FDA require the label changes to warn of safety problems? Under the existing circumstances, there was a negotiation for some 14 months before they were able to resolve that issue. Finally, the drug was withdrawn by the company. If the company doesn't deal with the Agency, the Food and Drug Administration has the authority and power to withdraw the approval and effectively repeal the drug. But that has very important safety considerations because there may be certain populations where this particular drug may be suitable. That is probably true with Vioxx. It is not suitable for the general population but suitable for a particular population. What this does is give the FDA the kind of opportunity for labeling changes to warn of safety problems. It has other alternatives which I will refer to lower in the chart.

Are companies stopped from hiding safety problems? It is extremely difficult because we include the publication of clinical trials so they will be available to the public. This transparency included in this legislation is enormously important. The value of clinical trials is not only important from a safety point of view but also for individuals who are affected by disease and illness. They may make a judgment that they want to enroll in a particular clinical trial and try to remedy their particular health challenge. There will be the registry and the opportunity for them to do that. That has not existed in the way we have done this. That opens up enormous kinds of opportunities for many people who have many of the illnesses and sicknesses we know affect so many of our families. So, we have the safety provision and also the opportunity for people who have those illnesses and diseases to take advantage of this program.

Does the FDA have flexible tools to enforce safety decisions? The answer is yes. This was described well by my friend from Wyoming, Senator ENZI. He talked about the toolbox available to the FDA. It can be included in labeling. It can be included in terms of training of various personnel to administer the drug. It can be included in terms of specialized targeting, particularly groups in the medical profession who have the skills to dispense those drugs. There are a variety of different tools that are in there that do not exist today.

Finally, is the FDA the gold standard for protecting the public health and assuring access? We believe the answer is yes. These are practical examples of how we protect families.

We have another chart which makes this point as well. We had an excellent study done by the Institute of Medicine, an extraordinary group of individuals who reviewed the powers of the FDA and made recommendations. This chart shows we have incorporated in this legislation, by and large, the recommendations made by the Institute of Medicine, with respect to drug safety. We built in the epidemiology and the informatics capacity to improve post-

marketing assessment, using information technology; to make public the results of the post-clinical trial; to regularly analyze post-market study results; to give FDA clear authority to require post-marketing risk assessment and management. If there are additional kinds of requirements in terms of the drug itself, the FDA will have that authority and give better enforcement tools. We also include some civil penalties to make sure this is going to be enforced—that is important—and conduct regular evaluation of a new drug's safety profile. We will continue with post-marketing surveillance. This will be a continuing process to protect the American consumer. It is an enormously important concept to implement this. We will also increase drug safety resources available to the FDA. We have done all of these in this legislation.

We have enhanced the Office of Science, and we have improved significantly the conflict of interest and other provisions.

This gives you some idea. We have an excellent statement from groups who represent 30 million patients: This legislation gives the FDA the ability to continue to study the safety of drugs after approval, flexible enforcement tools necessary to ensure compliance with these new safety protections, and additional funding to support these new activities. Allowing the Agency to act on clear safety signals could actually allow the FDA to approve drugs more quickly, knowing it will have the ability to respond on behalf of patients if safety concerns appear post-market.

That is important. With breakthroughs in the life sciences and different opportunities that are now available, the Agency will feel more comfortable in approving drugs which they may have a speck of doubt about, but they will know that with the kind of review processes we have insisted on in this legislation, they can get on the market quicker and that it can improve the quality of health and safe lives. This is very important: ''knowing it will have the ability to respond on behalf of patients if safety concerns appear post-market.''

This is from the Alliance for Drug Safety that represents 30 million patients, a very solid endorsement of what this legislation is all about.

We have done a similar protocol with regard to food safety as well, of the importance of surveillance. As we would with some bioterrorist threat, it is enormously important that we understand what is happening in a number of these countries around the world, early survey labs, and the follow-on provisions that we have included.

A final point, we have had a debate with regard to the differential that has taken place in the different countries. The presentation has been made. There has now been the pending Dorgan amendment which recognizes this disparity to make some adjustments on this issue in terms of the medicines.

We will move ahead on this. We have other items which have been proposed by our colleagues and on which we are prepared to make some recommendations. We have worked very closely during the evening, early morning with Senator ENZI and our colleagues. We are hopeful we will be able to see a conclusion of this legislation, which is so vitally important to the American people during the early part of next week.

Again, we are enormously thankful to all and extremely grateful to my friend and colleague, Senator ENZI. We look forward to a good discussion and debate and continued progress on this very important bill at the beginning of the week.

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

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

PEACE IN SUDAN

Mr. DURBIN. Mr. President, I rise today to once again address the ongoing violence in Darfur, Sudan.

Hundreds of thousands of people have been killed in that terrible genocide, and millions have been driven from their homes.

This week, the International Criminal Court has issued its first arrest warrants for these murderous crimes. The ICC issued warrants for the arrest of Sudan's so-called Humanitarian Affairs Minister Ahmed Haroun and against a jingaweit militia leader known as Ali Kushayb. Sudan says there is no need for such a trial and that its own courts are capable of prosecution. This is the very same Government that has helped orchestrate this campaign of violence, a government wheree courts are more likely to prosecute rape victims than the men who attack them. That is why we need international action in response to these crimes against humanity.

Mr. Haroun, who today serves as Sudan's Minister for Humanitarian Affairs, was in charge of Darfur in 2003 and 2004, at the height of the killing.

The jingaweit commander, who is the second man named in the warrant, commanded thousands of militia members and is accused of promoting rape and torture as part of his war strategy. The Sudanese Government claims he is in custody, but witnesses have told reporters that in reality he has been traveling in Darfur under police protection.

These arrest warrants are a significant, if small, step toward justice, but there is so much more the world must do to bring peace, justice, and security to the people of Darfur.

Recently, President Bush delivered a speech at the Holocaust Museum, promising that unless Sudan agreed to a full-scale peacekeeping mission and took other steps, then the United States would expand unilateral sanctions against the Sudanese—in the President's words—''within a short period of time.'' The President also stated he would press for multilateral sanctions through the United Nations. Both are important steps. I wish they had been taken far earlier, but they are still welcome steps.

Deputy Secretary of State John Negroponte recently returned from Sudan. The report on his trip was not encouraging. He told us that Sudan's President Bashir continues to stand in the way of a full-scale U.N. mission. He also said Bashir is not taking steps to disarm the militia that have terrorized villages in Darfur, with the Khartoum Government's tacit, if not open, support.

I know President Bush had planned to announce new sanctions at his speech at the Holocaust Museum. He agreed to delay implementing further measures in response to a strong personal request from the Secretary General of the United Nations.

We cannot solve Darfur alone. It will take many nations. I understand why President Bush felt compelled to give the United Nations an opportunity. But the world cannot wait long, and the people in Darfur certainly cannot be asked to wait any longer. The violence there is entering its fifth year.

A new report by the International Crisis Group, a nongovernmental organization working to prevent conflict across the world, spells out the urgency. This report states that combat in Darfur is rising, and the Sudanese Government continues to rely on aerial bombardment and raids by the jingaweit militia as its tactics of choice against its own people.

The Crisis Group report also spells out the complexity of what is happening there. The report states:

> Darfur is the epicenter of three overlapping circles of conflict.
>
> First and foremost, there is the four-year-old war between the Darfur rebel movements and the government, which is part of the breakdown between Sudan's centre—the National Congress Party in Khartoum, which controls wealth and political power—and the marginalized peripheries.
>
> Secondly, the Darfur conflict has triggered a proxy war that Chad and Sudan are fighting by hosting and supporting the other's rebel groups.
>
> Finally, there are localized conflicts, primarily centered on land tensions between sedentary and nomadic tribes.
>
> The regime has manipulated these to win Arab support for its war against the mostly non-Arab rebels.
>
> International interests, not least the priority the U.S. has placed on regime assistance in its ''war on terrorism'' and China's investment in Sudan's oil sector, have added to the difficulty in resolving the conflict.

This report calls for implementation of a full-scale peacekeeping mission and the need to revitalize the peace process itself. Peacekeeping troops can help keep civilians protected. International mediators from the African

Union and the United Nations must also help the rebel groups and the Sudanese Government reach a more broad-based peace agreement. The first requirement, however, is getting peacekeepers into Darfur. Conflict is rising. The humanitarian space is shrinking. It is becoming harder and harder for many relief groups to reach those in need.

In testimony before the Senate Foreign Relations Committee on April 11, Special Envoy to Sudan Andrew Natsios stated that Secretary General Ban Ki-moon had requested a 2- to 4-week window in order to pursue diplomatic negotiations with Khartoum before any additional measures were taken. May 11, just a few days away, will mark a full month since Mr. Natsios's testimony. On that date, if Khartoum has not acted to take the necessary steps toward peace, I hope President Bush will launch expanded, hard-hitting U.S. sanctions and seek to pass a United Nations Security Council resolution with meaningful multilateral sanctions.

We need to strike out economically where it will hurt—against Sudan's oil industry. And I hope that China, which sits as a permanent member of the Security Council and represents Sudan's biggest oil customer, will join in our efforts. China buys 70 percent of Sudan's oil, and reportedly the Khartoum Government spends 60 to 80 percent of its oil revenue on its military. The Sudanese Government uses that military against its own people, especially in Darfur.

As a rising power, as the host of the next Olympics, and as a member of the Security Council, it really is China's responsibility to use its influence to convince Sudan to accept the full-scale peacekeeping mission that is really needed. China has helped convince Sudan to say it will accept 3,000 U.N. peacekeepers, but far more than that is needed, and Beijing can play a pivotal role in bringing peace to Darfur. The statement made by the Chinese Government a few days ago was encouraging, but it was a very modest statement when you consider the magnitude of this genocide.

Today, there are fewer than 7,000 underequipped African Union peacekeepers spread across Darfur—an area the size of Texas but Texas without roads or infrastructure.

The cause of Darfur has captured the hearts of millions of Americans. This past weekend, in Chicago and in cities across the Nation and around the world, thousands of people gathered in support of the people of Darfur and in support of efforts to divest from companies that invest in Sudan.

I should also mention that this same weekend, at Soldier Field in Chicago, thousands of young people gathered in support of the ''Invisible Children'' of Uganda. These children have also been victimized by years of war, and indeed the conflicts in Northen Uganda and Sudan are intertwined.

For years, the Sudanese Government has supported and assisted the Lord's Resistance Army, which has terrorized northern Uganda.

One of the focal points of the Sudan rally last weekend was to support legislation introduced by my friend, State Senator Jackie Collins of Chicago. She is a wonderful leader on this issue. She has shown such persistence and courage, pushing for divestment so that Illinois, my home State, can have maximum impact to end this genocide. Her bill would divest State pension funds and other investments that add to the coffers of the Sudan Government.

At the rally, participants also supported efforts here in Congress, which Senator JOHN CORNYN and I have introduced, to express Federal support for States, universities, and others that choose to divest.

This movement is expanding, not just here at home but abroad as well. Rolls-Royce has announced it is withdrawing from Sudan. According to media accounts, including the Associated Press, the Ford Motor Company, which produces Land Rovers, will no longer sell Land Rovers in Sudan. According to these press accounts, Ford made this decision after the Securities and Exchange Commission sent the company an inquiry asking about reports that some Land Rovers may have been used by military or paramilitary organizations.

This Saturday, Berkshire Hathaway, one of the largest and most respected investment firms in the country, will convene a shareholder meeting. Warren Buffett, who runs Berkshire Hathaway, has agreed to put the divestment question on the agenda.

The divestment movement was launched on college campuses. It is now reaching the boardrooms of major corporations and the agenda of shareholder meetings. Divestment is one tool among many, along with U.S. and U.N. sanctions, increased penalties for violations of U.S. law, stepped up engagement by China, and a commitment to reengage the peace process itself.

I have made these points before, but we must not let the Sudanese Government think that the often limited American attention span will wander away from Darfur. We will not blind ourselves to genocide, and we will not grow fatigued by more news stories of suffering in this distant place. We must do, in every way possible, what we can do as individuals, as Members of Congress, and as Americans who care, Americans who have said when it comes to a genocide: Never again.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I appreciate very much Senator DURBIN's words on Darfur and how he continues to keep that issue in front of the American public, and how important it is that the assistant majority leader do that.

I rise to speak on behalf of the Dorgan amendment, the reimportation amendment, which will mean major cost savings to Americans when they buy prescription drugs. Several times over the last decade as a Member of the House of Representatives from a district in northeast Ohio, including Lorraine, Akron, and Medina, I took busloads of senior citizens to Windsor, Ontario to buy prescription drugs—a rather peculiar thing perhaps for a Federal official to do, to take people to another country to buy a consumer good. But what all of us know in this Chamber and most of the American people who have paid attention to this and understand, is that the same drug, the same dosage, the same manufacturer, often the same packaging—that those prescription drugs cost one-half, one-third, and sometimes as little as one-fourth in Canada what they cost in the United States. So we would take busloads of mostly seniors across I90 on the turnpike, up through Toledo, into Windsor, Ontario to buy prescription drugs and save seniors several hundred dollars, sometimes several thousand dollars a trip for each of them.

The opponents of the Dorgan amendment, the opponents of reimportation, for years—and when I was in the House they used these same arguments—have continued to use the issue of safety, as if the drugs you buy at Hunter's Pharmacy in Windsor, Ontario are any less safe than the drugs you buy 3 miles away across the bridge in Detroit, MI, or 50 miles down the road or 60 miles down the road in Toledo, OH. The fact is that issue is a smokescreen. We know that drugs sold in Canada often are drugs that are made in the United States. Lipitor is a drug made in Ireland. It is sent to Canada or it is sent to Steubenville, OH. It is the same drug, the same packaging, the same dosage, the same manufacturer, and it is every bit as safe in Steubenville, OH, as it is in Windsor, Canada, or just as safe in Windsor as it is in Steubenville.

Let me talk for a moment about the whole issue of the safety of these drugs. Importation, I believe, as Senator DORGAN does and as do so many in this Chamber, as do I believe 62 Senators who voted for cloture, importation is safe for drugs and for other sensitive commodities. In the year 2000, for example, the Pentagon imported Anthrax vaccine from Canada for U.S. troops. There was no question as to whether it was safe. Of course it was safe, and it mattered, and it protected our troops. The U.S. imports guns and explosive chemicals, uranium, food, pacemakers, heart valves, and other medical devices safely. Again, we are able to make sure these drugs are safe.

If the Federal Government can put a man on the Moon, they can certainly ensure the safety of imported prescription drugs. The Federal Government that says it can build a nationwide missile shield with thousands of precisely coordinated weapons and sensors can ensure the safety of imported prescription drugs. The Federal Government that says it can develop hydrogen-powered cars within 15 years can

surely ensure the safety of imported prescription drugs. A Federal Government that says it can safely ship and store thousands of tons of nuclear waste can surely ensure the safety of imported prescription drugs.

What is the real safety issue? The real safety issue is not whether a consumer from Ohio, from Ashtabula, driving up to Canada, driving through Erie, PA, into Buffalo and across the river into Ontario, can't buy the same safe drug with the same safe drug regimen in Ontario as that consumer does in Ashtabula. The issue about drug safety is that, frankly, unaffordable drug prices are what compromise the safety of these drugs.

Let me give a couple of examples. The drug companies' pricing policies compromise the health and safety of U.S. patients in this way: A study completed last year found that seniors who can't pay what the drug companies demand fill fewer of their prescriptions. That means the doctor is telling the patient that the patient should take this drug the doctor prescribed and the patient is not fully filling the prescription, so the patient is compromising his or her safety. Another study found that thousands of seniors with serious health problems reported they skipped doses to make prescriptions last longer. My wife last year was in a Shaker Heights drugstore—a generally affluent suburb west of Cleveland—and standing in line behind a patient who was trying to negotiate the price with the pharmacist. The patient asked if there was any way she could get the drug less expensively. The pharmacist said: This is the only price I am able to charge. The elderly woman said: How about if I just skip today and take the drug every other day, and the pharmacist said: You can't do that. It would compromise your health. The lady said: How about if I cut the pill in half and take a half a pill every day, and the pharmacist cautioned against that. When she walked away, my wife said: Does that happen often? The pharmacist said that happens every day, all day.

A 2001 study determined that patients were choosing less effective alternative medicines instead—pill-splitting, for instance. Patients will sometimes buy doses larger than appropriate for their condition in order to save money, and then divide the pills with a knife. That kind of pill-splitting is on the rise. Some health insurers actually require their enrollees to do it. The VA encourages it. Florida's Medicaid Program requires its beneficiaries to split their antidepressant medication that way. This controversial practice raises important safety concerns, all because of cost. It is why Medicaid, why the VA, and why health insurers require their enrollees to do it. The American Medical Association, the American Pharmaceutical Association, the American Society of Consultant Pharmacists, all oppose this pill-splitting.

The Miami Herald last year reported that a recent study of 11 commonly split tablets found that eight of them, after splitting, no longer met industry guidelines.

A spokesman for the drugmaker Pfizer told the Washington Post:

> We don't recommend it for patients. Splitting can lead patients to receive too much or too little medicine.

All of this happens because of the pricing of prescription drugs.

So when the opponents of the Dorgan amendment say we can't guarantee the safety of these prescriptions we get from Canada, that Drug Mart or CVS might buy wholesale from Canada, that these can't be guaranteed safe—they can be guaranteed safe just as well as CVS or Drug Mart going to an American wholesaler the FDA has approved. The real safety issues are when patients cannot afford the high cost of these drugs and either don't fill the prescription or take the drug every other day or cut the pill in half so their prescription lasts twice as long for the same costs. Those are the real problems.

Only the Dorgan amendment will save money. When you think about what has happened with drug costs in this country, the Alliance for Retired Americans issued a comparison this year of United States and Canadian retail prices for 20 popular medicines. Compared to Canadian citizens, United States customers pay 20 percent more, for instance, for their high blood pressure medicine Norvasc, 60 percent more for their cholesterol medicine Pravachol, 100 percent more, twice as much, for the heartburn drug Prilosec, 200 percent more, 3 times as much, for the heart medicine Toprol XL, and 750 percent more for the breast cancer medicine Tamoxifen—750 percent more.

Many of these drugs were developed by U.S. taxpayers through National Institutes of Health grants. Yet the drug companies thank American taxpayers for doing all this research by charging Americans 750 percent more for Tamoxifen that will save the lives of women who have breast cancer, and by charging 3 times more for heart medicine, and by charging 3 times more for another drug or 60 percent more for cholesterol medicine. The fact is, again, that safety is compromised because of the high price of these drugs.

In 2001, U.S. consumers filled 24 million prescriptions for the arthritis medicine Celebrex and another 23 million prescriptions for the arthritis medicine Vioxx. Using the ARA price differential of about $41 for Celebrex and $46 for Vioxx, U.S. consumers spent almost $1 billion more for Celebrex in 2001 than Canadian consumers, and over $1 billion more for Vioxx than did Canadian consumers.

No wonder so much is at stake in the Dorgan amendment. It saves consumers billions—$50 billion is I think the number he used on the floor yesterday—$50 billion. This saves American consumers billions of dollars. That means individual seniors out of pocket, it means insurance companies, it means taxpayers, it means the VA, it means all of us would save significant amounts of money. But we know what is at stake because the drug companies are going to make that much more money as a result.

That is what this is all about. It is all about drug companies protecting their profits, increasing their profits. We all know the drug industry—and this amendment is not against the drug industry. It is for consumers. It is for taxpayers. It is for small businesses. It is for insurers. It is for the payers, people who are paying for these expensive drugs. But we know that in this institution, in the Senate and down the hall in the House of Representatives, it is all about drug company lobbyists, hundreds and hundreds and hundreds of drug company lobbyists fighting to keep their profits, to expand their profits. It is an industry that over the last 20 years has been the most profitable industry in America, year in and year out, exceeded only a couple of years by the oil industry. But typically, in a normal year, the drug industry's return on investment, return on equity, return on sales is far and away the most profitable industry in this country.

The U.S. market accounted for 60 cents of every dollar in revenue for the 10 biggest drugmakers. The 10 biggest drugmakers in 2001, for instance, their revenue was $217 billion more than the gross domestic product of Austria. They had profits of $37 billion—more than the Government spent on VA health care, more than the entire budget that year for the U.S. Department of Housing and Urban Development; profit margins of over 18 percent, 3 times the average of other Fortune 500 companies. These companies charge too much. They get much of their research done by the U.S. Government, and then they are charging these kinds of prices, which compromises the safety of seniors who struggle to pay for these prescriptions that their doctors have ordered.

In addition, when you think about what these skyrocketing drug prices mean—health care overall, and especially skyrocketing drug prices—just for American families, not just for seniors but for taxpayers and for small businesses—prescription drug costs increased almost 19 percent in 2002. Medicaid prescription drug costs increased a similar amount in 2001. Private health insurance premiums grew 15 percent and are projected to grow another 14 percent this year. Small employers saw HMO premiums increase 25 percent. This is consistently, 25 percent, 15 percent, 10 percent, year to year to year. What that means is because of the high cost of drugs, it is not just compromising the safety of our seniors, it is also hurting our small businesses. It also means that in too many cases, American companies simply have difficulty internationally competing with other countries, because they want to take care of their

own employees and provide prescription drug coverage for them.

The Dorgan amendment makes sense for small business. It makes sense for taxpayers. It makes sense especially for seniors who are taking these prescription drugs. Pure and simple, it makes sense for our country. If we care about the safety of seniors and the safety of drugs, don't buy the argument that these drugs are contaminated or adulterated or not safe. The fact is we know the drugs that are sold in pharmacies in Canada or Great Britain or by pharmacists in those countries or pharmacies in Japan or Israel and Germany are safe. They have a regimen like FDA to protect the safety of their drugs. The issue here is whose side are you on? Are you on the side of seniors, on the side of taxpayers, on the side of small business, or are you going to side with the drug companies? It is pretty clear where people line up in this institution.

I ask my colleagues in the Senate to support the Dorgan amendment when it comes to a vote next week.

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

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

Mr. NELSON of Florida. Mr. President, I rise to support the Dorgan amendment of which I am a cosponsor. Senior citizens in Florida in the year 2007 should not be in a position, as some are, of having to make a choice between buying groceries or buying their medicine. Unfortunately, there are some seniors who have to make that choice. Ultimately, once we get the Medicare prescription drug law changed that will ultimately bring down the cost of those prescriptions, that will solve the problem.

I might say that the private marketplace is starting to have an effect. It was some several months ago that Wal-Mart announced it was going to start selling, for $4 per prescription for a 30-day supply, generic drugs from a compendium of over some 200 drugs. That program has been successful. And, of course, others, such as Target, have picked up and started that program as well. So we are seeing that the marketplace is starting to have some say in this.

But with regard to the delivery of these drugs, senior citizens are having difficulty, even under what is supplied by Medicare right now. Until we have, eventually, the ability of Medicare to use its bulk purchasing power in order to negotiate prices of drugs—something the Veterans' Administration has been doing for years—until that occurs, along with the effects of the marketplace, along with the entry of generic drugs—until all of that happens, we are not going to see the cost of these drugs brought down to where in America today we do not have a senior citizen making a choice between buying groceries or buying their prescription medicines. In the meantime, there is something we can do about it; that is, we can allow senior citizens to purchase drugs from Canada, where often the price is one-half of what they get those drugs retail here.

This Senator has been involved in this because, naturally, my State has the highest percentage of the population that is 65 and older. Naturally, when their shipments of drugs coming from Canada are interdicted, as they have been by Customs over the last several years, guess who they are going to call. I get involved in this, and then I have to get ahold of the Customs Department to find out why they are doing this. I have to get ahold of the FDA, and I get conflicting messages.

A couple years ago, I spoke to the acting head of the FDA. He said that, as a policy, we do not have any objection to a limited supply—and he named that as 90 days or less—for personal use. Naturally, the FDA has to be concerned about the safety of large quantities of counterfeit drugs. That is what we want to protect. That is what we want Customs to be going after.

He pointed out that all of the counterfeits we have to go after—it is not the individual senior citizen wanting a limited supply, 90 days or less, for personal use coming from a Canadian pharmacy; that is not a threat to the health of our people.

Last year on the floor, Senator VITTER of Louisiana and I coauthored and offered an amendment, and it passed. It would have allowed what I just described. That bill went to the House in a conference committee and, because of the power of the pharmaceutical industry, they watered it down so that instead of the senior citizen being able to order by mail, by Internet, or by telephone, what became law was that they could bring it personally across the border. Well, that may do somebody good in Michigan or in North Dakota, but it is obviously not going to do senior citizens in other parts of the country, including Florida, any good.

Thus, until we can get this equilibrium of the marketplace by bulk purchases, by additional generics—all the time—and there is an interest, I agree, of the pharmaceutical industry, protecting them with those patents so they can recoup research and development costs but not to keep extending that patent after the life of the patent so that the generic can never get to the marketplace—until we can get all of those things straightened out, we simply have to bring some relief to our people. Albeit this is just one small way of doing it, it is an important step to allow the purchase from Canadian pharmacies. It is the same drug, made in the same pharmaceutical facility, that we get here. Indeed, it is even the same packaging, except it is sold through a Canadian pharmacy at half the price.

I am as reasonable as any Senator in trying to work out an accommodation with certain interests that want to protect their turf, but this has simply gone too far. As the Senator from Ohio has just given a number of examples his wife was observing at the counter of the pharmacy, so too have I witnessed this among seniors.

A lot of the seniors today came out of the ''greatest generation.'' We have an obligation to them, and no senior citizen should not be able, either through a Government program such as Medicare or a Government-subsidized program, through Medicaid—if they don't get their pharmaceuticals from one of those, they simply should not be in a position where they have to cut those pills in half or take them every other day or not be able to take those pills at all.

When Medicare was set up back in the mid sixties, we didn't have the miracles of modern-day drugs; there wasn't a Medicare prescription drug benefit back then. Now, thanks to—kudos ought to go to the pharmaceutical industry, and the money we vote here for the research that goes through a lot of our scientific and medical institutions, federally funded money that goes to that research, the commendations ought to be all the way around the block, including the pharmaceutical companies. But we have to take the view that we cannot keep looking out for our own selfish interests all the time. We have to look to the greater good. When there is a part of America that is hurting, we have to address it.

It is for those reasons that I am a cosponsor of this amendment. I was quite heartened when, earlier today, we got the necessary 60 votes in order to break the filibuster and proceed with the amendment. I hope that once we pass it here in this Chamber, it will not be stripped off when it gets to the other Chamber.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

Mr. REID. Mr. President, this is regarding the substitute amendment to S. 1082.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute amendment, as modified, to S. 1082, the FDA Revitalization bill.

Ted Kennedy, Dick Durbin, Byron L. Dorgan, B.A. Mikulski, Patty Murray, Claire McCaskill, Amy Klobuchar, Sherrod Brown, Jack Reed, Herb Kohl, Charles Schumer, Christopher Dodd, Barbara Boxer, Bill Nelson, Jeff Bingaman, Debbie Stabenow.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

Mr. REID. Mr. President, this is calendar No. 120, S. 1082.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 120, S. 1082, the FDA Revitalization Act.

Harry Reid, Jeff Bingaman, Patrick Leahy, Russell D. Feingold, H.R. Clinton, Patty Murray, Bernard Sanders, Frank R. Lautenberg, Christopher Dodd, Dianne Feinstein, Ted Kennedy, Benjamin L. Cardin, Benjamin Nelson, Bryon L. Dorgan, Kent Conrad, Dick Durbin, Jack Reed.

Mr. DURBIN. Mr. President, I rise today to discuss two amendments that I have filed to this bill, Nos. 1027 and 1023. I do not intend to offer them at this time, but they raise important issues that I would like to highlight.

I want to begin by thanking the chairman, Senator KENNEDY, and ranking member, Senator ENZI, for their hard work on this bill. Together, we made significant progress yesterday by adopting an ambitious amendment to improve our food safety system for both humans and pets.

I also want to thank Senators KENNEDY and ENZI for agreeing to work on a comprehensive food safety package. That commitment is not taken lightly, and I look forward to working with them on this comprehensive package.

Although we took great strides yesterday with respect to food safety, there are two important areas where the FDA is limited in its ability to protect our food supply. These weaknesses have been exposed in recent recalls: the E. coli spinach contamination; the peanut butter recall; and, most recently, the expanding pet food recall that has entered, or at least come very close to entering, the human food supply.

The first weakness is that the FDA lacks the authority to issue a recall or pull defective products from shelves to protect consumers.

This is surprising to many people, but here is a quote from the FDA website, summarizing its recall authorities:

The manufacturers or distributors of the product carry out most recalls of products regulated by FDA voluntarily. In some instances, a company discovers that one of its products is defective and recalls it entirely on its own. In others, FDA informs a company of findings that one of its products is defective and suggests or requests a recall. Usually, the company will comply.

This is true. Most often, companies comply, and there are penalties for failing to recall.

However, sometimes companies recognize that they have a problem but choose not to recall a product because they are afraid of upsetting consumer confidence or losing market share. The FDA has reported multiple instances of firms failing to recall or recall in a timely fashion.

In the pet food recall, companies have time and time again expanded their recalls, and the process has lasted more than 6 weeks. Just yesterday Menu Foods, the first company to recall on March 16, 2007, expanded its recall yet again. This recall was for products made during the same period of time as the other recalled products announced on March 16. Menu Foods has also announced an expanding date range of contaminated product.

This same weakness was on display in 2002 in the ConAgra beef recall.

Unfortunately, without the power of mandatory recall, the FDA is in a weaker position to force companies to announce recalls quickly or to thoroughly study the extent of a recall. The result is slow, uneven, voluntary recalls that leave consumers at risk.

The Consumer Protection Safety Commission, the EPA, and even the FDA with respect to infant formula have recall authority. Why, then, does the FDA not have that authority for the other foods it regulates?

This authority would expedite the speed and thoroughness of voluntary recalls, protect consumers, and protect industries against bad actions that threaten consumer confidence.

A revision of recall authority is very much overdue, and my amendment would provide that. I hope that this issue will be seriously considered in the broader package of food safety reform.

The second area I would like to raise is the lack of resources for the FDA's food safety efforts.

One of the most significant aspects of the pet food recall and other food contaminations we have observed in recent years is that the FDA is struggling with its increasing responsibilities and its current level of resources.

If we look at the increasing volume of food that the United States imports each year, it is clear why this is a problem. In 2003, the United States imported $45.6 billion of agricultural products. Today, that number is $64 billion. Agricultural imports from China alone have nearly doubled from $1.2 billion to $2.1 billion.

Much of the responsibility for overseeing and inspecting the safety of these imports rests with the FDA. However, due to fairly flat budgets, the overall number of inspectors looking at these shipments and at domestic food processors actually has decreased from 2003 to the present from a level of more than 3,000 inspectors to about 2,700 inspectors today.

Less than 1.5 percent of these imports are inspected by the FDA, and the FDA lacks the resources and authorities to certify the standards of our trading partners.

This situation presents an economic, public health, and bioterrorism risk to the United States. The CDC estimates that 76 million Americans become sick from food borne illnesses each year. More than 300,000 are hospitalized and 5,000 die each year.

We clearly need to review the FDA's funding to ensure it has the resources necessary to safeguard the 80 percent of our food supply that it is responsible for regulating.

The FDA office that is responsible for food imports, the Center for Food Safety and Nutrition, is also responsible for regulating $417 billion of domestic food and $59 billion of cosmetics. This includes points of entry into the United States, approximately 300,000 food establishments, and 3,500 cosmetic firms. President Bush has requested only $467 million for fiscal year 2008 for this department to regulate all of this activity, and only $312 million of that amount would be for inspectors.

Therefore, I am pursuing two tracks in this area. Last week, I sent a letter to Chairman KOHL and Senator BENNETT of the Agriculture Appropriations Subcommittee, which funds the FDA, asking for a significant increase in the level of funding for the FDA Foods Program. I hope my colleagues will join me in this effort.

Secondly, the amendment I have filed to this bill would direct the Secretary of Health and Human Services to study the feasibility of a user fee program for foods that would incorporate lessons learned from the prescription drug user fee program. This study would present various options on creating a user fee program for foods that could increase the resources and capabilities of the FDA in this area. Specifically, it calls for legislative recommendations that analyze the expected revenues for the FDA, as well as the costs to industry by sector.

For the sake of improving food safety, I think it is vital that we explore the various options for providing the FDA with adequate resources.

Again, I will not offer this amendment at this time, but I hope my colleagues will join me in supporting such a study in the future as Congress deals with broad food safety reform.

Mr. HATCH. Mr. President, a number of questions have been raised about how the Durbin amendment on food safety, adopted yesterday by a unanimous vote, would affect regulation of dietary supplements.

I wanted to take this opportunity to clarify the record.

First, let me indicate my support for the efforts of the Senator from Illinois, Mr. DURBIN. The recent misfortunes

with peanut butter, spinach, and pet food show me that our Nation's food safety policies are pitifully lacking. Therefore, I am supportive of Senator DURBIN's work and also the considerable work of Senator ENZI and his staff to resolve problems that were found with the draft amendment.

For the edification of my colleagues, section 201ff of the Federal Food, Drug and Cosmetic Act, FFDCA, contains the definition of dietary supplements. That definition includes a proviso that supplements are to be considered foods, except in the instance when a product makes a drug claim. In other words, by Federal law, dietary supplements are generally considered to be foods.

It is for this reason that the language of the original Durbin amendment establishing a new adulterated food registry could have been read to apply to dietary supplements.

This raised problems for me, and indeed for our colleague Senator HARKIN, since we had spent more than 2 years working with Senators DURBIN, KENNEDY, and ENZI to draft, pass and enact the Dietary Supplement and Nonprescription Drug Consumer Protection Act, Public Law 109–462. That law authorizes a new program so that reports of serious adverse events related to the use of a dietary supplement or over-the-counter drug would be reported to the Food and Drug Administration, FDA, on a priority basis.

As I said, the Durbin amendment contemplates a new adulterated food registry. Under the provisions establishing that registry, reports of adulterated foods would be made by many, if not all, of the same parties who are required to file reports of serious adverse events associated with the use of dietary supplements under Public Law 109–462. And so passage of the Durbin amendment could be seen to supersede the law we enacted last year for supplements, which I am relieved to hear was not the intent of our colleague, Senator DURBIN.

Consequently, the amendment we adopted yesterday contains language that Senator HARKIN and I suggested to make certain that dietary supplements would not be covered by the new food safety language and thus last year's law would not be superseded. To reassure those who are interested in the Dietary Supplement Health and Education Act, DSHEA, I wanted to take a moment to outline those changes.

First, there is new language in the section establishing the adulterated food registry to express the sense of the Senate that: (1) DSHEA has established the legal framework to ensure that dietary supplements are safe and properly labeled foods; (2) the Dietary Supplement and Nonprescription Drug Consumer Protection Act has established a mandatory reporting system of serious adverse events for nonprescription drugs and dietary supplements sold and consumed in the United States; and (3) the adverse events reporting system under that act will serve as the early warning system for any potential public health issues associated with the use of these food products.

In addition, language contained in the Durbin amendment modifies the definition of supplement contained in 201ff of the FFDCA so that supplements will not be considered foods for the purpose of the new adulterated foods registry. This in no way would alter the time-honored conclusion of the Congress that supplements are to be considered foods. On the contrary, all it would do is exempt supplements from the registry.

These changes, all contained in the amendment which was approved yesterday, make clear that there are no new dietary supplement requirements in the Food and Drug Administration Revitalization Act. It is my hope this will reassure the many who have expressed concern that Congress was inadvertently repealing Public Law 109–462.

Mr. KOHL. Mr. President, I rise to make a correction to the record. Earlier today, I erroneously named Senator LEAHY as a cosponsor of my amendment No. 991. Senator LEAHY is not a cosponsor of this amendment.

I thank the chair.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators allowed to speak therein for a period of up to 10 minutes each.

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

THE SYMBOLC TRANSFER OF THE HISTORIC WALDSEEMÜLLER MAP

Mrs. FEINSTEIN. Mr. President, as chairman of the Joint Committee on the Library, I want to take this opportunity to recognize the symbolic handover of the historic 1507 Martin Waldseemiller Map from German Chancellor Angela Merkel to the American people. This event took place Monday at the Library of Congress.

The map is often referred to as ''America's birth certificate.'' It was designed and printed by Martin Waldseemiller, a 16th century scholar and cartographer who worked in France. This mapmaker departed from accepted knowledge of the world at that time. He portrayed, in remarkably accurate fashion, the Western Hemisphere separating two huge and separate bodies of water, the Atlantic and Pacific Oceans.

There were 1,000 copies of the map printed from woodcuts, but only a single surviving copy exists today. The Library of Congress worked for decades to acquire this map from its owners. The map was housed for more than 350 years in the 16th century castle belonging to the family of Prince Johannes Waldburg-Wolfegg in southern Germany. The map was long thought lost, but it was rediscovered in storage in the castle in 1901.

In 1992, knowing of the Library's great interest in acquiring the map, Prince Waldburg-Wolfegg notified the Library that the German national government and the Baden-Württemberg state government had granted an export license. This license permitted the map, which is considered a German national treasure, to come to the Library of Congress.

The purchase of the map was accomplished through a combination of appropriated funds and matching private funds. Congress has played an important role in making this acquisition possible, as it has throughout the Library's history. Congress's first major purchase was Thomas Jefferson's library, which is the seed of the vast collections the Library holds today. Another once-in-a-lifetime purchase made possible by congressional support is the Gutenberg Bible, which is on display in the Jefferson Building.

The Library will begin displaying the map to the public in the Thomas Jefferson Building later this year. The map will be part of the Library's new visitor's experience. As an important acquisition to the Library's treasures, the map will be on view for limited periods of time as preservation standards permit.

AMERICA COMPETES ACT

Mr. DOMENICI. Mr. President, I would like to speak for a brief moment about recent Senate approval of the America COMPETES Act.

This legislation is the product of several years of work by many individuals here in the Senate and it was immensely gratifying to see this bill pass the Senate. For the last 3 years Senators from numerous committees, Republicans and Democrats, have worked together on this legislation. They saw America falling behind the rest of the world in math and science and realized the need to do something. Well I believe this bill is going to do that something. It will double spending on physical science research, provide money to recruit 10,000 new math and science teachers and retrain hundreds of thousands of our existing ones. This bill is a huge step in the right direction for our country, a step that could not have been taken by just one Senator or one party. In these often partisan times, the America COMPETES Act is a fine example of what this body can accomplish when it works together in a bipartisan manner.

I am very proud of the work my colleague from New Mexico Senator BINGAMAN, Senator ALEXANDER and I put into this legislation. I am proud that the members of our committee, Energy and Natural Resources, continue to work in this bipartisan way.

Additionally, I ask unanimous consent that two articles concerning the America COMPETES Act, one from the

Santa Fe New Mexican, the West's oldest newspaper, and one by David Broder of 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 Santa Fe New Mexican, May 3, 2007]

JEFF, PETE PROVIDE BOOST FOR SCIENTIFIC RESURGENCE

David Broder's right: Senate approval of the America COMPETES Act, he notes in today's column, is big news. This nation lurched from lethargy to the moon during the dozen exciting years that followed Russia's launch of a man-made earth satellite—then most of us went back to our beer and barbecues, leaving all too few dedicated individuals fighting to keep us in the big leagues of pure science and high technology. Thus this act.

It might have gotten short shrift from the national press, but the importance of this bill wasn't lost on The New Mexican's Andy Lenderman: He reported, on the front page of our local news section Saturday that this was overdue action on the math-and-science front.

The measure, the full name of which is America Creating Opportunities to Meaningfully Promote Excellence in Education and Science Act of 2007—an aggravating cuteness whose creator should be banished to Madison Avenue—features a four-year, $16-billion authorization of new money to invest heavily in physical-sciences research, recruitment of new math and science teachers nationwide, while updating those in the field. It would be part of a $60 billion campaign to put America back—and in some areas keep it—at the cutting edge of theoretical and applied science.

Lenderman noticed that the bill, with Majority Leader Harry Reid's sponsorship, was approved by an 88–8 tally. But at least as important as the political weight was the groundwork laid by New Mexico's senators:

Jeff Bingaman, who has spent so much of his Capitol Hill career urging his colleagues to support the sciences and academics in general, sponsored a 2005 study—the report of which carried a title both ominous and promising: ''Rising Above the Gathering Storm.'' It told our nation of the challenge from China, India and other nations in science and technology—which could cost our country its competitiveness in world markets.

If evidence were needed to support that concern, we need only look at our schools: Only 29 percent of eighth-graders nationwide tested proficient in science. In New Mexico, only 18 percent did.

This isn't a Sputnik situation of 50 years ago, where within four months America had its own satellite in orbit while back on earth science fairs were the rage; this is a case of math-dedicated cultures creeping past one of B.A. generalists dedicated to fun, comfort and prestige predicated on material goods.

It'll take more than money to rebuild momentum: Some of America's many Renaissance-person scientists must be persuaded to sing the glories of research—or at least the joys and rewards of what sometimes results from it. Computers as tools and toys, too, should help.

What's great is that Bingaman and fellow Sen. Pete Domenici, so often teammates in bipartisan congressional initiatives, have put their skills and influence together for this push. They're their parties' highest-ranking members of the Energy and Natural Resources Committee, and Domenici still is influential on the budget and appropriations committees.

New Mexico, with its national scientific laboratories, stands to benefit from this initiative—which comes, we hope, en buena hora for the people of our region: Just last week, contractors at Los Alamos National Laboratory laid off scores more of the workforce.

The construction and maintenance people there have always been at the mercy of LANL's whims, and those of its academic and technical allies. But some of their children are seeing the need for higher education to provide them more steady work. The America COMPETES Act could raise awareness of, and provide support for, generations of homegrown scientific and technical people.

The bill still must make it through the House of Representatives—and as Broder implies, our nation's news media could and should help the effort along.

[From the Washington Post]

COMPETES ACT IS REAL BOOST, REAL NEWS

(By David Broder)

On Monday, with few of his colleagues present and the Senate press galleries largely unoccupied, Sen. Lamar Alexander of Tennessee took the floor to make one of those personal statements that fill the Congressional Record, but rarely go any further.

''Last week,'' he said, ''while the media covered Iraq and U.S. attorneys, the Senate spent three days debating and passing perhaps the most important piece of legislation of this two-year session. Almost no one noticed.''

Alexander has a point. The bill, boldly named ''the America COMPETES Act,'' authorized an additional $16 billion over four years as part of a $60 billion effort to ''double spending for physical sciences research, recruit 10,000 new math and science teachers and retrain 250,000 more, provide grants to researchers and invest more in high-risk, high-payoff research.''

As Alexander noted, ''these were recommendations of a National Academy of Sciences task force'' that he and others had asked to tell Congress the 10 things it most urgently needs to do ''to help America keep its brainpower advantage so we can keep our jobs from going to China and India.''

Back in December 2005, I wrote about the report that Alexander, and Sens. Jeff Bingaman and Pete Domenici, both of New Mexico, had requested—and about the bipartisan support that seemed to be available for this ''competitiveness'' agenda. I even suggested that it was a natural topic for President Bush's 2006 State of the Union address, if he wanted to break through the growing partisan roadblocks on Capitol Hill.

The President included these ideas in his message, but did little to build public support or press Congress for action. Nonetheless, major elements of the bill passed the Senate last year, only to bog down in the bitterly divided House.

But persistence paid off. As Alexander said, ''Senators and their staffs worked across party lines for two years. Senior committee members, chairmen and ranking members, waived jurisdictional prerogatives. The administration participated in extensive 'homework sessions' with senators and outside experts. The effort was so bipartisan that when the Senate shifted to the Democrats in January, the new majority leader and minority leader introduced the same bill their predecessors had in the last Congress. Seventy senators co-sponsored the legislation. . . . The final vote was 88–8.''

The fight is far from over.

The House has yet to act on most of the provisions, and finding the money to carry it out will not be easy. Alexander and Bingaman added an amendment to the budget resolution, allowing $1 billion of extra spending for the first-year costs of the program.

Domenici and other appropriators will try to steer funds in that direction, Alexander said.

The Tennessee Republican's larger point is that this is the model that Congress and the president need to follow—if any of the major challenges facing the country are to be met.

''There are issues that are too big for either party to solve by itself,'' Alexander told me. ''Globalization and competitiveness are two of them. Immigration is the next one on the agenda. And then there is health care.''

He pointed out that the bipartisan breakfast sessions he and Sen. Joe Lieberman of Connecticut have been hosting regularly this year have included discussions of health policy.

As a byproduct of the breakfasts, ''10 of us, five Republicans and five Democrats, have written the President saying that we are ready to work with him on a bill that has two principles—universal coverage and private markets. We hope he responds.''

Iraq looms as the supreme test, of course, and Alexander, a Bush supporter, nonetheless says ''it was a mistake'' for the president not to seize on the Baker-Hamilton commission recommendations as the basis for a bipartisan answer to the dilemma of the war.

''It's still sitting there on the shelf,'' he said, implying that Bush will have to come back to Baker-Hamilton at some point.

Meantime, Alexander has a gentle reminder for the press that our mind-set means that ''unfortunately, bipartisan success, even on the biggest, most complex issues, has an excellent chance of remaining a secret.

''Despite the size of the accomplishment, the passage of the 208-page America COMPETES Act was barely noticed by the major media.

This is not a complaint, merely an observation. More than ever, the media, outside interest groups, and party structures reward conflict and the taking of irreconcilable positions. There is little reward for reconciling principled positions into legislation.''

Sadly, I think he is right.

ADDITIONAL STATEMENTS

CONGRATULATING UNITED PARCEL SERVICE ON ITS 100TH ANNIVERSARY

● Mr. LAUTENBERG. Mr. President, I wish to recognize and congratulate the United Parcel Service on its 100th anniversary. In these 100 years, many of us have grown to see UPS's ubiquitous brown vans as symbols of reliability and to know and trust the remarkable people who drive them. As UPS has evolved to become the largest package delivery company in the world, it has become a cornerstone of commerce in America and a vital part of my State's economy.

When James E. Casey founded UPS in 1907 with a $100 loan from a friend, surely it would have been beyond even his wildest dreams that the company would grow to deliver 15.6 million documents and packages every day, to employ 360,600 employees here in the United States, and to make deliveries to over 200 countries and territories throughout the world. By constantly innovating and improving service and

through the dedication of its employees, UPS has reached the pinnacle of its industry and has set the standard by which its competitors must follow.

I am proud to say that since opening their first facility in Newark, NJ, in 1928, UPS has maintained a significant presence in my home State of New Jersey. It employs more than 18,000 people statewide, making it one of the 10 largest employers in our State. I recently had the privilege and opportunity to visit a UPS hub in Edison to help commemorate UPS's 100th anniversary. At the Edison facility, 3,000 dedicated employees process and sort packages originating from and destined for points all over our State. Individuals and businesses across New Jersey rely on their efforts every day, and the intricate and sophisticated processes used by these employees ensure that important packages and documents are delivered on time.

I encourage my colleagues to join me in congratulating UPS on 100 years in business. I personally extend my best wishes to the company and its employees in New Jersey and across the world for many more years of success and prosperity.●

TRIBUTE TO WALTER M. ''WALLY'' SCHIRRA

● Mr. MARTINEZ. Mr. President, I want to commend a great American, Astronaut Walter M. ''Wally'' Schirra, who passed away today. Captain Schirra leaves behind a praiseworthy legacy as a Navy veteran, a pioneer for NASA and of outer-space exploration, a television commentator, and a devoted husband and father.

Captain Schirra began his distinguished career in the U.S. Navy when he arrived in Annapolis in the early days of World War II; he graduated from the U.S. Naval Academy in 1945 and soon became a pilot through Naval Flight Training in Pensacola, FL. Through an exchange program with the Air Force during the Korean war, he proudly served our Nation as a pilot of F–86 Sabres.

He carried this dedicated service to America into the stratosphere and beyond, making history as one of the ''Original Seven'' astronauts named by NASA to the Mercury program. On October 3, 1962, Captain Schirra became the first person ever to orbit the Earth 6 times. He is unique in that he is the only astronaut to have flown in NASA's first 3 space programs: Mercury, Gemini, and Apollo. After retiring from NASA, he later served with distinction as a widely known television commentator for CBS.

The passion that Wally Schirra had for space exploration and his accomplishments as a pioneer astronaut underscore the importance of our continuing to strengthen the NASA space program. The Apollo 7 mission—under the command of Schirra—proved to those at NASA that they had the ability to send a spacecraft into orbit around the moon. Since then, NASA has taken many giant leaps. We must continue the exploration, research, and discovery that have all constituted NASA's trademark for decades.

Exploration into outer space helps us to better understand the world in which we live. NASA understood this well when they sent Captain Wally Schirra into outers pace nearly 45 years ago; I am hopeful that this vision and reach will only continue to grow with time.

On behalf of Florida and the people of the United States, I thank Captain Schirra for his service to country and the science he helped to advance. He will be missed.●

HONORING MAINELY TRUSSES

● Ms. SNOWE. Mr. President, I wish today to recognize, for the week of April 29, an exceptional entrepreneur from my home State who has been awarded the Maine 2007 Small Business Person of the Year, Michael Boulet. Mike is truly one of our Nation's shining small business success stories. His company—Mainely Trusses—exemplifies the heart and soul of the American dream becoming reality.

Last March, I had the privilege to witness first hand the products and services that Mike's company provides when he was awarded an intermediary relending program loan from Kennebec Valley Council of Governments.

Mike's investment in his company through the Small Business Administrations' Maine Small Business Development Center and Costal Enterprises, Inc., has paid tremendous dividends for the future of Mainely Trusses—with a state-of-the-art facility, new technologies, a dedication to customer service, and full benefits for his employees. In fact, Mainely Trusses is so advanced that they use all laser beams to construct the trusses which is completely driven by computer software and highly skilled employees.

Since Mike has been president, Mainely Trusses has shown no signs of slowing down, growing from 3 to 50 employees over the last 15 years—a tremendous achievement for any business. Think about it—that is a 1,600-percent increase. Just imagine if we had that kind of explosive progress in the U.S. Congress, then we would really be onto something.

And what is all the more remarkable is Mike's courage to take on the family business after his father, John Boulet, passed away in a work-related accident. But Mike doesn't just reserve his considerable talents and energy for his business—he also exhibits those traits through his tireless leadership within the community whether serving as a member of the Maine Merchants Association Workers Compensation Trust Fund Broad of Trustees, chairing the board for the Central Maine Youth Hockey Association, supporting Habitat for Humanity, or his involvement with Vietnamese orphanages and children's center.

The fact is small businesses are the critical element in our efforts to strengthen and bolster the Nation's economy. It used to be said, ''What's good for General Motors is good for the Nation.'' Now, it is what is good for small business is best for the Nation and job growth.

As ranking member of the Senate Committee on Small Business and Entrepreneurship, I am reminded daily of the immense—and often overlooked—contributions that risk-takers and dreamers like Mike and countless Americans make. They are the unsung heroes of our Nation's economy, creating two-thirds of all new jobs throughout our country.

That is why I appreciate SBA's commitment to providing our Nation's small businesses, as they have helped Mike, with the financial and business development tools to help them grow and excel. With more than 5.3 million jobs created or retained since 1999, this is proof-positive that our investment in the SBA is paying tremendous dividends to the Nation's economy.

We understand that Maine is a veritable ''hotbed'' for small business and a small business laboratory for the country. This year, at the vanguard of Maine entrepreneurs stands Mike Boulet. Once again, I would like congratulate Mike for being an exceptional model for Maine and the Nation. We here in the Senate wish Mike all the best for many more successful years to come.●

TRIBUTE TO VINCENZO ANTONIO MANNO

● Mr. VOINOVICH. Mr. President, today I honor the musical genius of fellow Ohioan Vincenzo Antonio Manno, a renowned opera singer and devoted professor of music.

Mr. Manno was born and raised in my great hometown of Cleveland, OH. In fact, he grew up right down the street from my family in the Collinwood neighborhood—the same neighborhood I live in still today. But his musical gift eventually took him far beyond Collinwood to some of the finest music institutions in Europe.

Cleveland's rich cultural environment and outstanding music tradition prepared Mr. Manno for his world-renowned career. Before completing his studies at Oberlin College under the tutelage of Professor Richard Mill, Mr. Manno was trained at the Cleveland Music School Settlement under Burton Garlinghouse and John Shurtleff; at summer sessions in Chautauqua, NY, under Josephine Antoine; and at the Cleveland Institute of Music under Eleonor Steber.

After receiving his degree from Oberlin, Mr. Manno continued his studies on a Fulbright Fellowship in Italy at Santa Ceclia in Rome with Ettore Campogalliani. His private studies in Milan continued with Dr. Otto Mueller, who was affiliated for years with the Metropolitan Opera House of New York.

After Dr. Mueller's death, Mr. Manno was accepted into the prestigious private singing school directed by Professor Dennis Hall in Bern, Switzerland. As a result of his studies with Professor Hall, Mr. Manno was encouraged to open a voice studio in Milan, which has become a mecca for singers from around the world.

Mr. Manno's singing career embraces a wide repertory—from the baroque to the modern—and he has sung with opera companies around the world. His radio performances within Europe have been admired by the public and critics alike. And, he is currently a permanent member of the Teatro alla Scala in Milan, Italy.

Not all accomplished musicians make good teachers, but Mr. Manno's teaching career has taken great strides in the past 10 years. He has been recognized for teaching and helping emerging singers on many continents. He also holds seminars and master classes on singing style.

Mr. Manno is regularly invited to teach singing technique at the world-renowned Accademia dei Giovani Cantanti—Academy of Young Singers—under the artistic direction of Leyla Gencer, affiliated with the Teotro alla Scala and the Accademia Internazionale della Musica—International Music Academy—in Milan. The students of Vincenzo Manno can be heard regularly around the world in opera houses, recording studios, concerts halls, and radio and television stations.

Mr. Manno also lends his expertise in pop music, broadway and operetta. He has guided many Italian pop singers through recording sessions and is regularly contacted by Italian television to help arrange songs for singers and give advice on new compositions.

For all he has accomplished, Mr. Manno has received several awards. He received the ''Grand Prix du Disque'' for baroque music recorded with the great Swiss conductor Edwin Loehrer, and the ''Best Recording of the Year'' from Gramophone Magazine for his second CD solo recording of tenor music of the 17th century, ''Strana Armonia d'Amore'' with Roberto Gini.

Mr. President, on the 40th anniversary of his career, it is my pleasure to honor Vincenzo Antonio Manno for his great success and significant contributions to the world of music.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, a withdrawal and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1301. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 1305. A bill making emergency war appropriations for American troops overseas, without unnecessary pork barrel spending and without mandating surrender or retreat in Iraq, for the fiscal year ending September 30, 2007, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with amendments:

S. 992. A bill to achieve emission reductions and cost savings through accelerated use of cost-effective lighting technologies in public buildings, and for other purposes (Rept. No. 110–60).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Debra Ann Livingston, of New York, to be United States Circuit Judge for the Second Circuit.

Richard Sullivan, of New York, to be United States District Judge for the Southern District of New York.

Joseph S. Van Bokkelen, of Indiana, to be United States District Judge for the Northern District of Indiana.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. DURBIN (for himself, Mr. GRASSLEY, Ms. CANTWELL, Mrs. CLINTON, Mr. HARKIN, and Mr. OBAMA):

S. 1276. A bill to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes; to the Committee on the Judiciary.

By Mr. NELSON of Nebraska:

S. 1277. A bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the Medicare program for clinical laboratory tests furnished by critical access hospitals; to the Committee on Finance.

By Mr. HAGEL (for himself and Mr. REED):

S. 1278. A bill to amend title 38, United States Code, to expand the scope of programs of education for which accelerated payments of educational assistance under the Montgomery GI Bill may be used, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. VOINOVICH:

S. 1279. A bill to secure America's future economy through reform of the Federal budget process; to the Committee on the Budget.

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

S. 1280. A bill to provide greater accountability in reviewing the national security considerations of free trade agreements; to the Committee on Finance.

By Mr. THOMAS:

S. 1281. A bill to amend the Wild and Scenic Rivers Act to designate certain rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. CARDIN (for himself and Ms. SNOWE):

S. 1282. A bill to amend the Internal Revenue Code of 1986 to provide for the exclusion from gross income of certain wages of a certified master teacher, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself and Mr. CHAMBLISS):

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; to the Committee on Armed Services.

By Mr. DORGAN (for himself, Ms. MIKULSKI, Mr. DURBIN, Ms. STABENOW, Mr. ROCKEFELLER, Mr. LEVIN, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. HARKIN, Mr. FEINGOLD, Mr. LEAHY, Mr. KOHL, and Mr. KENNEDY):

S. 1284. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. SPECTER, Mr. FEINGOLD, and Mr. OBAMA):

S. 1285. A bill to reform the financing of Senate elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. SMITH:

S. 1286. A bill to authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe; to the Committee on Indian Affairs.

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

S. 1287. A bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for State judicial debts that are past-due; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. CONRAD, Mr. KERRY, Mr. BINGAMAN, and Ms. SNOWE):

S. 1288. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to increase the retirement security of women and small business owners, and for other purposes; to the Committee on Finance.

By Mr. CRAIG:

S. 1289. A bill to amend title 38, United States Code, to modify the salary and terms of judges of the United States Court of Appeals for Veterans Claims, to modify authorities for the recall of retired judges of such court, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CRAIG:

S. 1290. A bill to amend title 38, United States Code, to provide additional discretion to the Secretary of Veterans Affairs in contracting with State approving agencies, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THUNE:

S. 1291. A bill to amend the Internal Revenue Code of 1986 to extend and modify the renewable energy production credit and to extend and modify the credit to holders of clean renewable energy bonds; to the Committee on Finance.

By Mr. SCHUMER:

S. 1292. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to improve the safety of meat and poultry products by enhancing the ability of the Secretary of Agriculture to retrieve the history, use, and location of a meat or poultry product through a recordkeeping and audit system or registered identification, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRAIG:

S. 1293. A bill to amend titles 10 and 38, United States Code, to improve educational assistance for members and former members of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DURBIN (for himself, Mr. AKAKA, and Mr. COCHRAN):

S. 1294. A bill to strengthen national security by encouraging and assisting in the expansion and improvement of educational programs in order to meet critical needs at the elementary, secondary, and higher education levels, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself, Mr. COLEMAN, and Ms. LANDRIEU):

S. 1295. A bill to amend the African Development Foundation Act to change the name of the Foundation, modify the administrative authorities of the Foundation, and for other purposes; to the Committee on Foreign Relations.

By Mrs. BOXER (for herself, Mr. BIDEN, and Mrs. FEINSTEIN):

S. 1296. A bill to provide enhanced Federal enforcement and assistance in preventing and prosecuting crimes of violence against children; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Ms. COLLINS, and Mr. LIEBERMAN):

S. 1297. A bill to amend the Clean Air Act to promote the use of advanced clean fuels that help reduce air and water pollution and protect the environment; to the Committee on Environment and Public Works.

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

S. 1298. A bill to amend the Social Security Act to establish a Federal Reinsurance Program for Catastrophic Health Care Costs; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. BROWN, and Mr. CASEY):

S. 1299. A bill to establish on behalf of consumers a fiduciary duty and other standards of care for mortgage brokers and originators, and to establish standards to assess a consumer's ability to repay, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROCKEFELLER (for himself, Mr. LOTT, Mr. INOUYE, and Mr. STEVENS):

S. 1300. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to modernize the air traffic control system, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DEMINT:

S. 1301. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; read the first time.

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

S. 1302. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to encourage and support parent, family, and community involvement in schools, to provide needed integrated services and comprehensive supports to children, and to ensure that schools are centers of communities, for the ultimate goal of assisting students to stay in school, become successful learners, and improve academic achievement; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE (for himself, Mr. ISAKSON, and Mr. VITTER):

S. 1303. A bill to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works; to the Committee on Environment and Public Works.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 1304. A bill to amend the National Trails System Act to designate the Arizona National Scenic Trail; to the Committee on Energy and Natural Resources.

By Mr. COBURN:

S. 1305. A bill making emergency war appropriations for American troops overseas, without unnecessary pork barrel spending and without mandating surrender or retreat in Iraq, for the fiscal year ending September 30, 2007, and for other purposes; read the first time.

By Mr. OBAMA (for himself, Mr. DURBIN, and Mrs. CLINTON):

S. 1306. A bill to direct the Consumer Product Safety Commission to classify certain children's products containing lead to be banned hazardous substances; to the Committee on Commerce, Science, and Transportation.

By Mr. COLEMAN (for himself, Mr. LEVIN, and Mrs. MCCASKILL):

S. 1307. A bill to include Medicare provider payments in the Federal Payment Levy Program, to require the Department of Health and Human Services to offset Medicare provider payments by the amount of the provider's delinquent Federal debt, and for other purposes; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. CONRAD, and Mr. ENZI):

S. 1308. A bill to prohibit the Secretary of Agriculture from allowing the importation of certain cattle and beef from Canada until the implementation of country of origin labeling requirements; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TESTER:

S. 1309. A bill to amend the Truth in Lending Act to prohibit universal defaults on credit card accounts, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself, Mr. LOTT, and Mr. CONRAD):

S. 1310. A bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program; 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. SALAZAR (for himself, Mr. BROWN, Mr. ALLARD, Mr. LEAHY, Mrs. FEINSTEIN, and Mrs. CLINTON):

S. Res. 185. A resolution supporting the ideals and values of the Olympic Movement; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH (for himself, Mrs. LINCOLN, Mrs. DOLE, Mr. DURBIN, Mr. VITTER, Mr. PRYOR, Mr. LEVIN, Mrs. MURRAY, Mr. KOHL, Mr. SALAZAR, and Ms. CANTWELL):

S. Res. 186. A resolution designating June 5, 2007, as ''National Hunger Awareness Day'' and authorizing the Senate offices of Senators Gordon H. Smith, Blanche L. Lincoln, Elizabeth Dole, and Richard J. Durbin to collect donations of food during the period beginning May 7, 2007, and ending June 5, 2007, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C., metropolitan area; considered and agreed to.

By Mr. VOINOVICH (for himself, Mr. BIDEN, Mr. LIEBERMAN, Mr. SMITH, and Ms. MIKULSKI):

S. Res. 187. A resolution condemning violence in Estonia and attacks on Estonia's embassies in 2007, and expressing solidarity with the Government and the people of Estonia; considered and agreed to.

By Mr. CARDIN (for himself, Mr. COLEMAN, Mr. BIDEN, Mr. SMITH, and Mr. BUNNING):

S. Res. 188. A resolution expressing the sense of the Senate in support of the accession of Israel to the Convention on the Organisation for Economic Co-operation and Development; considered and agreed to.

By Mr. FEINGOLD (for himself and Mr. SUNUNU):

S. Con. Res. 31. A concurrent resolution expressing support for advancing vital United States interests through increased engagement in health programs that alleviate disease and reduce premature death in developing nations, especially through programs that combat high levels of infectious disease, improve children's and women's health, decrease malnutrition, reduce unintended pregnancies, fight the spread of HIV/AIDS, encourage healthy behaviors, and strengthen health care capacity; to the Committee on Foreign Relations.

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

S. Con. Res. 32. A concurrent resolution honoring the 50th anniversary of Stan Hywet Hall & Gardens; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3, a bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries.

S. 21

At the request of Mr. REID, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 57

At the request of Mr. INOUYE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 57, a bill to amend title 38, United States Code, to deem certain service in the organized military forces

of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. SPECTER) 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. 309

At the request of Mr. SANDERS, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from New York (Mrs. CLINTON) 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 names of the Senator from Florida (Mr. NELSON) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors 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. 430

At the request of Mr. BOND, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors 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. 431

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes.

S. 439

At the request of Mr. REID, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 442

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 446

At the request of Mr. DURBIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 446, a bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes.

S. 495

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 495, a bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

S. 502

At the request of Mr. CRAPO, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 502, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 506

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 506, a bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes.

S. 522

At the request of Mr. BAYH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 522, a bill to safeguard the economic health of the United States and the health and safety of the United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes.

S. 543

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

S. 579

At the request of Mr. REID, the name of the Senator from Arizona (Mr. KYL) was 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. 590

At the request of Mr. SMITH, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 590, a bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes.

S. 597

At the request of Mrs. FEINSTEIN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 609

At the request of Mr. ROCKEFELLER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 622

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 622, a bill to enhance fair and open competition in the production and sale of agricultural commodities.

S. 634

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 634, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 644

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 644, a bill to amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces, to improve such programs, and for other purposes.

S. 648

At the request of Mr. CHAMBLISS, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 659

At the request of Mr. HAGEL, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 659, a bill to amend section 1477 of title 10, United States Code, to provide

for the payment of the death gratuity with respect to members of the Armed Forces without a surviving spouse who are survived by a minor child.

S. 704

At the request of Mr. NELSON of Florida, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 704, a bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information.

S. 773

At the request of Mr. WARNER, the names of the Senator from California (Mrs. BOXER) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 901

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

S. 935

At the request of Mr. NELSON of Florida, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 937

At the request of Mrs. CLINTON, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 1146

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

S. 1164

At the request of Mr. CARDIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1181

At the request of Mr. OBAMA, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1181, a bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation.

S. 1196

At the request of Mr. LIEBERMAN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Iowa (Mr. HARKIN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1196, a bill to improve mental health care for wounded members of the Armed Forces, and for other purposes.

S. 1200

At the request of Mr. DORGAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1205

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1205, a bill to require a pilot program on assisting veterans service organizations and other veterans groups in developing and promoting peer support programs that facilitate community reintegration of veterans returning from active duty, and for other purposes.

S. 1226

At the request of Mr. BAYH, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1226, a bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care.

S. 1237

At the request of Mr. LAUTENBERG, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1237, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 1256

At the request of Mr. KERRY, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 1256, a bill to amend the Small Business Act to reauthorize loan programs under that Act, and for other purposes.

S. 1257

At the request of Mr. LIEBERMAN, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1261

At the request of Ms. CANTWELL, the name of the Senator from Arkansas (Mrs. LINCOLN) 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. 1263

At the request of Ms. CANTWELL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1263, a bill to protect the welfare of consumers by prohibiting price gouging with respect to gasoline and petroleum distillates during natural disasters and abnormal market disruptions, and for other purposes.

S. 1267

At the request of Mr. LUGAR, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1267, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. CON. RES. 22

At the request of Mr. DURBIN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. Con. Res. 22, a concurrent resolution expressing the sense of the Congress that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued to promote public awareness of Down syndrome.

S. RES. 171

At the request of Ms. COLLINS, the names of the Senator from Oregon (Mr. SMITH), the Senator from Minnesota (Mr. COLEMAN), the Senator from Michigan (Ms. STABENOW), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mrs. CLINTON) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. Res. 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.

AMENDMENT NO. 991

At the request of Mr. LEAHY, his name was withdrawn as a cosponsor of amendment No. 991 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.

At the request of Mr. SCHUMER, his name was withdrawn as a cosponsor of amendment No. 991 intended to be proposed to S. 1082, supra.

AMENDMENT NO. 1010

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 1010 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.

At the request of Mr. COCHRAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of amendment No. 1010 proposed to S. 1082, supra.

AMENDMENT NO. 1011

At the request of Ms. STABENOW, the names of the Senator from Utah (Mr. HATCH) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 1011 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. 1016

At the request of Mr. SPECTER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 1016 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.

AMENDMENT NO. 1024

At the request of Mr. SALAZAR, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 1024 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. DURBIN (for himself, Mr. GRASSLEY, Ms. CANTWELL, Mrs. CLINTON, Mr. HARKIN, and Mr. OBAMA):

S. 1276. A bill to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today to introduce the bipartisan Methamphetamine Production Prevention Act of 2007. I am pleased to have the support and cosponsorship of Senator GRASSLEY for this important legislation, and I look forward to working closely with Chairman LEAHY and Ranking Member SPECTER to advance the bill through the judiciary Committee and to secure its enactment into law.

The Methamphetamine Production Prevention Act will take the next step toward wiping out the domestic production of methamphetamine, or ''meth.'' The bill will make it easier to use electronic logbook systems in order to monitor sales of meth precursor drugs and notify enforcement agencies when individuals illegally stockpile these precursors by traveling from pharmacy to pharmacy.

This legislation is endorsed by the National Alliance of State Drug Enforcement Agencies, the National Narcotics Officers' Associations' Coalition, the National Criminal Justice Association, the National Sheriffs' Association, the Major County Sheriffs' Association, the National Troopers Coalition, the National District Attorneys Association, the National Association of Counties, and the Community Anti-Drug Coalitions of America. I also want to commend and thank Illinois Attorney General Lisa Madigan and her staff for their assistance in preparing this legislation.

For years, the manufacture and use of methamphetamine have plagued communities in Illinois and throughout the Nation. Meth is unique among illegal drugs in that its harms stem not only from its distribution and use, but also from the clandestine manufacturing labs that meth ''cooks'' use to make meth. These labs pose serious dangers to those who live nearby and to the surrounding environment. Law enforcement agencies in Illinois and elsewhere are forced to devote a significant percentage of their time to locating, busting, and cleaning up meth labs.

The Combat Methamphetamine Epidemic Act, ''Combat Meth Act,'' enacted in 2006, took several important steps to reduce domestic meth manufacturing. These steps included limiting the amount of meth precursor drug products that a purchaser can buy, such as pseudoephedrine, and requiring pharmacies to keep written or electronic logbooks recording each precursor purchase. The Combat Meth Act has led to a drop in the number of meth labs discovered in many States.

However, domestic meth cooks have begun adapting to the Combat Meth Act. They have figured out how to circumvent the act's restrictions by ''smurfing,'' or purchasing illegal amounts of meth precursor drugs by traveling to multiple pharmacies that keep written logbooks and buying legal quantities at each one. According to Illinois law enforcement authorities, smurfing now accounts for at least 90 percent of the pseudoephedrine used to make meth in Illinois.

The next step in combating domestic meth production is to promote the use of effective electronic logbook systems. Law enforcement experts agree that if pharmacies maintain electronic logbook information and share that information with appropriate law enforcement and regulatory agencies, this information can be used to prevent the sale of meth precursor drugs in excess of legal limits, and to identify and prosecute ''smurfs'' and meth cooks.

This legislation, the Methamphetamine Production Prevention Act, facilitates and encourages the use of meth precursor electronic logbook systems in several ways.

First, the bill revises the technical logbook requirements in the Combat Meth Act. While the Combat Meth Act provides for the use of electronic logbook systems, several of the act's requirements are not tailored for logbooks kept in electronic form. For example, under the act, a prospective purchaser must ''enter[] into the logbook his or her name, address, and the date and time of the sale.'' This requirement is unwieldy for retailers who use electronic logbook systems, because many purchasers cannot type quickly or accurately. The Methamphetamine Production Prevention Act would permit retailers' employees to type the name and address of a purchaser into an electronic logbook system, and would allow retailers to use software programs that automatically record the date and time of each sale. Under the bill, a retail employee would have to ensure that the name the employee types into the system matches the name on the ID that the purchaser is currently required to present.

Also, the Combat Meth Act requires purchasers to sign a logbook at the time of sale, regardless of whether the seller uses a paper or electronic logbook. Collecting and retaining electronic signatures requires a large amount of computer memory, and the transmission of these electronic signature files to law enforcement agencies does not provide a significant law enforcement benefit. Sellers who use electronic logbook systems should be given the option of collecting signatures on paper, as long as those signatures are stored for the requisite 2-year retention period, and as long as the signatures are clearly linked to the electronically-captured sale information.

The Methamphetamine Production Prevention Act would permit a seller who uses an electronic logbook to collect purchaser signatures through any of three different methods: (1) having the purchaser sign an electronic signature device; (2) having the purchaser sigh a bound paper book in which the signature is placed adjacent to a unique identifier number, or a printed sticker that clearly links the signature to the purchaser's logbook information; or (3) having the purchaser sign a document that the seller prints out at the time of sale that displays the required logbook information and contains a signature line. These options ensure that each purchaser's signature will be collected, but they give sellers flexibility in developing cost-effective electronic logbook systems.

The Methamphetamine Production Prevention Act would also create a small but important Federal grant program to help States plan, create or enhance electronic logbook systems. Several States, including Oklahoma, Arkansas, West Virginia and Kentucky, have already begun developing electronic logbook systems, and many other States are considering them. The Methamphetamine Production Prevention Act authorizes $3 million in grants

to States and localities, with grants capped at a maximum of $300,000. The bill imposes a 25-percent State matching requirement, to ensure that States have, invested in their logbook systems and have a stake in ensuring the successful operation of these systems.

Instead of mandating how States design their electronic logbook systems, the bill provides incentives for States to design effective logbook systems. Because meth smurfs frequently travel across State lines to stockpile meth precursors, State efforts to develop electronic logbook systems will be more successful if those efforts are coordinated with the activities of other states. The bill would therefore give priority to grant applicants whose logbook systems are developed in consultation with a working group of key Federal, State and private stakeholders spearheaded by the National Alliance for Model State Drug Laws. This working group will advise States on best practices in developing logbook systems and will help States develop logbook systems that are compatible and interoperable with other systems across the country.

The bill also gives a grantmaking preference to applicants whose logbook systems are statewide, are capable of sharing information in real time, and are designed to share information across jurisdictional boundaries. At the same time, the bill preserves the privacy safeguards currently established under the Combat Meth Act and State law. To promote accountability, the bill requires the Attorney General to provide an annual report to Congress that evaluates the grant program and its effectiveness in curtailing meth production.

The Methamphetamine Production Prevention Act does not mandate the use of electronic logbook systems, nor does it mandate the features that an electronic logbook system must possess. The bill respects the fact that States have enacted various types of anti-meth restrictions above the Federal Combat Meth Act baseline, and that pharmacies and retailers in different States have different capabilities with regard to electronic tracking. At the same time, we want to encourage States to coordinate their development of methamphetamine precursor electronic logbook systems so that smurfs will not be able to supply their meth labs by hopping across State lines. Our bill aims to strike a balance by coordinating the various State efforts, while still allowing States the flexibility to innovate and to respond to their specific State needs.

There are many actions besides promoting electronic logbook systems that we must take to address the scourge of methamphetamine. For example, we must provide for the prevention and treatment of meth use, and we must also prevent the illegal distribution of meth and its precursors over the Internet and from other countries. However, law enforcement experts agree that electronic logbook systems are an important tool in our effort to combat meth, particularly domestic meth labs. We can, and should, do more to help make these logbook systems work.

By facilitating and encouraging the use of electronic logbook systems, the Methamphetamine Production Prevention Act will help wipe out domestic meth labs and the environmental and social harms they cause. The bill will also help free up law enforcement resources from meth lab busts and cleanup, allowing our law enforcement agencies to focus on other crime prevention and enforcement efforts. The production of methamphetamine has plagued our communities for far too long, and this legislation takes a critical step to stop it. I urge the Senate to pass this important bill.

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. 1276

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 ''Methamphetamine Production Prevention Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the manufacture, distribution and use of methamphetamine have inflicted damages on individuals, families, communities, businesses, the economy, and the environment throughout the United States;

(2) methamphetamine is unique among illicit drugs in that the harms relating to methamphetamine stem not only from its distribution and use, but also from the manufacture of the drug by ''cooks'' in clandestine labs throughout the United States;

(3) Federal and State restrictions limiting the sale of legal drug products that contain methamphetamine precursors have reduced the number and size of domestic methamphetamine labs;

(4) domestic methamphetamine cooks have managed to circumvent restrictions on the sale of methamphetamine precursors by ''smurfing'', or purchasing impermissibly large cumulative amounts of precursor products by traveling from retailer to retailer and buying permissible quantities at each retailer;

(5) although Federal and State laws require retailers of methamphetamine precursor products to keep written or electronic logbooks recording sales of precursor products, retailers are not always required to transmit this logbook information to appropriate law enforcement and regulatory agencies, except upon request;

(6) when retailers' logbook information regarding sales of methamphetamine precursor products is kept in a database in an electronic format and transmitted between retailers and appropriate law enforcement and regulatory agencies, such information can be used to further reduce the number of domestic methamphetamine labs by preventing the sale of methamphetamine precursors in excess of legal limits, and by identifying and prosecuting ''smurfs'' and others involved in methamphetamine manufacturing;

(7) States and local governments are already beginning to develop such electronic logbook database systems, but they are hindered by a lack of resources;

(8) efforts by States and local governments to develop such electronic logbook database systems may also be hindered by logbook recordkeeping requirements contained in section 310(e) of the Controlled Substances Act (21 U.S.C. 830(e)) that are tailored to written logbooks and not to electronic logbooks; and

(9) providing resources to States and localities and making technical corrections to the Combat Methamphetamine Epidemic Act of 2005 will allow more rapid and widespread development of such electronic logbook systems, thereby reducing the domestic manufacture of methamphetamine and its associated harms.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term ''local'' means a county, city, town, township, parish, village, or other general purpose political subdivision of a State;

(2) the term ''methamphetamine precursor electronic logbook system'' means a system by which a regulated seller electronically records and transmits to an electronic database accessible to appropriate law enforcement and regulatory agencies information regarding the sale of a scheduled listed chemical product that is required to be maintained under section 310(e) of the Controlled Substances Act (21 U.S.C. 830(e)) (as amended by this Act), State law governing the distribution of a scheduled listed chemical product, or any other Federal, State, or local law;

(3) the terms ''regulated seller'' and ''scheduled listed chemical product'' have the meanings given such terms in section 102 of the Controlled Substances Act (21 U.S.C. 802); and

(4) the term ''State''—

(A) means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

(B) includes an ''Indian tribe'', as that term is defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

SEC. 4. AUTHORIZATION FOR EFFECTIVE METHAMPHETAMINE PRECURSOR ELECTRONIC LOGBOOK SYSTEMS.

Section 310(e)(1) of the Controlled Substances Act (21 U.S.C. 830(e)(1)) is amended—

(1) in subparagraph (A)(iii), by striking ''a written or electronic list'' and inserting ''a written list or an electronic list that complies with subparagraph (H)''; and

(2) adding at the end the following:

''(H) ELECTRONIC LOGBOOKS.—

''(i) IN GENERAL.—A logbook maintained in electronic form shall include, for each sale to which the requirement of subparagraph (A)(iii) applies, the name of any product sold, the quantity of that product sold, the name and address of each purchaser, the date and time of the sale, and any other information required by State or local law.

''(ii) SELLERS.—In complying with the requirements of clause (i), a regulated seller may—

''(I) ask a prospective purchaser for the name and address, and enter such information into the electronic logbook, and if the seller enters the name and address of the prospective purchaser into the electronic logbook, the seller shall determine that the name entered into the electronic logbook corresponds to the name provided on the identification presented by the purchaser under subparagraph (A)(iv)(I)(aa); and

''(II) use a software program that automatically and accurately records the date and time of each sale.

''(iii) PURCHASERS.—A prospective purchaser in a sale to which the requirement of

subparagraph (A)(iii) applies that is being documented in an electronic logbook shall provide a signature in at least 1 of the following ways:

''(I) Signing a device presented by the seller that captures signatures in an electronic format.

''(II) Signing a bound paper book.

''(III) Signing a printed document that corresponds to the electronically-captured logbook information for such purchaser.

''(iv) ELECTRONIC SIGNATURES.—

''(I) DEVICE.—Any device used under clause (iii)(I) shall—

''(aa) preserve each signature in a manner that clearly links that signature to the other electronically-captured logbook information relating to the prospective purchaser providing that signature; and

''(bb) display information that complies with subparagraph (A)(v).

''(II) DOCUMENT RETENTION.—A regulated seller that uses a device under clause (iii)(I) to capture signatures shall maintain each such signature for not less than 2 years after the date on which that signature is captured.

''(v) PAPER BOOKS.—

''(I) IN GENERAL.—Any bound paper book used under clause (iii)(II) shall—

''(aa) ensure that the signature of the prospective purchaser is adjacent to a unique identifier number or a printed sticker that clearly links that signature to the electronically-captured logbook information relating to that prospective purchaser; and

''(bb) display information that complies with subparagraph (A)(v).

''(II) DOCUMENT RETENTION.—A regulated seller that uses bound paper books under clause (iii)(II) shall maintain any entry in such books for not less than 2 years after the date on which that entry is made.

''(vi) PRINTED DOCUMENTS.—

''(I) IN GENERAL.—Any printed document used under clause (iii)(III) shall—

''(aa) be printed by the seller at the time of the sale that document relates to;

''(bb) display information that complies with subparagraph (A)(v);

''(cc) for the relevant sale, list the name of each product sold, the quantity sold, the name and address of the purchaser, and the date and time of the sale;

''(dd) contain a clearly identified signature line for a purchaser to sign; and

''(ee) include a notice that the signer has read the printed information and agrees that it is accurate.

''(II) DOCUMENT RETENTION.—

''(aa) IN GENERAL.—A regulated seller that uses printed documents under clause (iii)(III) shall maintain each such document for not less than 2 years after the date on which that document is signed.

''(bb) SECURE STORAGE.—Each signed document shall be inserted into a binder or other secure means of document storage immediately after the purchaser signs the document.''.

SEC. 5. GRANTS FOR METHAMPHETAMINE PRECURSOR ELECTRONIC LOGBOOK SYSTEMS.

(a) ESTABLISHMENT.—The Attorney General of the United States, through the Office of Justice Programs of the Department of Justice, may make grants, in accordance with such regulations as the Attorney General may prescribe, to State and local governments to plan, develop, implement, or enhance methamphetamine precursor electronic logbook systems.

(b) USE OF FUNDS.—

(1) IN GENERAL.—A grant under this section may be used to enable a methamphetamine precursor electronic logbook system to—

(A) indicate to a regulated seller, upon the entry of information regarding a prospective purchaser into the methamphetamine precursor electronic logbook system, whether that prospective purchaser has been determined by appropriate law enforcement or regulatory agencies to be eligible, ineligible, or potentially ineligible to purchase a scheduled listed chemical product under Federal, State, or local law; and

(B) provide contact information for a prospective purchaser to use if the prospective purchaser wishes to question a determination by appropriate law enforcement or regulatory agencies that the prospective purchaser is ineligible or potentially ineligible to purchase a scheduled listed chemical product.

(2) ACCESS TO INFORMATION.—Any methamphetamine precursor electronic logbook system planned, developed, implemented, or enhanced with a grant under this section shall prohibit accessing, using, or sharing information entered into that system for any purpose other than to—

(A) ensure compliance with this Act, section 310(e) of the Controlled Substances Act (21 U.S.C. 830(e)) (as amended by this Act), State law governing the distribution of any scheduled listed chemical product, or other applicable Federal, State, or local law; or

(B) facilitate a product recall to protect public safety.

(c) GRANT REQUIREMENTS.—

(1) MAXIMUM AMOUNT.—The Attorney General shall not award a grant under this section in an amount that exceeds $300,000.

(2) DURATION.—The period of a grant made under this section shall not exceed 3 years.

(3) MATCHING REQUIREMENT.—Not less than 25 percent of the cost of a project for which a grant is made under this section shall be provided by non-Federal sources.

(4) PREFERENCE FOR GRANTS.—In awarding grants under this section, the Attorney General shall give priority to any grant application involving a proposed or ongoing methamphetamine precursor electronic logbook system that is—

(A) statewide in scope;

(B) capable of real-time capture and transmission of logbook information to appropriate law enforcement and regulatory agencies;

(C) designed in a manner that will facilitate the exchange of logbook information between appropriate law enforcement and regulatory agencies across jurisdictional boundaries, including State boundaries; and

(D) developed and operated, to the extent feasible, in consultation and ongoing coordination with the Drug Enforcement Administration, the Office of Justice Programs, the Office of National Drug Control Policy, the non-profit corporation described in section 1105 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1701 note), other Federal, State, and local law enforcement and regulatory agencies, as appropriate, and regulated sellers.

(5) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than December 31 of each calendar year in which funds from a grant received under this section are expended, the Attorney General shall submit a report to Congress containing—

(i) a summary of the activities carried out with grant funds during that year;

(ii) an assessment of the effectiveness of the activities described in clause (i) on the planning, development, implementation or enhancement of methamphetamine precursor electronic logbook systems;

(iii) an assessment of the effect of the activities described in clause (i) on curtailing the manufacturing of methamphetamine in the United States and the harms associated with such manufacturing; and

(iv) a strategic plan for the year following the year of that report.

(B) ADDITIONAL INFORMATION.—The Attorney General may require the recipient of a grant under this section to provide information relevant to preparing any report under subparagraph (A) in a report that grant recipient is required to submit to the Office of Justice Programs of the Department of Justice.

SEC. 6. STUDY.

(a) IN GENERAL.—Not later than 1 year after the date on which grant funds under section 5 are first distributed, the Comptroller General of the United States shall conduct a study and submit to Congress a report regarding the effectiveness of methamphetamine precursor electronic logbook systems that receive funding under that section.

(b) CONTENTS.—The report submitted under subsection (a) shall include—

(1) a summary of the activities carried out with grant funds during the previous year;

(2) an assessment of the effectiveness of the activities described in paragraph (1) on the planning, development, implementation or enhancement of methamphetamine precursor electronic logbook systems in the United States;

(3) an assessment of the extent to which proposed or operational methamphetamine precursor electronic logbook systems in the United States, including those that receive funding under section 5, are—

(A) statewide in scope;

(B) capable of real-time capture and transmission of logbook information to appropriate law enforcement and regulatory agencies;

(C) designed in a manner that will facilitate the exchange of logbook information between appropriate law enforcement and regulatory agencies across jurisdictional boundaries, including State boundaries; and

(D) developed and operated, to the extent feasible, upon consultation with and in ongoing coordination with the Drug Enforcement Administration, the Office of Justice Programs, the Office of National Drug Control Policy, the non-profit corporation described in section 1105 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1701 note), other Federal, State, and local law enforcement and regulatory agencies, as appropriate, and regulated sellers;

(4) an assessment of the effect of methamphetamine precursor electronic logbook systems, including those that receive funding under this Act, on curtailing the manufacturing of methamphetamine in the United States and reducing its associated harms;

(5) recommendations for further curtailing the domestic manufacturing of methamphetamine and reducing its associated harms; and

(6) such other information as the Comptroller General determines appropriate.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $3,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for each fiscal year thereafter.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague, Senator DURBIN, in introducing the Methamphetamine Production Prevention Act of 2007. Together we offer this important legislation in an effort to strengthen existing law by providing some necessary changes and updates.

During my time in the Senate, I have come to the floor many times to speak about methamphetamine and how it has destroyed individuals, families, and

communities across the country. The Midwest was hit especially hard by meth and the impacts of this drug were devastating to rural areas. As opposed to other illegal drugs, meth is often times home cooked and made in rural areas using ingredients that are largely available over the counter. I am proud to say that Congress has taken action to attack this problem head on by working to cut off access to these over the counter products that form the basis of the drug.

Legislation such as the Combat Methamphetamine Act of 2005, Combat Meth Act of 2005, which was included into the USA Patriot Act Reauthorization in 2005 immediately impacted the production of home cooked meth. Just a week ago when I joined with Senator FEINSTEIN in introducing two other separate bills, the Saving Kids from Dangerous Drugs Act and the Drug Endangered Children Act, I noted that because of the efforts of Congress in passing the Combat Meth Act, the number of clandestine meth lab seizures has dropped across the country.

The Combat Meth Act was a tremendous step in the right direction limiting access to psuedoephedrine, PSE, the main ingredient in methamphetamine. The Combat Meth Act required this product to be removed from store shelves and placed behind the counter at pharmacies across the country. It also limited the number of products containing PSE a person could buy at once. Further, it required a logbook system be kept by pharmacies containing information regarding the individuals that purchased products containing PSE.

Despite these successes, ever determined meth cooks and users have learned how to game this system and continue to produce home grown meth.

The preferred method of these meth cooks is to ''smurf'' between different pharmacies for PSE products. Smurfing occurs when a person visits a number of different locations buying the legal maximum amount of PSE product at each site. The result is an amount of PSE sufficient to produce home cooked meth. Smurfing occurs because the Combat Meth Act only required that retailers keep a logbook which could be kept on paper or electronically. It did not require interoperability or electronic transmission of data. As a result, these unscrupulous individuals have learned that if they provide false information or visit multiple stores, tracking and arresting these individuals is more difficult and time consuming for law enforcement. This is especially true in metropolitan communities that share a common border, one such example is the Quad Cities on the Iowa/Illinois border.

Recently, the Quad City Times highlighted the successes of the Combat Meth Act in an article titled, The Next Step in Meth War. This article detailed the efforts of a Scott County Deputy and his dedication in fighting the meth war. One noteworthy portion of this article raised a question about the lengths that were required for this deputy to do his job in combating mom and pop meth labs. The article stated, ''Now we're stuck with this image of a detective in each Iowa county sorting through thousands of paper forms.'' It read further, ''He must call county to county to find out if those purchasing the limit in Scott County might be doing so elsewhere as well.'' This statement gets right to the heart of our bill. We can't effectively combat meth if we don't close the smurfing loophole.

To address this loophole, Senator DURBIN and I have introduced the Methamphetamine Production Prevention Act of 2007. This legislation would revise the technical requirements of the Combat Meth Act to allow for electronic logbook systems. The bill would also create a Federal grant program for states looking to create or enhance existing electronic logbook systems. Finally, this bill would prioritize these Federal grants to states that design and implement the most effective systems for sharing information via an electronic logbook system.

This legislation will take a big step forward in closing this loophole that home grown meth cooks abuse. Additionally, it does so without creating burdensome mandates upon states to meet requirements. This bill facilitates innovation and growth by offering financial assistance to states looking to create an electronic logbook system. By avoiding mandates, this legislation seeks to promote innovation and growth of electronic logbook systems.

This bill has broad support from the law enforcement community and has been endorsed by the National Sheriffs' Association, the National Narcotics Officers' Associations' Coalition, National Alliance of State Drug Enforcement Agencies, the National Criminal Justice Association, the National Troopers Coalition, the National District Attorneys Association, the National Association of Counties, and the Community Anti-Drug Coalitions of America among others.

As you can see, this legislation has a broad base of support. Working together, state and local governments can use this legislation and grant program to create interoperable networks that will reduce the illegal smurfing of PSE products and lead us to the goal of ending domestic production of meth. I urge my colleagues, join us in support of this important legislation and pass the Methamphetamine Production Prevention Act of 2007 and help wipe out domestic production of meth.

Mr. President, I ask unanimous consent that the aforementioned article be printed in the RECORD.

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

[From the Quad-City Times]

THE NEXT STEP IN METH WAR

Scott County Deputy Robert Jackson figures he searched through 12,000 cold medicine receipts to find three possible meth-making offenders. Needles have better odds in haystacks.

His diligent work has nailed at least three alleged meth makers who tried to skirt Iowa law restricting purchase of pseudoephedrine, a key ingredient in making the recreational poison.

When Iowa lawmakers began talking about toughening meth laws in 2005, we were among those cautious about what that would mean to the privacy and convenience of the 99.9 percent of Iowans who bought cold medicine for their colds. But the scourge that is meth convinced us the intrusion was minor and the impact could be major. We joined those supporting the bill, which became law.

Jackson's success in tracking down offenders affirms the intent was correct. ''When I first started doing it, I'd find 12 offenders at a time,'' Jackson says of his paper-trail detective work. Meth makers, indeed, were driving from store to store to buy enough of the key ingredient to make enough meth to sell.

Now he says the pickings are slimmer. And, he says, the county's biggest pharmacies are talking among themselves, inquiring about people who are trying to buck the limit of 7,500 milligrams of pseudoephedrine per month. That's eliminated the high volume meth makers.

What's left, Jackson surmises, are personal meth-using addicts who cook smaller amounts for themselves and a little to deal. Jackson warns that meth use still rages, fueled by drugs shipped from southern states. But the dangerous labs, set up in hotels, cars, even public parks, have diminished considerably, thanks to laws restricting access to ingredients.

Now we're stuck with this image of a detective in each Iowa county sorting through thousands of paper forms. Although the record-keeping is required, Jackson must get a court order to view the records. He must call county to county to find out if those purchasing the limit in Scott County might be doing so elsewhere as well.

We're wondering if a central registry of some sort might help enforcement statewide, alerting authorities to individuals making purchases in multiple counties. Compiling the information electronically at the site of purchase certainly would add costs and require careful planning to assure privacy for the 99 percent of law-abiding psuedoephedrine buyers. But it would trim significant enforcement cost by eliminating the hours that officers like Det. Jackson spend combing paper records. And it would detect meth-makers skirting the law by spreading out their purchases over several counties.

By Mr. CARDIN (for himself and Ms. SNOWE):

S. 1282. A bill to amend the Internal Revenue Code of 1986 to provide for the exclusion from gross income of certain wages of a certified master teacher, and for other purposes; to the Committee on Finance.

Mr. CARDIN. Mr. President, as you know, teachers are the most valuable resource when it comes to educating our Nation's children. Under the No Child Left Behind Act, (NCLB), States are required to recruit highly qualified teachers, yet schools in rural or high poverty areas have trouble attracting and retaining these teachers. It is for this reason that Senator Snowe and I have joined together to introduce The Master Teacher Act of 2007.

We have an education problem in America. The schools that most need

experienced educators simply do not have the resources to attract and keep the best teachers. We must give our schools the tools they need to prepare our students to succeed.

As currently designated by NCLB, 100 percent of our Nation's schools must meet Adequate Yearly Progress, AYP, in reading/language arts and mathematics by the 2013/2014 school year. To date, almost 26 percent of schools in the U.S. are not making the grade. According to a report released by the National Education Association last year, fewer schools met AYP in the 2004/2005 school year than the prior school year. In my home State of Maryland, 311 out of 1,429 schools, or almost 22 percent, did not make Adequate Yearly Progress, as defined by the No Child Left Behind Act and the State targets. During the 2005–2006 school year, 79 schools, or about 6 percent of Maryland's elementary and secondary schools had missed Adequate Yearly Progress toward State achievement targets for 5 or more consecutive years. As a result they were placed in restructuring and were subject to a variety of major school-wide reform strategies. A large majority of these restructuring schools are urban schools, and more than half are in the Baltimore City Public School System.

According to research, teacher quality is the schooling factor with the most profound effect on student achievement. Good teachers can make up to a full year's difference in learning growth for students and overwhelm the impact of any other educational investment, including smaller class sizes.

Unfortunately, our educational system pairs the children most behind with teachers who, on average, have less experience, less education, and less skill than those who teach other children. Certainly, there are exceptions, excellent and experienced teachers who have devoted their lives to at-risk students. But the overall patterns are clear.

Despite evidence that teachers become more effective after several years experience, students in high-poverty and high-minority schools are assigned to novice teachers almost twice as often as children in low-poverty schools. Classes in high-poverty and high-minority schools are much more likely to be taught by teachers without a major or minor in the subject they teach. Certainly, there are excellent first-year teachers and ineffective veterans. Indeed, mastery of a subject matter does not necessarily translate into effective teaching. But these proxies for teacher effectiveness are backed by substantial bodies of research. Studies of effective teachers reveal they are distributed among our Nation's schools in a manner that actually enlarges achievement gaps.

We will only close student achievement gaps when we improve teacher quality and experience. We must make obtaining advanced training and experience in teaching more accessible and teaching at-risk students more desirable. In short, we must establish a class of ''master teachers'' with extensive experience and training who are willing to teach for an extended period of time in the schools that need them the most.

Fortunately, research also shows even modest monetary incentives lower teacher attrition, especially in high-risk school districts. Our legislation will reward master teachers with a 25 percent Federal tax exemption on their salary for four years if they agree to teach in a school that is not meeting AYP. A master teacher is a teacher that has at least 5 years of teaching experience in a public elementary or secondary school, holds a master's degree, meets the definition of highly qualified as defined by the NCLB, and has obtained advanced certification in their state licensing system. Each State would have a cap of 10 percent of public school teachers eligible to receive master teacher tax treatment at a time. This program would go into effect in 2007 and end with the 2013/2014 school year, when NCLB requires that 100 percent of students perform at the proficient level.

Good teachers are essential to a successful education system; they are the profession charged with educating our future work force. The Master Teacher Act of 2007 will provide our children access to the best possible teachers and our teachers much needed financial support.

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. 1282

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

SECTION 1. MASTER TEACHER EXCLUSION.

(a) MASTER TEACHER EXCLUSION.—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. CERTAIN WAGES OF CERTIFIED MASTER TEACHERS.

''(a) 25 PERCENT EXCLUSION.—Gross income does not include 25 percent of wages earned by a certified master teacher in remuneration for employment at a qualified school in need of improvement or a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.).

''(b) CERTIFIED MASTER TEACHER.—For purposes of this section—

''(1) IN GENERAL.—The term 'certified master teacher' means any eligible teacher who is certified by a State as being eligible for the exclusion from gross income provided under subsection (a) with respect to wages earned during a 4-year certification period. A teacher shall not be treated as a certified master teacher except during the certification period.

''(2) RECERTIFICATION PROHIBITED.—A teacher shall not be certified as a certified master teacher for more than one certification period.

''(3) STATE LIMITATION ON NUMBER OF CERTIFIED MASTER TEACHERS.—A State may not certify any teacher if such certification would result (at the time of such certification) in more than 10 percent of the State's public school teachers being certified master teachers.

''(c) QUALIFIED SCHOOL IN NEED OF IMPROVEMENT.—For purposes of this section, the term 'qualified school in need of improvement' means, with respect to any certified master teacher—

''(1) the school in need of improvement which first employs such teacher during the certification period,

''(2) any school in need of improvement which subsequently employs such teacher, but only if each school in need of improvement which previously employed such teacher during the certification period has ceased to be a school in need of improvement, and

''(3) any school described in paragraph (1) or (2) which ceases to be a school in need of improvement, but only if such teacher was employed by such school (during such teacher's certification period) at the time that such school ceased to be a school in need of improvement.

''(d) SCHOOL IN NEED OF IMPROVEMENT.—For purposes of this section, the term 'school in need of improvement' means a public elementary or secondary school that—

''(1) is identified for school improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316), and

''(2) is eligible for a schoolwide program under section 1114 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314).

''(e) ELIGIBLE TEACHER.—For purposes of this section, the term 'eligible teacher' means a teacher who—

''(1) has had at least 5 years of teaching experience in a public elementary or secondary school,

''(2) is highly qualified, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801),

''(3) has a master's degree, and

''(4) has earned—

''(A) advanced certification in the teacher's State licensing system, or

''(B) in the case of a teacher in a State that does not offer advanced certification, certification from the National Board for Professional Teaching Standards.

''(f) CERTIFICATION PERIOD.—For purposes of this section, the term 'certification period' means, with respect to any certified master teacher, the 4-year period described in subsection (b).

''(g) STATE IDENTIFICATION REQUIRED ON RETURN.—With respect to any certified master teacher, no exclusion shall be allowed under subsection (a) for any taxable year unless the certified master teacher includes the State in which the teacher has been certified on the certified master teacher's return of tax for such taxable year.

''(h) TERMINATION.—This section shall not apply to any taxable year beginning after December 31, 2013.''.

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 139A the following new item:

''Sec. 139B. Certain wages of certified master teachers.''.

(c) REPORT TO CONGRESS.—The Secretary of the Treasury shall transmit to the Congress for each of calendar years 2007 through 2013 an annual report stating, with respect to each State, the number of individuals certified by such State as certified master teachers who were allowed an exclusion from gross income under section 139B of the Internal Revenue Code of 1986 for a taxable year ending in such calendar year.

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

By Mr. PRYOR (for himself and Mr. CHAMBLISS):

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; to the Committee on Armed Services.

Mr. CHAMBLISS. Mr. President, I rise today to join my colleague and my good friend, the Senator from Arkansas, Mr. PRYOR, in introducing legislation to ensure that the medical needs of wounded service men and women are properly met and that the military bureaucracy does not interfere with their recovery progress.

We have watched with embarrassment and compassion as the unacceptable conditions of some of our military medical care facilities and housing facilities were revealed and shown to the public. Clearly, we owe our wounded military personnel the best treatment and care that can be offered. This bill we are introducing today will help provide that.

Let me say, first of all, I have recently had the opportunity to visit the Eisenhower Medical Center at Fort Gordon, GA, as well as the medical facility at Fort Benning, GA, and I am reminded once again that medical care given to our military men and women is truly second to none. Are there exceptions? Sure. There are problems that arise from time to time in the delivery of health care services to our military men and women. Our purpose today is to try to make some of the bureaucracy go away and to try to help make sure our medical suppliers at all of our military facilities around the country and around the world have the ability to deliver the very best medical care to our men and women.

Our bill, S. 1283, the Wounded Warrior Assistance Act of 2007, will improve the access to and quality of the health care our military personnel receive by requiring that case managers for personnel in medical holdover status handle no more than 17 cases and review each case once a week.

Our bill will also create a system of patient advocates who can help personnel navigate the cumbersome medical board and review process, as well as add necessary funding to hire additional physicians.

Our bill increases training for health care professionals, medical case managers, and patient advocates, with an emphasis on identifying and treating difficult-to-diagnose and complex conditions, such as post-traumatic stress disorder and traumatic brain injury.

Our bill establishes a toll-free hotline for patients and their families to report problems with medical facilities or patient care and creates an independent advocate to counsel servicemembers appearing before medical evaluation boards.

Our bill creates a wounded warrior battalion, which will be an Army pilot program to improve the transition from military to civilian life for wounded combat veterans, as well as track and assist members of the Armed Forces who are in outpatient status and in need of medical treatment. More than 24,900 soldiers have been wounded in Iraq. We owe it to them and their loved ones to have a responsive health care system in place, in addition to the very best medical care available.

This legislation increases the resources available to our veterans in order to allow them to focus on their recovery rather than redtape. Heroes such as these need and deserve the best medical care and attention we can offer them, and this bill will help provide that. They do not need to be disadvantaged by an outdated, bureaucratic process that adds more stress to their recovery process.

Our legislation is a step in the right direction to reform and modernize the outpatient treatment process and will increase the morale and welfare of our recovering servicemembers. They deserve our fullest support, and we are committed to meeting their needs.

This bill mirrors H.R. 1538, which was passed by the House of Representatives by a vote of 426 to 0 on March 28 of this year.

I thank Senator PRYOR for the chance to work together with him on this important legislation. He and I have had the opportunity to work on any number of measures during our now going on 5 years in the Senate. He is a true champion of not just our wounded but all of our military personnel, and it has been a pleasure to work with him.

I commend this bill to all of my colleagues. I hope we can move to a swift passage of the bill so we can present it to the President for his signature. I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I thank the Senator from Georgia for his kind remarks. Of course, everybody in the Senate knows what a friend to the men and women in uniform Senator CHAMBLISS has been since he has been in the Senate. I am sure that also relates back to his House days. He has really been a fabulous leader for our soldiers, and it is an honor for me to ask him to join me in the Wounded Warrior Act.

Last Friday, I had the chance to go to Walter Reed and see three Arkansans who were injured in various ways in Iraq. It is always a sobering experience to go see our soldiers whom we are so proud of. We are proud of the people who put on the uniform and put their lives in jeopardy for the principles of this country. And we have other facilities, not just Walter Reed. I know that is the one that gets the most publicity nationally. Obviously, every State or region has a lot of facilities. In Little Rock, there is the John McClellan Veterans Hospital, which I visited not too long ago, and we have at least a couple of other very good facilities in our State. They offer, generally speaking, great care. We know that sometimes people fall through the cracks, but we are very proud of our VA presence in the State of Arkansas.

I must say that in my office in Little Rock—and the one here, for that matter—we have people on staff who deal and work with soldiers virtually on a daily basis—people who are in the VA system who, for some reason, have run into some bureaucratic roadblock or a file gets lost or a record gets lost or some box doesn't get checked or whatever the case may be. We, more or less, like many colleagues here, have full-time staff who do that on virtually a full-time basis. We are honored to help the citizens of our State in any way we can, but we also would like to say that we can help the VA system run better and provide better health care with less bureaucracy.

Arkansas has had about 40 soldiers killed in Iraq. It has been a very hard circumstance for our State to go through. It impacts every community in the State and almost every family in the State. In addition to those 40, which obviously are going to get more notice and publicity and discussion, as they should, there are 369 Arkansans who have been injured in Iraq. Those numbers track fairly well what the national numbers are.

Across this Nation, there have been 11,215 soldiers, at last count, who have been wounded in Iraq so severely that they have not been able to return to duty. So it is critical that we have legislation such as the Wounded Warrior Assistance Act. It will require case managers for outpatients to handle no more than 17 cases. They will have to review each case weekly. It creates a system of patient advocates within our health care system. It increases training for health care professionals, medical case managers, and patient advocates, with an emphasis on identifying and treating post-traumatic stress disorder and traumatic brain injuries. It establishes a toll-free hotline for patients and families to report problems with medical facilities or patient care. It creates an independent advocate to counsel servicemembers appearing before medical evaluation boards. We think all of those are healthy, positive, and constructive reforms. We think the time has come for this to happen.

Senator CHAMBLISS, a few moments ago, mentioned that the House passed this legislation 426 to 0. They did that late last month. It is the Senate's turn to weigh in and be on record for helping our wounded warriors.

The Wounded Warrior Assistance Act allows them to focus on healing and not be frustrated by redtape. It improves the access and quality of care our veterans receive. It puts an advocate on their side. We know that with any large organization, there will be

some bureaucracy and files will be lost and information gets misplaced. We understand that. But, hopefully, what this will do is streamline the process and make the system work a lot better for those who have been willing to make the sacrifice for this country.

Mr. President, I think this is important legislation because it does good things, but it is also symbolic legislation. It shows our members of the military that we are willing—their Government and the people of this country—to stand behind them during and after their Active-Duty service.

I ask that my colleagues give this legislation their strong consideration. The House passed it overwhelmingly. I hope we will have broad-based, bipartisan support in this body. It is an honor for me to offer it with my lead cosponsor, Senator CHAMBLISS of Georgia.

I yield the floor.

By Mr. DORGAN (for himself, Ms. MIKULSKI, Mr. DURBIN, Ms. STABENOW, Mr. ROCKEFELLER, Mr. LEVIN, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. HARKIN, Mr. FEINGOLD, Mr. LEAHY, Mr. KOHL, and Mr. KENNEDY):

S. 1284. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am joined by Senators MIKULSKI, DURBIN, STABENOW, ROCKEFELLER, LEVIN, FEINSTEIN, JOHNSON, HARKIN, FEINGOLD, LEAHY, KOHL, and KENNEDY in introducing legislation to close an insidious loophole in the U.S. Tax Code that actually rewards U.S. companies that move American manufacturing jobs overseas. Some may think this is a belated April Fools' Day joke; regrettably, it is not. Let me explain how this perverse tax break for these companies works.

When a U.S. company closes down a U.S. manufacturing plant, fires its American workers, and moves those good-paying jobs to China or other locations abroad, U.S. tax laws allow these firms to defer paying any U.S. income taxes on the earnings from those now foreign-manufactured products until those profits are returned, if ever, to this country. This tax break is not available to American companies that make the very same products here on American soil. So the U.S. company that decides to stay at home suffers a competitive disadvantage, a disadvantage that our tax laws have helped to create. Multinational companies ought to pay the same taxes that domestic companies pay. At a minimum, U.S. companies that keep their jobs here should not be put at a competitive disadvantage by Federal tax policy.

The notion that granting large tax breaks to companies that move their manufacturing operations offshore is good for this country is utter nonsense. Among other things, those who support this half-cocked fiscal policy claim that shutting down U.S. manufacturing operations and moving them abroad will result in more U.S. jobs and increase our exports.

However, this assertion is not supported by the facts. According to the latest available data, the number of foreign manufacturing affiliates has grown from 7,420 to 8,490, up some 14 percent since 1993. From 1993 though 2004, U.S. companies moved 1 million manufacturing jobs offshore to their foreign affiliates.

Throughout this entire period, this perverse deferral break has been in effect. Has it resulted in new U.S. manufacturing jobs? No. We have lost some 3.2 million U.S. manufacturing jobs since 2000 alone. Has this misguided tax subsidy resulted in higher exports from U.S. companies to their foreign affiliates as the proponents of this tax subsidy suggest? No. In fact, imports into the United States from the foreign subsidiaries of U.S. companies more than doubled from $92 billion in 1993 to $203 billion in 2004. And the balance of trade with foreign affiliates of U.S. firms plummeted to a $72 billion deficit in 2004 as compared to $3.4 billion in 1997.

I have been working to end this wrong-headed Federal tax break for many years. Senator MIKULSKI and I have forced the Senate to vote to repeal this tax subsidy several times. I have described stories on the Senate floor about a number of American companies that have moved production overseas, companies like Huffy bicycles and Radio Flyer little red wagons to China; Samsonite, which went to Mexico and then China; Levi's, which are now made all over the world, everywhere except in the very country that invented them; Maytag, which now makes appliances in Mexico and Korea; and Fruit of the Loom, which moved to Mexico. And I would point out, once again, that this tax deferral break given to companies like Radio Flyer or formerly to Huffy bicycles is not available to American companies that make the very same products on U.S. main streets.

But we have run into stiff opposition from many U.S. multinational companies, their lobbyists, and some policymakers who claim our proposal would impede the ability of U.S. firms to compete and grow in the global economy. That is hogwash. This proposal does nothing to hinder U.S. multinationals that produce abroad from competing with foreign firms in foreign markets. The legislation we are introducing today is carefully targeted; it ends the deferral tax break only where U.S. multinationals produce goods abroad and ship those products back to the U.S. market. In more technical language, this legislation would end tax deferral for the ''imported property'' income of controlled foreign corporations. The proposal also adds a new separate foreign tax credit basket for imported property income. The separate foreign tax credit basket is an anti-abuse provision that will stop U.S. multinational companies from using the foreign tax credit to shelter profits generated in a tax haven country by preventing the cross-crediting of high foreign taxes on general income against the U.S. tax on imported property income that is subject to low foreign taxes.

The tax experts with the Joint Committee on Taxation estimate that this pernicious tax break will costs U.S. taxpayers some $15.5 billion over the next decade. It is no wonder that the powerful lobby for the largest U.S. multinational firms has fought to keep this tax loophole fully intact. But as I have told my colleagues on the Senate floor a number of times, I intend to offer this proposal again and again until this tax subsidy is finally repealed.

I understand that some U.S. companies will still choose, with or without this tax subsidy, to dislocate thousands of workers in America in search of cheaper labor, lax regulation, and greater profits abroad at whatever the cost. They will be free to do so. But at least U.S. taxpayers will not be asked to provide billions of dollars in tax subsidies for those who do.

I urge all of my colleagues in the Senate, Democrats and Republicans alike, to take a fresh look at this issue and help us do what Congress should have done many years ago; that is, repeal this ill-conceived tax break once and for all.

By Mr. DURBIN (for himself, Mr. SPECTER, Mr. FEINGOLD, and Mr. OBAMA):

S. 1285. A bill to reform the financing of Senate elections, and for other purposes; to the Committee on Rules and Administration.

Mr. DURBIN. 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. 1285

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 ''Fair Elections Now Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

Subtitle A—Fair Elections Financing Program

SEC. 101. FINDINGS AND DECLARATIONS.

(a) UNDERMINING OF DEMOCRACY BY CAMPAIGN CONTRIBUTIONS FROM PRIVATE SOURCES.—The Senate finds and declares that the current system of privately financed campaigns for election to the United States Senate has the capacity, and is often perceived by the public, to undermine democracy in the United States by—

(1) creating a conflict of interest, perceived or real, by encouraging Senators to accept large campaign contributions from private interests that are directly affected by Federal legislation;

(2) diminishing or giving the appearance of diminishing a Senator's accountability to constituents by compelling legislators to be accountable to the major contributors who finance their election campaigns;

(3) violating the democratic principle of ''one person, one vote'' and diminishing the meaning of the right to vote by allowing monied interests to have a disproportionate and unfair influence within the political process;

(4) imposing large, unwarranted costs on taxpayers through legislative and regulatory outcomes shaped by unequal access to lawmakers for campaign contributors;

(5) driving up the cost of election campaigns, making it difficult for qualified candidates without personal wealth or access to campaign contributions from monied individuals and interest groups to mount competitive Senate election campaigns;

(6) disadvantaging challengers, because large campaign contributors tend to donate their money to incumbent Senators, thus causing Senate elections to be less competitive; and

(7) burdening incumbents with a preoccupation with fundraising and thus decreasing the time available to carry out their public responsibilities.

(b) ENHANCEMENT OF DEMOCRACY BY PROVIDING ALLOCATIONS FROM THE SENATE FAIR ELECTIONS FUND.—The Senate finds and declares that providing the option of the replacement of private campaign contributions with allocations from the Senate Fair Elections Fund for all primary, runoff, and general elections to the Senate would enhance American democracy by—

(1) eliminating the potentially inherent conflict of interest created by the private financing of the election campaigns of public officials, thus restoring public confidence in the integrity and fairness of the electoral and legislative processes;

(2) increasing the public's confidence in the accountability of Senators to the constituents who elect them;

(3) helping to eliminate access to wealth as a determinant of a citizen's influence within the political process and to restore meaning to the principle of ''one person, one vote'';

(4) reversing the escalating cost of elections and saving taxpayers billions of dollars that are (or that are perceived to be) currently allocated based upon legislative and regulatory agendas skewed by the influence of campaign contributions;

(5) creating a more level playing field for incumbents and challengers by creating genuine opportunities for all Americans to run for the Senate and by encouraging more competitive elections; and

(6) freeing Senators from the incessant preoccupation with raising money, and allowing them more time to carry out their public responsibilities.

SEC. 102. ELIGIBILITY REQUIREMENTS AND BENEFITS OF FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS.

The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

''TITLE V—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

''SEC. 501. DEFINITIONS.

''In this title:

''(1) ALLOCATION FROM THE FUND.—The term 'allocation from the Fund' means an allocation of money from the Senate Fair Elections Fund to a participating candidate pursuant to sections 510 and 511.

''(2) FAIR ELECTIONS QUALIFYING PERIOD.—The term 'fair elections qualifying period' means, with respect to any candidate for Senator, the period—

''(A) beginning on the date on which the candidate files a statement of intent under section 503(a)(1); and

''(B) ending on the date that is 30 days before—

''(i) the date of the primary election; or

''(ii) in the case of a State that does not hold a primary election, the date prescribed by State law as the last day to qualify for a position on the general election ballot.

''(3) FAIR ELECTIONS START DATE.—The term 'fair elections start date' means, with respect to any candidate, the date that is 180 days before—

''(A) the date of the primary election; or

''(B) in the case of a State that does not hold a primary election, the date prescribed by State law as the last day to qualify for a position on the general election ballot.

''(4) FUND.—The term 'Fund' means the Senate Fair Elections Fund established by section 502.

''(5) IMMEDIATE FAMILY.—The term 'immediate family' means, with respect to any candidate—

''(A) the candidate's spouse;

''(B) a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate's spouse; and

''(C) the spouse of any person described in subparagraph (B).

''(6) INDEPENDENT CANDIDATE.—The term 'independent candidate' means a candidate for Senator who is—

''(A) not affiliated with any political party; or

''(B) affiliated with a political party that—

''(i) in the case of a candidate in a State that holds a primary election for Senator, does not hold a primary election for Senator; or

''(ii) in the case of a candidate in a State that does not hold primary election for Senator, does not have ballot status in such State.

''(7) MAJOR PARTY CANDIDATE.—

''(A) IN GENERAL.—The term 'major party candidate' means a candidate for Senator who is affiliated with a major political party.

''(B) MAJOR POLITICAL PARTY.—The term 'major political party' means, with respect to any State, a political party of which a candidate for the office of Senator, President, or Governor in the preceding 5 years, received, as a candidate of that party in such State, 25 percent or more of the total number of popular votes cast for such office in such State.

''(8) MINOR PARTY CANDIDATE.—The term 'minor party candidate' means a candidate for Senator who is affiliated with a political party that—

''(A) holds a primary for Senate nominations; and

''(B) is not a major political party.

''(9) NONPARTICIPATING CANDIDATE.—The term 'nonparticipating candidate' means a candidate for Senator who is not a participating candidate.

''(10) PARTICIPATING CANDIDATE.—The term 'participating candidate' means a candidate for Senator who is certified under section 508 as being eligible to receive an allocation from the Fund.

''(11) QUALIFYING CONTRIBUTION.—The term 'qualifying contribution' means, with respect to a candidate, a contribution that—

''(A) is in the amount of $5 exactly;

''(B) is made by an individual who—

''(i) is a resident of the State with respect to which the candidate is seeking election; and

''(ii) is not prohibited from making a contribution under this Act;

''(C) is made during the fair elections qualifying period; and

''(D) meets the requirements of section 505(c).

''(12) SEED MONEY CONTRIBUTION.—The term 'seed money contribution' means a contribution or contributions by any 1 individual—

''(A) aggregating not more than $100; and

''(B) made to a candidate after the date of the most recent previous election for the office which the candidate is seeking and before the date the candidate has been certified as a participating candidate under section 508(a).

"SEC. 502. SENATE FAIR ELECTIONS FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the 'Senate Fair Elections Fund'.

''(b) AMOUNTS HELD BY FUND.—The Fund shall consist of the following amounts:

''(1) PROCEEDS FROM RECOVERED SPECTRUM.—Proceeds deposited into the Fund under section 309(j)(8)(E)(ii)(II) of the Communications Act of 1934.

''(2) EXCESS SPECTRUM USER FEES.—Amounts deposited in the Fund under section 315A(f)(2)(B)(ii) of the Communications Act of 1934.

''(3) VOLUNTARY CONTRIBUTIONS.—Voluntary contributions to the fund.

''(4) QUALIFYING CONTRIBUTIONS, PENALTIES, AND OTHER DEPOSITS.—Amounts deposited into the Fund under—

''(A) section 504(2) (relating to limitation on amount of seed money);

''(B) section 505(d) (relating to deposit of qualifying contributions);

''(C) section 506(c) (relating to exceptions to contribution requirements);

''(D) section 509(c) (relating to remittance of allocations from the Fund);

''(E) section 513 (relating to violations); and

''(F) any other section of this Act.

''(5) INVESTMENT RETURNS.—Interest on, and the proceeds from, the sale or redemption of, any obligations held by the Fund under subsection (c).

''(c) INVESTMENT.—The Commission shall invest portions of the Fund in obligations of the United States in the same manner as provided under section 9602(b) of the Internal Revenue Code of 1986.

''(d) USE OF FUND.—

''(1) IN GENERAL.—The sums in the Senate Fair Elections Fund shall be used to make allocations to participating candidates in accordance with sections 510 and 511.

''(2) INSUFFICIENT AMOUNTS.—Under regulations established by the Commission, rules similar to the rules of section 9006(c) of the Internal Revenue Code shall apply.

"SEC. 503. ELIGIBILITY FOR ALLOCATIONS FROM THE FUND.

''(a) IN GENERAL.—A candidate for Senator is eligible to receive an allocation from the Fund for any election if the candidate meets the following requirements:

''(1) The candidate files with the Commission a statement of intent to seek certification as a participating candidate under this title during the period beginning on the fair elections start date and ending on the last day of the fair elections qualifying period.

''(2) The candidate has complied with the seed money contribution requirements of section 504.

''(3) The candidate meets the qualifying contribution requirements of section 505.

''(4) Not later than the last day of the fair elections qualifying period, the candidate files with the Commission an affidavit signed by the candidate and the treasurer of the candidate's principal campaign committee declaring that the candidate—

''(A) has complied and, if certified, will comply with the contribution and expenditure requirements of section 506;

''(B) if certified, will comply with the debate requirements of section 507;

''(C) if certified, will not run as a nonparticipating candidate during such year in any election for the office that such candidate is seeking; and

''(D) has either qualified or will take steps to qualify under State law to be on the ballot.

''(b) GENERAL ELECTION.—Notwithstanding subsection (a), a candidate shall not be eligible to receive an allocation from the Fund for a general election or a general run off election unless the candidate's party nominated the candidate to be placed on the ballot for the general election or the candidate qualified to be placed on the ballot as an independent candidate, and the candidate is qualified under State law to be on the ballot.

"SEC. 504. SEED MONEY CONTRIBUTION REQUIREMENT.

''A candidate for Senator meets the seed money contribution requirements of this section if the candidate meets the following requirements:

''(1) SEPARATE ACCOUNTING.—The candidate maintains seed money contributions in a separate account.

''(2) LIMITATION ON AMOUNT.—The candidate deposits into the Senate Fair Elections Fund or returns to donors an amount equal to the amount of any seed money contributions which, in the aggregate, exceed the sum of—

''(A) in the case of an independent candidate, the amount which the candidate would be entitled to under section 510(c)(3); and

''(B) in the case of any other candidate, the amount which the candidate would be entitled to under section 510(c)(1).

''(3) USE OF SEED MONEY.—The candidate makes expenditures from seed money contributions only for campaign-related costs.

''(4) RECORDS.—The candidate maintains a record of the name and street address of any contributor of a seed money contribution and the amount of any such contribution.

''(5) REPORT.—Unless a seed money contribution or an expenditure made with a seed money contribution has been reported previously under section 304, the candidate files with the Commission a report disclosing all seed money contributions and expenditures not later than 48 hours after receiving notification of the determination with respect to the certification of the candidate under section 508.

"SEC. 505. QUALIFYING CONTRIBUTION REQUIREMENT.

''(a) IN GENERAL.—A candidate for Senator meets the requirement of this section if, during the fair elections qualifying period, the candidate obtains a number of qualifying contributions equal to the sum of—

''(1) 2,000; plus

''(2) 500 for each congressional district in excess of 1 in the State with respect to which the candidate is seeking election.

''(b) SPECIAL RULE FOR CERTAIN CANDIDATES.—

''(1) IN GENERAL.—Notwithstanding subsection (a), in the case of a candidate described in paragraph (2), the requirement of this section is met if, during the fair elections qualifying period, the candidate obtains a number of qualifying contributions equal to 150 percent of the number of qualifying contributions that such candidate would be required to obtain without regard to this subsection.

''(2) CANDIDATE DESCRIBED.—A candidate is described in this paragraph if—

''(A) the candidate is a minor party candidate or an independent candidate; and

''(B) in the most recent general election involving the office of Senator, President, or Governor in the State in which the candidate is seeking office, the candidate and all candidates of the same political party as such candidate received less than 5 percent of the total number of votes cast for each such office.

''(c) REQUIREMENTS RELATING TO RECEIPT OF QUALIFYING CONTRIBUTION.—Each qualifying contribution—

''(1) may be made by means of a personal check, money order, debit card, or credit card;

''(2) shall be payable to the Senate Fair Elections Fund;

''(3) shall be accompanied by a signed statement containing—

''(A) the contributor's name and home address;

''(B) an oath declaring that the contributor—

''(i) is a resident of the State in which the candidate with respect to whom the contribution is made is running for election;

''(ii) understands that the purpose of the qualifying contribution is to show support for the candidate so that the candidate may qualify for public financing;

''(iii) is making the contribution in his or her own name and from his or her own funds;

''(iv) has made the contribution willingly; and

''(v) has not received any thing of value in return for the contribution; and

''(4) shall be acknowledged by a receipt that is sent to the contributor with a copy kept by the candidate for the Commission and a copy kept by the candidate for the election authorities in the State with respect to which the candidate is seeking election.

''(d) DEPOSIT OF QUALIFYING CONTRIBUTIONS.—

''(1) IN GENERAL.—Not later than 21 days after obtaining a qualifying contribution, a candidate shall—

''(A) deposit such contribution into the Senate Fair Elections Fund, and

''(B) remit to the Commission a copy of the receipt for such contribution.

''(2) DEPOSIT OF CONTRIBUTIONS AFTER CERTIFICATION.—Notwithstanding paragraph (1), all qualifying contributions obtained by a candidate shall be deposited into the Senate Fair Elections Fund and all copies of receipts for such contributions shall be remitted to the Commission not later than—

''(A) in the case of a candidate who is denied certification under section 508, 3 days after receiving a notice of denial of certification under section 508(a)(2); and

''(B) in any other case, not later than the last day of the fair elections qualifying period.

''(e) VERIFICATION OF QUALIFYING CONTRIBUTIONS.—The Commission shall establish procedures for the auditing and verification of qualifying contributions to ensure that such contributions meet the requirements of this section. Such procedures may provide for verification through the means of a postcard or other method, as determined by the Commission.

"SEC. 506. CONTRIBUTION AND EXPENDITURE REQUIREMENTS.

''(a) GENERAL RULE.—A candidate for Senator meets the requirements of this section if, during the election cycle of the candidate, the candidate—

''(1) except as provided in subsection (b), accepts no contributions other than—

''(A) seed money contributions;

''(B) qualifying contributions made payable to the Senate Fair Elections Fund;

''(C) allocations from the Senate Fair Elections Fund under sections 510 and 511; and

''(D) vouchers provided to the candidate under section 315A of the Communications Act of 1934;

''(2) makes no expenditures from any amounts other than from—

''(A) amounts received from seed money contributions;

''(B) amounts received from the Senate Fair Elections Fund; and

''(C) vouchers provided to the candidate under section 315A of the Communications Act of 1934; and

''(3) makes no expenditures from personal funds or the funds of any immediate family member (other than funds received through seed money contributions).

For purposes of this subsection, a payment made by a political party in coordination

with a participating candidate shall not be treated as a contribution to or as an expenditure made by the participating candidate.

''(b) CONTRIBUTIONS FOR LEADERSHIP PACS, ETC.—A political committee of a participating candidate which is not an authorized committee of such candidate may accept contributions other than contributions described in subsection (a)(1) from any person if—

''(1) the aggregate contributions from such person for any for a calendar year do not exceed $100; and

''(2) no portion of such contributions is disbursed in connection with the campaign of the participating candidate.

''(c) EXCEPTION.—

''(1) IN GENERAL.—Notwithstanding subsection (a), a candidate shall not be treated as having failed to meet the requirements of this section if any contributions accepted before the date the candidate files a statement of intent under section 503(a)(1) are not expended and are—

''(A) returned to the contributor; or

''(B) submitted to the Federal Election Commission for deposit in the Senate Fair Elections Fund.

''(2) SPECIAL RULE FOR SEED MONEY CONTRIBUTIONS AND CONTRIBUTIONS FOR LEADERSHIP PACS.—For purposes of paragraph (1), a candidate shall not be required to return, donate, or submit any portion of the aggregate amount of contributions from any person which is $100 or less to the extent that such contribution—

''(A) otherwise qualifies as a seed money contribution; or

''(B) otherwise meets the requirements of subsection (b).

''(3) SPECIAL RULE FOR CONTRIBUTIONS BEFORE THE DATE OF ENACTMENT OF THIS TITLE.—Notwithstanding subsection (a), a candidate shall not be treated as having failed to meet the requirements of this section if any contributions accepted before the date of the enactment of this title are not expended and are—

''(A) returned to the contributor;

''(B) donated to an organization described in section 170(c) of the Internal Revenue Code of 1986;

''(C) donated to a political party;

''(D) used to retire campaign debt; or

''(E) submitted to the Federal Election Commission for deposit in the Senate Fair Elections Fund.

''SEC. 507. DEBATE REQUIREMENT.

''A candidate for Senator meets the requirements of this section if the candidate participates in at least—

''(1) 1 public debate before the primary election with other participating candidates and other willing candidates from the same party and seeking the same nomination as such candidate; and

''(2) 2 public debates before the general election with other participating candidates and other willing candidates seeking the same office as such candidate.

''SEC. 508. CERTIFICATION BY COMMISSION.

''(a) IN GENERAL.—Not later than 5 days after a candidate for Senator files an affidavit under section 503(a)(4), the Commission shall—

''(1) certify whether or not the candidate is a participating candidate; and

''(2) notify the candidate of the Commission's determination.

''(b) REVOCATION OF CERTIFICATION.—

''(1) IN GENERAL.—The Commission may revoke a certification under subsection (a) if—

''(A) a candidate fails to qualify to appear on the ballot at any time after the date of certification; or

''(B) a candidate otherwise fails to comply with the requirements of this title.

''(2) REPAYMENT OF BENEFITS.—If certification is revoked under paragraph (1), the candidate shall repay—

''(A) to the Senate Fair Elections Fund an amount equal to the value of benefits received under this title plus interest (at a rate determined by the Commission) on any such amount received; and

''(B) to Federal Communications Commission an amount equal to the amount of the dollar value of vouchers which were received from the Federal Communications Commission under section 315A of the Communications Act of 1934 and used by the candidate.

''SEC. 509. BENEFITS FOR PARTICIPATING CANDIDATES.

''(a) IN GENERAL.—A participating candidate shall be entitled to—

''(1) for each election with respect to which a candidate is certified as a participating candidate—

''(A) an allocation from the Fund to make or obligate to make expenditures with respect to such election, as provided in section 510;

''(B) fair fight funds, as provided in section 511; and

''(2) for the general election, vouchers for broadcasts of political advertisements, as provided in section 315A of the Communications Act of 1934 (47 U.S.C. 315A).

''(b) RESTRICTION ON USES OF ALLOCATIONS FROM THE FUND.—Allocations from the Fund received by a participating candidate under sections 510 and 511 may only be used for campaign-related costs.

''(c) REMITTING ALLOCATIONS FROM THE FUND.—Not later than the date that is 45 days after the date of the election, a participating candidate shall remit to the Commission for deposit in the Senate Fair Elections Fund any unspent amounts paid to such candidate under this title for such election.

''SEC. 510. ALLOCATIONS FROM THE FUND.

''(a) IN GENERAL.—The Commission shall make allocations from the Fund under section 509(a)(1)(A) to a participating candidate—

''(1) in the case of amounts provided under subsection (c)(1), not later than 48 hours after the date on which such candidate is certified as a participating candidate under section 508;

''(2) in the case of a general election, not later than 48 hours after—

''(A) the date the certification of the results of the primary election or the primary runoff election; or

''(B) in any case in which there is no primary election, the date the candidate qualifies to be placed on the ballot; and

''(3) in the case of a primary runoff election or a general runoff election, not later than 48 hours after the certification of the results of the primary election or the general election, as the case may be.

''(b) METHOD OF PAYMENT.—The Commission shall distribute funds available to participating candidates under this section through the use of an electronic funds exchange or a debit card.

''(c) AMOUNTS.—

''(1) PRIMARY ELECTION ALLOCATION; INITIAL ALLOCATION.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B), the Commission shall make an allocation from the Fund for a primary election to a participating candidate in an amount equal to 67 percent of the base amount with respect to such participating candidate.

''(B) INDEPENDENT CANDIDATES.—In the case of a participating candidate who is an independent candidate, the Commission shall make an initial allocation from the Fund in an amount equal to 25 percent of the base amount with respect to such candidate.

''(C) REDUCTION FOR EXCESS SEED MONEY.—An allocation from the Fund for any candidate under this paragraph shall be reduced by an amount equal to the aggregate amount of seed money contributions received by the candidate in excess of the sum of—

''(i) $75,000; plus

''(ii) $7,500 for each congressional district in excess of 1 in the State with respect to which the candidate is seeking election.

''(2) PRIMARY RUNOFF ELECTION ALLOCATION.—The Commission shall make an allocation from the Fund for a primary runoff election to a participating candidate in an amount equal to 25 percent of the amount the participating candidate was eligible to receive under this section for the primary election.

''(3) GENERAL ELECTION ALLOCATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission shall make an allocation from the Fund for a general election to a participating candidate in an amount equal to the base amount with respect to such candidate.

''(B) UNCONTESTED ELECTIONS.—

''(i) IN GENERAL.—The Commission shall make an allocation from the Fund to a participating candidate for a general election that is uncontested in an amount equal to 25 percent of the base amount with respect to such candidate.

''(ii) UNCONTESTED ELECTIONS.—For purposes of this subparagraph, an election is uncontested if not more than 1 candidate has received contributions (including payments from the Senate Fair Elections Fund) in an amount equal to or greater than the lesser of—

''(I) the amount in effect for a candidate in such election under paragraph (1)(C), or

''(II) an amount equal to 50 percent of the base amount with respect to such candidate.

''(C) REDUCTION FOR EXCESS SEED MONEY.—The allocation from the Fund for the general election for any participating candidate in a State that does not hold a primary election shall be reduced by an amount equal to the aggregate amount of seed money contributions received by the candidate in excess of the sum of—

''(i) $75,000; plus

''(ii) $7,500 for each congressional district in excess of 1 in the State with respect to which the candidate is seeking election.

''(4) GENERAL RUNOFF ELECTION ALLOCATION.—The Commission shall make an allocation from the Fund for a general runoff election to a participating candidate in an amount equal to 25 percent of the base amount with respect to such candidate.

''(d) BASE AMOUNT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the base amount for any candidate is an amount equal to the sum of—

''(A) $750,000; plus

''(B) $150,000 for each congressional district in excess of 1 in the State with respect to which the candidate is seeking election.

''(2) MINOR PARTY AND INDEPENDENT CANDIDATES.—

''(A) REDUCED AMOUNT FOR CERTAIN CANDIDATES.—

''(i) IN GENERAL.—In the case of a minor party candidate or independent candidate described clause (ii), the base amount is an amount equal to the product of—

''(I) a fraction the numerator of which is the highest percentage of the vote received by the candidate or a candidate of the same political party as such candidate in the election described in clause (ii) and the denominator of which is 25 percent; and

''(II) the amount that would (but for this paragraph) be the base amount for the candidate under paragraph (1).

''(ii) CANDIDATE DESCRIBED.—A candidate is described in this clause if, in the most recent general election involving the office of Senator, President, or Governor in the State in which the candidate is seeking office—

''(I) such candidate, or any candidate of the same political party as such candidate, received 5 percent or more of the total number of votes cast for any such office; and

''(II) such candidate and all candidates of the same political party as such candidate received less than 25 percent of the total number of votes cast for each such office.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to any candidate if such candidate receives a number of qualifying contributions which is greater than 150 percent of the number of qualifying contributions such candidate is required to receive in order to meet the requirements of section 505(a).

''(3) INDEXING.—In each odd-numbered year after 2010—

''(A) each dollar amount under paragraph (1) shall be increased by the percent difference between the price index (as defined in section 315(c)(2)(A)) for the 12 months preceding the beginning of such calendar year and the price index for calendar year 2008;

''(B) each dollar amount so increased shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election; and

''(C) if any amount after adjustment under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.

''(4) ADJUSTMENT BY MEDIA MARKET.—

''(A) IN GENERAL.—The Commission, in consultation with the Federal Communications Commission, shall establish an index reflecting the costs of the media markets in each State.

''(B) ADJUSTMENT.—At the beginning of each year, the Commission shall increase the amount under paragraph (1) (after application of paragraph (3)) based on the index established under subparagraph (A).

''SEC. 511. PAYMENT OF FAIR FIGHT FUNDS.

''(a) DETERMINATION OF RIGHT TO PAYMENT.—

''(1) IN GENERAL.—The Commission shall, on a regular basis, make a determination on—

''(A) the amount of opposing funds with respect to each participating candidate, and

''(B) the applicable amount with respect to each participating candidate.

''(2) BASIS OF DETERMINATIONS.—The Commission shall make determinations under paragraph (1) based on—

''(A) reports filed by the relevant opposing candidate under section 304(a) with respect to amounts described in subsection (c)(1)(A)(i)(I); and

''(B) reports filed by political committees under section 304(a) and by other persons under section 304(c) with respect to—

''(i) opposing funds described in clauses (ii)(I) and (iii)(I) of subsection (c)(1)(A); and

''(ii) applicable amounts described in subparagraphs (B)(i) and (C)(i) of subsection (b)(2).

''(3) REQUESTS FOR DETERMINATION RELATING TO CERTAIN ELECTIONEERING COMMUNICATIONS.—

''(A) IN GENERAL.—A participating candidate may request to the Commission to make a determination under paragraph (1) with respect to any relevant opposing candidate with respect to—

''(i) opposing funds described in clauses (ii)(II) and (iii)(II) of subsection (c)(1)(A); and

''(ii) applicable amounts described in subparagraphs (B)(ii) and (C)(ii) of subsection (b)(2).

''(B) TIME FOR MAKING DETERMINATION.—In the case of any such request, the Commission shall make such determination and notify the participating candidate of such determination not later than—

''(i) 24 hours after receiving such request during the 3-week period ending on the date of the election, and

''(ii) 48 hours after receiving such request at any other time.

''(b) PAYMENTS.—

''(1) IN GENERAL.—The Commission shall make available to the participating candidate fair fight funds in an amount equal to the amount of opposing funds that is in excess of the applicable amount—

''(A) immediately after making any determination under subsection (a) with respect to any participating candidate during the 3-week period ending on the date of the election, and

''(B) not later than 24 hours after making such determination at any other time.

''(2) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount is an amount equal to the sum of—

''(A) the sum of—

''(i) the amount of seed money contribution received by the participating candidate;

''(ii) in the case of a general election, the value of any vouchers received by the candidate under section 315A of the Communications Act of 1934; plus

''(iii)(I) in the case of a participating candidate who is a minor party candidate running in a general election or an independent candidate, the allocation from the Fund which would have been provided to such candidate for such election if such candidate were a major party candidate; or

''(II) in the case of any other participating candidate, an amount equal to the allocation from the Fund to such candidate for such election under section 510(c);

''(B) the sum of—

''(i) the amount of independent expenditures made advocating the election of the participating candidate; plus

''(ii) the amount of disbursements for electioneering communications which promote or support such participating candidate;

''(C) the sum of—

''(i) the amount of independent expenditures made advocating the defeat of the relevant opposing candidate; plus

''(ii) the amount of disbursements for electioneering communications which attack or oppose the relevant opposing candidate; plus

''(D) the amount of fair fight funds previously provided to the participating candidate under this subsection for the election.

''(3) LIMITS ON AMOUNT OF PAYMENT.—The aggregate of fair fight funds that a participating candidate receives under this subsection for any election shall not exceed 200 percent of the allocation from the Fund that the participating candidate receives for such election under section 510(c).

''(c) DEFINITIONS.—For purposes of this section—

''(1) OPPOSING FUNDS.—

''(A) IN GENERAL.—The term 'opposing funds' means, with respect to any participating candidate for any election, the sum of—

''(i)(I) the greater of the total contributions received by the relevant opposing candidate or the total expenditures made by such relevant opposing candidate; or

''(II) in the case of a relevant opposing candidate who is a participating candidate, an amount equal to the sum of the amount of seed money contributions received by the relevant opposing candidate, the value of any vouchers received by the relevant opposing candidate for the general election under section 315A of the Communications Act of 1934, and the allocation from the Fund under section 510(c) for the relevant opposing candidate for such election;

''(ii) the sum of—

''(I) the amount of independent expenditures made advocating the election of such relevant opposing candidate; plus

''(II) the amount of disbursements for electioneering communications which promote or support such relevant opposing candidate; plus

''(iii) the sum of—

''(I) the amount of independent expenditures made advocating the defeat of such participating candidate; plus

''(II) the amount of disbursements for electioneering communications which attack or oppose such participating candidate.

''(2) RELEVANT OPPOSING CANDIDATE.—The term 'relevant opposing candidate' means, with respect to any participating candidate, the opposing candidate of such participating candidate with respect to whom the amount under paragraph (1) is the greatest.

''(3) ELECTIONEERING COMMUNICATION.—The term 'electioneering communication' has the meaning given such term under section 304(f)(3), except that subparagraph (A)(i)(II)(aa) thereof shall be applied by substituting '30' for '60'.

''SEC. 512. ADMINISTRATION OF THE SENATE FAIR ELECTIONS SYSTEM.

''(a) REGULATIONS.—The Commission shall prescribe regulations to carry out the purposes of this title, including regulations—

''(1) to establish procedures for—

''(A) verifying the amount of valid qualifying contributions with respect to a candidate;

''(B) effectively and efficiently monitoring and enforcing the limits on the use of personal funds by participating candidates;

''(C) the expedited payment of fair fight funds during the 3-week period ending on the date of the election;

''(D) monitoring the use of allocations from the Fund under this title through audits or other mechanisms; and

''(E) returning unspent disbursements and disposing of assets purchased with allocations from the Fund;

''(2) providing for the administration of the provisions of this title with respect to special elections;

''(3) pertaining to the replacement of candidates;

''(4) regarding the conduct of debates in a manner consistent with the best practices of States that provide public financing for elections; and

''(5) for attributing expenditures to specific elections for the purposes of calculating opposing funds.

''(b) OPERATION OF COMMISSION.—The Commission shall maintain normal business hours during the weekend immediately before any general election for the purposes of administering the provisions of this title, including the distribution of fair fight funds under section 511.

''(c) REPORTS.—Not later than April 1, 2009, and every 2 years thereafter, the Commission shall submit to the Senate Committee on Rules and Administration a report documenting, evaluating, and making recommendations relating to the administrative implementation and enforcement of the provisions of this title.

''SEC. 513. VIOLATIONS AND PENALTIES.

''(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBUTION AND EXPENDITURE REQUIREMENTS.—If a candidate who has been certified as a participating candidate under section 508(a) accepts a contribution or makes an expenditure that is prohibited under section 506, the Commission shall assess a civil penalty against the candidate in an amount that is not more than 3 times the amount of

the contribution or expenditure. Any amounts collected under this subsection shall be deposited into the Senate Fair Elections Fund.

''(b) REPAYMENT FOR IMPROPER USE OF FAIR ELECTIONS FUND.—

''(1) IN GENERAL.—If the Commission determines that any benefit made available to a participating candidate under this title was not used as provided for in this title or that a participating candidate has violated any of the dates for remission of funds contained in this title, the Commission shall so notify the candidate and the candidate shall pay to the Senate Fair Elections Fund an amount equal to—

''(A) the amount of benefits so used or not remitted, as appropriate, and

''(B) interest on any such amounts (at a rate determined by the Commission).

''(2) OTHER ACTION NOT PRECLUDED.—Any action by the Commission in accordance with this subsection shall not preclude enforcement proceedings by the Commission in accordance with section 309(a), including a referral by the Commission to the Attorney General in the case of an apparent knowing and willful violation of this title.''.

SEC. 103. REPORTING REQUIREMENTS FOR NONPARTICIPATING CANDIDATES.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following:

''(i) NONPARTICIPATING CANDIDATES.—

''(1) INITIAL REPORT.—

''(A) IN GENERAL.—Each nonparticipating candidate who is opposed to a participating candidate and who receives contributions or makes expenditures aggregating more than the threshold amount shall, within 48 hours of the date such aggregate contributions or expenditures exceed the threshold amount, file with the Commission a report stating the total amount of contributions received and expenditures made or obligated by such candidate.

''(B) THRESHOLD AMOUNT.—For purposes of this paragraph, the term 'threshold amount' means 75 percent of the allocation from the Fund that a participating candidate would be entitled to receive in such election under section 510 if the participating candidate were a major party candidate.

''(2) PERIODIC REPORTS.—

''(A) IN GENERAL.—In addition to any reports required under subsection (a), each nonparticipating candidate who is required to make a report under paragraph (1) shall make the following reports:

''(i) A report which shall be filed not later than 5 P.M. on the forty-second day before the date on which the election involving such candidate is held and which shall be complete through the forty-fourth day before such date.

''(ii) A report which shall be filed not later than 5 P.M. on the twenty-first day before the date on which the election involving such candidate is held and which shall be complete through the twenty-third day before such date.

''(iii) A report which shall be filed not later than 5 P.M. on the twelfth day before the date on which the election involving such candidate is held and which shall be complete through the fourteenth day before such date.

''(B) ADDITIONAL REPORTING WITHIN 2 WEEKS OF ELECTION.—Each nonparticipating candidate who is required to make a report under paragraph (1) and who receives contributions or makes expenditures aggregating more than $1,000 at any time after the fourteenth day before the date of the election involving such candidate shall make a report to the Commission not later than 24 hours after such contributions are received or such expenditures are made.

''(C) CONTENTS OF REPORT.—Each report required under this paragraph shall state the total amount of contributions received and expenditures made or obligated to be made during the period covered by the report.

''(3) DEFINITIONS.—For purposes of this subsection and section 309(a)(13), the terms 'nonparticipating candidate', 'participating candidate', and 'allocation from the Fund' have the respective meanings given to such terms under section 501.''.

(b) INCREASED PENALTY FOR FAILURE TO FILE.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437(g)) is amended by adding at the end the following new paragraph:

''(13) INCREASED CIVIL PENALTIES WITH RESPECT TO REPORTING BY NONPARTICIPATING CANDIDATES.—For purposes of paragraphs (5) and (6), any civil penalty with respect to a violation of section 304(i) shall not exceed the greater of—

''(A) the amount otherwise applicable without regard to this paragraph; or

''(B) for each day of the violation, 3 times the amount of the fair fight funds under section 511 that otherwise would have been allocated to the participating candidate but for such violation.''.

SEC. 104. MODIFICATION OF ELECTIONEERING COMMUNICATION REPORTING REQUIREMENTS.

Paragraph (2) of section 304(f) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(f)(2)) is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following new subparagraph:

''(E) in the case of a communication referring to any candidate in an election involving a participating candidate (as defined under section 501(9)), a transcript of the electioneering communication.''.

SEC. 105. LIMITATION ON COORDINATED EXPENDITURES BY POLITICAL PARTY COMMITTEES WITH PARTICIPATING CANDIDATES.

(a) IN GENERAL.—Section 315(d)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before subparagraph (B), as redesignated by paragraph (1), the following new subparagraph:

''(A) in the case of a candidate for election to the office of Senator who is a participating candidate (as defined in section 501), the lesser of—

''(i) 10 percent of the allocation from the Senate Elections Fund that the participating candidate is eligible to receive for the general election under section 510(c)(3); or

''(ii) the amount which would (but for this subparagraph) apply with respect to such candidate under subparagraph (B);''.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 315(d)(3) of such Act, as redesignated by subsection (a), is amended by inserting ''who is not a participating candidate (as so defined)'' after ''office of Senator''.

SEC. 106. AUDITS.

Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting ''(1)'' before ''The Commission''; and

(2) by adding at the end the following:

''(2) AUDITS OF PARTICIPATING CANDIDATES.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), after every primary, general, and runoff election, the Commission shall conduct random audits and investigations of not less than 30 percent of the authorized committees of candidates who are participating candidates (as defined in section 501).

''(B) SELECTION OF SUBJECTS.—The subjects of audits and investigations under this paragraph shall be selected on the basis of impartial criteria established by a vote of at least 4 members of the Commission.''.

Subtitle B—Senate Fair Elections Fund Revenues

SEC. 111. DEPOSIT OF PROCEEDS FROM RECOVERED SPECTRUM AUCTIONS.

Section 309(j)(8)(E)(ii) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)(ii)) is amended—

(1) by striking ''deposited in'' and inserting the following: ''deposited as follows:

''(I) 90 percent of such proceeds deposited in''; and

(2) by adding at the end the following:

''(II) 10 percent of such proceeds deposited in the Senate Fair Elections Fund established under section 502 of the Federal Election Campaign Act of 1972.''.

Subtitle C—Fair Elections Review Commission

SEC. 121. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Fair Elections Review Commission'' (hereafter in this subtitle referred to as the ''Commission'').

(b) DUTIES.—

(1) REVIEW OF FAIR ELECTIONS FINANCING.—

(A) IN GENERAL.—After each general election for Federal office, the Commission shall conduct a comprehensive review of the Senate fair elections financing program under title V of the Federal Election Campaign Act of 1974, including—

(i) the number and value of qualifying contributions a candidate is required to obtain under section 505 of such Act to qualify for allocations from the Fund;

(ii) the amount of allocations from the Senate Fair Elections Fund that candidates may receive under sections 510 and 511 of such Act;

(iii) the overall satisfaction of participating candidates with the program; and

(iv) such other matters relating to financing of Senate campaigns as the Commission determines are appropriate.

(B) CRITERIA FOR REVIEW.—In conducting the review under subparagraph (A), the Commission shall consider the following:

(i) REVIEW OF QUALIFYING CONTRIBUTION REQUIREMENTS.—The Commission shall consider whether the number and value of qualifying contributions required strikes a balance between the importance of voter choice and fiscal responsibility, taking into consideration the number of primary and general election participating candidates, the electoral performance of those candidates, program cost, and any other information the Commission determines is appropriate.

(ii) REVIEW OF PROGRAM ALLOCATIONS.—The Commission shall consider whether allocations from the Senate Elections Fund under sections 510 ad 511 of the Federal Election Campaign Act of 1974 are sufficient for voters in each State to learn about the candidates to cast an informed vote, taking into account the historic amount of spending by winning candidates, media costs, primary election dates, and any other information the Commission determines is appropriate.

(2) REPORT, RECOMMENDATIONS, AND PROPOSED LEGISLATIVE LANGUAGE.—

(A) REPORT.—Not later than March 30 following any general election for Federal office, the Commission shall submit a report to Congress on the review conducted under paragraph (1). Such report shall contain a detailed statement of the findings, conclusions, and recommendations of the Commission

based on such review, and shall contain any proposed legislative language (as required under subparagraph (C)) of the Commission.

(B) FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS.—A finding, conclusion, or recommendation of the Commission shall be included in the report under subparagraph (A) only if not less than 3 members of the Commission voted for such finding, conclusion, or recommendation.

(C) LEGISLATIVE LANGUAGE.—

(i) IN GENERAL.—The report under subparagraph (A) shall include legislative language with respect to any recommendation involving—

(I) an increase in the number or value of qualifying contributions; or

(II) an increase in the amount of allocations from the Senate Elections Fund.

(ii) FORM.—The legislative language shall be in the form of a proposed bill for introduction in Congress and shall not include any recommendation not related to matter described subclause (I) or (II) of clause (i)

SEC. 122. STRUCTURE AND MEMBERSHIP OF THE COMMISSION.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 5 members, of whom—

(A) 1 shall be appointed by the Majority Leader of the Senate;

(B) 1 shall be appointed by the Minority Leader of the Senate; and

(C) 3 shall be appointed jointly by the members appointed under subparagraphs (A) and (B).

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The members shall be individuals who are nonpartisan and, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Commission.

(B) PROHIBITION.—No member of the Commission may be—

(i) a member of Congress;

(ii) an employee of the Federal government;

(iii) a registered lobbyist; or

(iv) an officer or employee of a political party or political campaign.

(3) DATE.—Members of the Commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(4) TERMS.—A member of the Commission shall be appointed for a term of 5 years.

(b) VACANCIES.—A vacancy on the Commission shall be filled not later than 30 calendar days after the date on which the Commission is given notice of the vacancy, in the same manner as the original appointment. The individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.

(c) CHAIRPERSON.—The Commission shall designate a Chairperson from among the members of the Commission.

SEC. 123. POWERS OF THE COMMISSION.

(a) MEETINGS AND HEARINGS.—

(1) MEETINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(2) QUORUM.—Four members of the Commission shall constitute a quorum for purposes of voting, but a quorum is not required for members to meet and hold hearings.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 124. ADMINISTRATION.

(a) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—

(A) IN GENERAL.—Each member, other than the Chairperson, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(B) CHAIRPERSON.—The Chairperson shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Commission.

(b) PERSONNEL.—

(1) DIRECTOR.—The Commission shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate equivalent to a rate established for the Senior Executive Service under section 5382 of title 5, United States Code.

(2) STAFF APPOINTMENT.—With the approval of the Chairperson, the Executive Director may appoint such personnel as the Executive Director and the Commission determines to be appropriate.

(3) ACTUARIAL EXPERTS AND CONSULTANTS.—With the approval of the Chairperson, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Chairperson, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(5) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress and other agencies and elected representatives of the executive and legislative branches of the Federal Government. The Chairperson of the Commission shall make requests for such access in writing when necessary.

SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out the purposes of this subtitle.

SEC. 126. EXPEDITED CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—Not later than 60 days after the Commission files a report under section 121(b), the Majority Leader of the Senate, or the Majority Leader's designee, shall introduce any proposed legislative language submitted by the Commission under section 121(b)(2)(C) in the Senate (hereafter in this section referred to as a ''Commission bill'').

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A Commission bill introduced in the Senate shall be referred to the Committee on Rules and Administration of the Senate.

(B) REPORTING.—Not later than 60 calendar days after the introduction of the Commission bill, the Committee on Rules and Administration shall hold a hearing on the bill and report the bill to the Senate. No amendment shall be in order to the bill in the Committee.

(C) DISCHARGE OF COMMITTEE.—If the Committee on Rules and Administration has not reported a Commission bill at the end of 60 calendar days after its introduction, such committee shall be automatically discharged from further consideration of the Commission bill and it shall be placed on the appropriate calendar.

(b) EXPEDITED PROCEDURE.—

(1) FLOOR CONSIDERATION IN THE SENATE.—

(A) IN GENERAL.—Not later than 60 calendar days after the date on which a committee has reported or has been discharged from consideration of a Commission bill, the Majority Leader of the Senate, or the Majority Leader's designee shall move to proceed to the consideration of the Commission bill. It shall also be in order for any member of the Senate to move to proceed to the consideration of the bill at any time after the conclusion of such 60-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a Commission bill is privileged in the Senate. The motion is not debatable and is not subject to a motion to postpone consideration of the Commission bill or to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate shall immediately proceed to consideration of the Commission bill without intervening motion, order, action, or other business, and the Commission bill shall remain the unfinished business of the Senate until disposed of.

(C) AMENDMENTS, MOTIONS, AND APPEALS.—No amendment shall be in order in the Senate, and any debatable motion or appeal is debatable for not to exceed 5 hours to be divided equally between those favoring and those opposing the motion or appeal.

(D) LIMITED DEBATE.—Consideration in the Senate of the Commission bill and on all debatable motions and appeals in connection therewith, shall be limited to not more than 40 hours, which shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader of the Senate or their designees. A motion further to limit debate on the Commission bill is in order and is not debatable. All time used for consideration of the Commission bill, including time used for quorum calls (except quorum calls immediately preceding a vote), shall come from the 40 hours of consideration.

(E) VOTE ON PASSAGE.—

(i) IN GENERAL.—The vote on passage in the Senate of the Commission bill shall occur immediately following the conclusion of the 40-hour period for consideration of the Commission bill under subparagraph (D) and a request to establish the presence of a quorum.

(ii) OTHER MOTIONS NOT IN ORDER.—A motion in the Senate to postpone consideration of the Commission bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission bill is not in order. A motion in the Senate to reconsider the vote by which the Commission bill is agreed to or not agreed to is not in order.

(2) FLOOR CONSIDERATION IN THE HOUSE.—

(A) IN GENERAL.—If a Commission bill is agreed to in the Senate, the Majority Leader

of the House of Representatives, or the Majority Leader's designee shall move to proceed to the consideration of the Commission bill not later than 30 days after the date the House or Representatives receives notice of such agreement. It shall also be in order for any member of the House of Representatives to move to proceed to the consideration of the bill at any time after the conclusion of such 30-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a Commission bill is privileged in the House of Representatives. The motion is not debatable and is not subject to a motion to postpone consideration of the Commission bill or to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the House of Representatives shall immediately proceed to consideration of the Commission bill without intervening motion, order, action, or other business, and the Commission bill shall remain the unfinished business of the House of Representatives until disposed of.

(C) AMENDMENTS, MOTIONS, AND APPEALS.—No amendment shall be in order in the House of Representatives, and any debatable motion or appeal is debatable for not to exceed 5 hours to be divided equally between those favoring and those opposing the motion or appeal.

(D) LIMITED DEBATE.—Consideration in the House of Representatives of the Commission bill and on all debatable motions and appeals in connection therewith, shall be limited to not more than 40 hours, which shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader of the House of Representatives or their designees. A motion further to limit debate on the Commission bill is in order and is not debatable. All time used for consideration of the Commission bill, including time used for quorum calls (except quorum calls immediately preceding a vote), shall come from the 40 hours of consideration.

(E) VOTE ON PASSAGE.—

(i) IN GENERAL.—The vote on passage in the House of Representatives of the Commission bill shall occur immediately following the conclusion of the 40-hour period for consideration of the Commission bill under subparagraph (D) and a request to establish the presence of a quorum.

(ii) OTHER MOTIONS NOT IN ORDER.—A motion in the House of Representatives to postpone consideration of the Commission bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission bill is not in order. A motion in the House of Representatives to reconsider the vote by which the Commission bill is agreed to or not agreed to is not in order.

(c) RULES OF SENATE AND HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Commission bill, and it supersedes other rules only to the extent that it is inconsistent with such rules, and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE II—VOTER INFORMATION

SEC. 201. BROADCASTS RELATING TO CANDIDATES.

(a) LOWEST UNIT CHARGE; NATIONAL COMMITTEES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking ''to such office'' in paragraph (1) and inserting ''to such office, or by a national committee of a political party on behalf of such candidate in connection with such campaign,''; and

(2) by inserting ''for pre-emptible use thereof'' after ''station'' in subparagraph (A) of paragraph (1).

(b) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)), as amended by subsection (a), is amended—

(1) in paragraph (1)(A), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(2) by adding at the end the following:

''(3) PARTICIPATING CANDIDATES.—In the case of a participating candidate (as defined under section 501(10) of the Federal Election Campaign Act of 1971), the charges made for the use any broadcasting station for a television broadcast shall not exceed 80 percent of the lowest charge described in paragraph (1)(A) during—

''(A) the 45 days preceding the date of a primary or primary runoff election in which the candidate is opposed; and

''(B) the 60 days preceding the date of a general or special election in which the candidate is opposed.

''(4) RATE CARDS.—A licensee shall provide to a candidate for Senate a rate card that discloses—

''(A) the rate charged under this subsection; and

''(B) the method that the licensee uses to determine the rate charged under this subsection.''.

(c) PREEMPTION; AUDITS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively and moving them to follow the existing subsection (e);

(2) by redesignating the existing subsection (e) as subsection (c); and

(3) by inserting after subsection (c) (as redesignated by paragraph (2)) the following:

''(d) PREEMPTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), and notwithstanding the requirements of subsection (b)(1)(A), a licensee shall not preempt the use of a broadcasting station by a legally qualified candidate for Senate who has purchased and paid for such use.

''(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the station, any candidate or party advertising spot scheduled to be broadcast during that program shall be treated in the same fashion as a comparable commercial advertising spot.

''(e) AUDITS.—During the 45-day period preceding a primary election and the 60-day period preceding a general election, the Commission shall conduct such audits as it deems necessary to ensure that each broadcaster to which this section applies is allocating television broadcast advertising time in accordance with this section and section 312.''.

(d) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

(1) by striking ''or repeated'';

(2) by inserting ''or cable system'' after ''broadcasting station''; and

(3) by striking ''his candidacy'' and inserting ''the candidacy of the candidate, under the same terms, conditions, and business practices as apply to the most favored advertiser of the licensee''.

(e) STYLISTIC AMENDMENTS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by striking ''the'' in subsection (f)(1), as redesignated by subsection (b)(1), and inserting ''BROADCASTING STATION.—'';

(2) by striking ''the'' in subsection (f)(2), as redesignated by subsection (b)(1), and inserting ''LICENSEE; STATION LICENSEE.—''; and

(3) by inserting ''REGULATIONS.—'' in subsection (g), as redesignated by subsection (b)(1), before ''The Commission''.

SEC. 202. POLITICAL ADVERTISEMENT VOUCHERS FOR PARTICIPATING CANDIDATES.

(a) IN GENERAL.—Title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by inserting after section 315 the following:

''SEC. 315A. POLITICAL ADVERTISEMENT VOUCHER PROGRAM.

''(a) IN GENERAL.—The Commission shall establish and administer a voucher program for the purchase of airtime on broadcasting stations for political advertisements in accordance with the provisions of this section.

''(b) CANDIDATES.—The Commission shall only disburse vouchers under the program established under subsection (a) to individuals who meet the following requirements:

''(1) QUALIFICATION.—The individual is certified by the Federal Election Commission as a participating candidate (as defined under section 501(10) of the Federal Election Campaign Act of 1971) with respect to a general election for Federal office under section 508 of the Federal Election Campaign Act of 1971.

''(2) AGREEMENT.—The individual has agreed in writing—

''(A) to keep and furnish to the Federal Election Commission such records, books, and other information as it may require; and

''(B) to repay to the Federal Communications Commission, if the Federal Election Commission revokes the certification of the individual as a participating candidate (as so defined), an amount equal to the dollar value of vouchers which were received from the Commission and used by the candidate.

''(c) AMOUNTS.—The Commission shall disburse vouchers to each candidate certified under subsection (b) in an aggregate amount equal to $100,000 multiplied by the number of congressional districts in the State with respect to which such candidate is running for office.

''(d) USE.—

''(1) EXCLUSIVE USE.—Vouchers disbursed by the Commission under this section may be used only for the purchase of broadcast airtime for political advertisements relating to a general election for the office of Senate by the participating candidate to which the vouchers were disbursed, except that—

''(A) a candidate may exchange vouchers with a political party under paragraph (2); and

''(B) a political party may use vouchers only to purchase broadcast airtime for political advertisements for generic party advertising, to support candidates for State or local office in a general election, or to support participating candidates of the party in a general election for Federal office, but only if it discloses the value of the voucher used as an expenditure under section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441(d)).

''(2) EXCHANGE WITH POLITICAL PARTY COMMITTEE.—

''(A) IN GENERAL.—An individual who receives a voucher under this section may transfer the right to use all or a portion of

the value of the voucher to a committee of the political party of which the individual is a candidate in exchange for money in an amount equal to the cash value of the voucher or portion exchanged.

''(B) CONTINUATION OF CANDIDATE OBLIGATIONS.—The transfer of a voucher, in whole or in part, to a political party committee under this paragraph does not release the candidate from any obligation under the agreement made under subsection (b)(2) or otherwise modify that agreement or its application to that candidate.

''(C) PARTY COMMITTEE OBLIGATIONS.—Any political party committee to which a voucher or portion thereof is transferred under subparagraph (A)—

''(i) shall account fully, in accordance with such requirements as the Commission may establish, for the receipt of the voucher; and

''(ii) may not use the transferred voucher or portion thereof for any purpose other than a purpose described in paragraph (1)(B).

''(D) VOUCHER AS A CONTRIBUTION UNDER FECA.—If a candidate transfers a voucher or any portion thereof to a political party committee under subparagraph (A)—

''(i) the value of the voucher or portion thereof transferred shall be treated as a contribution from the candidate to the committee, and from the committee to the candidate, for purposes of sections 302 and 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432 and 434);

''(ii) the committee may, in exchange, provide to the candidate only funds subject to the prohibitions, limitations, and reporting requirements of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.); and

''(iii) the amount, if identified as a 'voucher exchange' shall not be considered a contribution for the purposes of sections 315 or 506 of that Act.

''(e) VALUE; ACCEPTANCE; REDEMPTION.—

''(1) VOUCHER.—Each voucher disbursed by the Commission under this section shall have a value in dollars, redeemable upon presentation to the Commission, together with such documentation and other information as the Commission may require, for the purchase of broadcast airtime for political advertisements in accordance with this section.

''(2) ACCEPTANCE.—A broadcasting station shall accept vouchers in payment for the purchase of broadcast airtime for political advertisements in accordance with this section.

''(3) REDEMPTION.—The Commission shall redeem vouchers accepted by broadcasting stations under paragraph (2) upon presentation, subject to such documentation, verification, accounting, and application requirements as the Commission may impose to ensure the accuracy and integrity of the voucher redemption system. The Commission shall use amounts in the Political Advertising Voucher Account established under subsection (f) to redeem vouchers presented under this subsection.

''(4) EXPIRATION.—

''(A) CANDIDATES.—A voucher may only be used to pay for broadcast airtime for political advertisements to be broadcast before midnight on the day before the date of the Federal election in connection with which it was issued and shall be null and void for any other use or purpose.

''(B) EXCEPTION FOR POLITICAL PARTY COMMITTEES.—A voucher held by a political party committee may be used to pay for broadcast airtime for political advertisements to be broadcast before midnight on December 31st of the odd-numbered year following the year in which the voucher was issued by the Commission.

''(5) VOUCHER AS EXPENDITURE UNDER FECA.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), for purposes of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), the use of a voucher to purchase broadcast airtime constitutes an expenditure as defined in section 301(9)(A) of that Act (2 U.S.C. 431(9)(A)).

''(B) PARTICIPATING CANDIDATES.—The use of a voucher to purchase broadcast airtime by a participating candidate shall not constitute an expenditure for purposes of section 506 of such Act.

''(f) POLITICAL ADVERTISING VOUCHER ACCOUNT.—

''(1) IN GENERAL.—The Commission shall establish an account to be known as the Political Advertising Voucher Account, which shall be credited with commercial television and radio spectrum use fees assessed under this subsection, together with any amounts repaid or otherwise reimbursed under this section or section 508(b)(2)(B) of the Federal Election Campaign Act of 1971.

''(2) SPECTRUM USE FEE.—

''(A) IN GENERAL.—The Commission shall assess, and collect annually, from each broadcast station, a spectrum use fee in an amount equal to 2 percent of each broadcasting station's gross advertising revenues for such year.

''(B) AVAILABILITY.—

''(i) IN GENERAL.—Any amount assessed and collected under this paragraph shall be used by the Commission as an offsetting collection for the purposes of making disbursements under this section, except that—

''(I) the salaries and expenses account of the Commission shall be credited with such sums as are necessary from those amounts for the costs of developing and implementing the program established by this section; and

''(II) the Commission may reimburse the Federal Election Commission for any expenses incurred by the Commission under this section.

''(ii) DEPOSIT OF EXCESS FEES INTO SENATE FAIR ELECTIONS FUND.—If the amount assessed and collected under this paragraph for years in any election period exceeds the amount necessary for making disbursements under this section for such election period, the Commission shall deposit such excess in the Senate Fair Elections Fund.

''(C) FEE DOES NOT APPLY TO PUBLIC BROADCASTING STATIONS.—Subparagraph (A) does not apply to a public telecommunications entity (as defined in section 397(12) of this Act).

''(3) ADMINISTRATIVE PROVISIONS.—Except as otherwise provided in this subsection, section 9 of this Act applies to the assessment and collection of fees under this subsection to the same extent as if those fees were regulatory fees imposed under section 9.

''(g) DEFINITIONS.—In this section:

''(1) BROADCASTING STATION.—The term 'broadcasting station' has the meaning given that term by section 315(f)(1) of this Act.

''(2) FEDERAL ELECTION.—The term 'Federal election' means any regularly-scheduled, primary, runoff, or special election held to nominate or elect a candidate to Federal office.

''(3) FEDERAL OFFICE.—The term 'Federal office' has the meaning given that term by section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)).

''(4) POLITICAL PARTY.—The term 'political party' means a major party or a minor party as defined in section 9002(3) or (4) of the Internal Revenue Code of 1986 (26 U.S.C. 9002(3) or (4)).

''(5) OTHER TERMS.—Except as otherwise provided in this section, any term used in this section that is defined in section 301 or 501 of the Federal Election Campaign of 1971 (2 U.S.C. 431) has the meaning given that term by either such section of that Act.

''(h) REGULATIONS.—The Commission shall prescribe such regulations as may be necessary to carry out the provisions of this section. In developing the regulations, the Commission shall consult with the Federal Election Commission.''.

SEC. 203. FCC TO PRESCRIBE STANDARDIZED FORM FOR REPORTING CANDIDATE CAMPAIGN ADS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall initiate a rulemaking proceeding to establish a standardized form to be used by broadcasting stations, as defined in section 315(f)(1) of the Communications Act of 1934 (47 U.S.C. 315(f)(1)), to record and report the purchase of advertising time by or on behalf of a candidate for nomination for election, or for election, to Federal elective office.

(b) CONTENTS.—The form prescribed by the Commission under subsection (a) shall require, broadcasting stations to report, at a minimum—

(1) the station call letters and mailing address;

(2) the name and telephone number of the station's sales manager (or individual with responsibility for advertising sales);

(3) the name of the candidate who purchased the advertising time, or on whose behalf the advertising time was purchased, and the Federal elective office for which he or she is a candidate;

(4) the name, mailing address, and telephone number of the person responsible for purchasing broadcast political advertising for the candidate;

(5) notation as to whether the purchase agreement for which the information is being reported is a draft or final version; and

(6) the following information about the advertisement:

(A) The date and time of the broadcast.

(B) The program in which the advertisement was broadcast.

(C) The length of the broadcast airtime.

(c) INTERNET ACCESS.—In its rulemaking under subsection (a), the Commission shall require any broadcasting station required to file a report under this section that maintains an Internet website to make available a link to such reports on that website.

SEC. 204. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

(a) IN GENERAL.—Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

''(A)(i) Except as provided in clause (ii), Member of Congress or a Congressional Committee or Subcommittee of which such Member is Chairman or Ranking Member shall not mail any mass mailing as franked mail during the period which begins 90 days before date of the primary election and ends on the date of the general election with respect to any Federal office which such Member holds, unless the Member has made a public announcement that the Member will not be a candidate for reelection to such office in that year.

''(ii) A Member of Congress or a Congressional Committee or Subcommittee of which such Member is Chairman or Ranking Member may mail a mass mailing as franked mail if—

''(I) the purpose of the mailing is to communicate information about a public meeting; and

''(II) the content of the mailed matter includes only the name of the Member, Committee, or Subcommittee, as appropriate, and the date, time, and place of the public meeting.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (B) and by redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively.

(2) Section 3210(a)(6)(E) of title 39, United States Code, as redesignated by paragraph (1), is amended by striking ''subparagraphs (A) and (C)'' and inserting ''subparagraphs (A) and (B)''.

TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION

SEC. 301. PETITION FOR CERTIORARI.

Section 307(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437d(a)(6)) is amended by inserting ''(including a proceeding before the Supreme Court on certiorari)'' after ''appeal''.

SEC. 302. FILING BY SENATE CANDIDATES WITH COMMISSION.

Section 302(g) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended to read as follows:

''(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.''.

SEC. 303. ELECTRONIC FILING OF FEC REPORTS.

Section 304(a)(11) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)) is amended—

(1) in subparagraph (A), by striking ''under this Act—'' and all that follows and inserting ''under this Act shall be required to maintain and file such designation, statement, or report in electronic form accessible by computers.'';

(2) in subparagraph (B), by striking ''48 hours'' and all that follows through ''filed electronically)'' and inserting ''24 hours''; and

(3) by striking subparagraph (D).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 402. REVIEW OF CONSTITUTIONAL ISSUES.

An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

SEC. 403. EFFECTIVE DATE.

Except as otherwise provided for in this Act, this Act and the amendments made by this Act shall take effect on January 1, 2008.

By Mr. SMITH (for himself, Mr. CONRAD, Mr. KERRY, Mr. BINGAMAN, and Ms. SNOWE):

S. 1288. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to increase the retirement security of women and small business owners, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, today I am introducing the Women's Retirement Security Act of 2007. This measure has the potential to make a significantly positive impact on the ability of Americans to save for their retirement years. This is a truly bi-partisan bill and I am pleased to be joined today in introducing this important legislation with Senators CONRAD, KERRY, BINGAMAN and SNOWE.

Preparing for retirement and achieving financial security are daunting tasks for all Americans; however, women face many unique challenges. Women are more likely to work part-time or work in industries where employers are less likely to offer retirement benefits. And many women have significant gaps in their work histories due to caring for children or elderly parents.

As a result, women receive substantially less income during retirement than men. What makes this trend even more disturbing is the fact that women generally live longer. So if anything, women should be entering retirement with more income.

The Women's Retirement Security Act of 2007 works to narrow the retirement income gap between men and women. For example, because women are more likely than men to work part-time, the bill will require employers to allow long-term, part-time employees to make elective deferrals to their 401(k) plans. In addition, the bill expands the Saver's Credit, which is a tax credit for certain low and moderate-income individuals, so that more Americans will benefit.

The bill also creates automatic IRAs. Over 75 million Americans work for an employer that does not sponsor a retirement plan. This is almost half of all working Americans. The Women's Retirement Security Act will allow those employees not covered by a qualified retirement plan to save for retirement through automatic payroll deposits to IRAs. Under the bill, employers with more than 10 employees that don't sponsor a retirement plan would be required to offer an option for their employees to make regular payroll deposits to IRAs. This concept is very similar to direct deposit of paychecks to employees' bank accounts, which many employers already do.

Another key component provides incentives for lifetime payments. Since women generally live longer than men, they must be particularly concerned with protecting against the risk of exhausting their retirement income. Life annuities help ensure that older Americans will not outlive their retirement savings, adding stability and security in retirement years. The Women's Retirement Security Act encourages annuitization by allowing individuals to exclude from taxation a portion of payments from qualified or nonqualified annuities that last a lifetime.

I look forward to working with my colleagues to narrow the pension gap between men and women by enacting the important reforms in this legislation.

I ask unanimous consent that a copy of this legislation be printed in the RECORD. I also ask unanimous consent that my statement be included in the RECORD next to the bill.

Thank you.

Mr. KERRY. Mr. President, I am pleased to join my colleagues Senators SMITH, CONRAD, SNOWE, and BINGAMAN in introducing the Women's Retirement Security Act of 2007. This legislation comes on the heels of the passage of the Pension Protection Act of 2006, which makes improvements to the defined benefit pension plan system.

The legislation that we are introducing today builds upon that legislation and focuses on defined contribution plans. Our pension system has shifted away from defined benefit plans to defined contribution plans. We should make it easier for employers to offer defined contribution plans and for individuals to participate in these plans.

At a time when we have a negative savings rate that is the lowest since the Great Depression, we should provide appropriate incentives to help individuals save for retirement. In an effort to achieve this, the Women's Retirement Security Act of 2007 focuses on increasing retirement savings, the preservation of income, equity in divorce, improving financial literacy, and encouraging small businesses to enter and remain in the employer retirement plan system.

This legislation increases savings by allowing employees to contribute a portion of their paycheck to an individual retirement account (IRA) if their employer does not offer a pension plan. Automatic IRAs will help the 71 million workers that do not have employer-sponsored plans. It is a low-cost, sensible solution that provides a stepping stone toward employer-sponsored retirement plans. More workers are likely to contribute to an IRA if the contribution is deducted from their payroll. Automatic IRAs will help combat the inertia that is a factor in our low savings rate. The bill also provides a tax credit to help small businesses with the cost of implementation.

The Pension Protection Act of 2006 increase made the tax credit for contributions to qualified pension plans permanent, commonly referred to as the saver's credit, permanent. Our legislation builds upon this provision by making this credit refundable and making it 50 percent of the contribution for all eligible taxpayers. The annual contribution eligible for this credit is $2,000. In 2005, five million households benefited from this provision. These changes will help many more benefit from this important credit. Making the credit refundable will help those who are struggling and do not have enough income to save.

Women are often placed at a disadvantage in our retirement system because they cycle in and out of the work force. The Women's Retirement Security Act of 2007 addresses this issue by requiring employers that offer defined contribution plans to cover part-time employees that meet specific requirements.

Pension coverage needs to improve, particularly for small businesses. In

2004, only 26 percent of workers at firms with fewer than 25 employees participated in pension plans. Progress has been made on providing coverage to small businesses. Currently, more than 19 million workers are covered by small business retirement plans, but more than 36 million Americans work for firms with less than 25 employees.

The Women's Retirement Security Act of 2007 provides a start-up credit for new small business retirement contributions. In addition, it removes rules that discourage small employers from adopting deferral only plans.

I look forward to continuing to work with my colleagues to help improve the retirement of mothers, sisters, daughters, and wives. We should work together to provide incentives that encourage participation in retirement plans and remove barriers preventing employers from offering them.

Thank you.

By Mr. CRAIG:

S. 1289. A bill to amend title 38, United States Code, to modify the salary and terms of judges of the United States Court of Appeals for Veterans Claims, to modify authorities for the recall of retired judges of such court, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition today to comment on a bill I am introducing to help ensure the long-term ability of the United States Court of Appeals for Veterans Claims to promptly dispense justice in all veterans cases.

In 1988, Congress created this court to hear appeals from decisions of the Department of Veterans Affairs, most commonly on veterans' claims for disability compensation based on injuries or diseases they suffered during service. As was discussed at a hearing I called last year while serving as chairman of the Committee on Veterans' Affairs, the CAVC is facing some serious challenges, which may impede its ability to consistently provide timely decisions to our Nation's veterans.

In fact, between 2004 and 2006 the court experienced something akin to a ''perfect storm.'' The last four of the original judges, who were appointed when the court was created, all retired, taking 60 years of experience with them; the court's incoming caseload experienced a dramatic 67-percent increase; and the court was left with a single judge who had at least 2 years of experience deciding these often complex cases. As a consequence, the court received 30 percent more cases than it decided during that time and the number of pending cases doubled in less than 2 years. With over 6,000 cases still pending, almost 4,000 more than a decade ago, and with the court continuing to receive record levels of incoming cases, veterans seeking justice from the court may feel the effects of this ''perfect storm'' for many years to come, as the court struggles to eliminate the existing backlog and to keep up with new appeals.

For the men and women who have served, sacrificed, and suffered for our Nation, I believe we must take steps to ensure that they will receive timely decisions on their appeals, not just today but for many years to come. That is why I am introducing this bill to help the court deal with its existing caseload and to help ensure that, in the long term, the court will not face such a devastating combination of events.

As one means of helping with the current caseload, the bill would modify the rules that govern the recall of retired judges. Under current law, a retiring judge may opt to be recall eligible, which means the judge may be involuntarily called back to work for up to 90 days per year when needed and may voluntarily serve up to 180 days per year. For this court, like other Federal courts, the option of receiving help from retired judges can be an extremely important resource. In fact, last year, after the court began recalling retired judges to help with its caseload, the court's productivity rose over 19 percent in 3 months.

In view of the obvious value of having experienced retired judges continue to decide veterans' cases and the fact that they currently receive the same salary as active judges regardless of how much, if any, service they provide in a year, it would be a win-win situation for veterans, the court, and taxpayers if a retired judge opted to return to the bench more frequently or for longer periods than current law permits. To allow for that possibility, the bill would eliminate the 180-day cap and permit a retired judge to voluntarily serve in recall status as many days during a year as he or she wishes.

Also, because the court may need an unprecedented level of service from retired judges in the next several years to help deal with its caseload, the bill would provide an incentive for the current complement of recall-eligible judges to provide as much service as practical during that time. Specifically, the bill would provide that, once a recall-eligible judge has served an aggregate of 5 years of recall service, the judge will no longer be subject to involuntarily recall and will continue to receive the same salary, that of an active judge.

To put that into perspective, if a retired judge were to be recalled for 90 days each year, as current law permits, it would take 20 years to provide the equivalent of 5 years of recall service. In addition to allowing judges to accelerate their service into fewer years, at a time when it may be most beneficial to veterans, this change may also encourage retired judges to serve in recall status for longer periods of time. This should help minimize concerns expressed by the Chief Judge in recent years about how much retired judges would be able to accomplish in the limited 90 day recall period. With these changes, the court should have the judicial resources it needs to handle its caseload in the near term.

In addition, this bill would take steps to ensure that the court, in the long run, is not faced with a difficult transition like the one it experienced in recent years. By way of background, the original judges, except for one who died, all retired between 2000 and 2005, with four of those retirements occurring within a single 12-month period. Given the delays inherent in the appointment and confirmation process, this left the CAVC without a full complement of active judges for much of that 5-year period. As the Chief Judge testified in 2006, functioning with less than seven judges ''led to a backlog'' of cases at the court.

Perhaps more significantly, this cluster of retirements meant that, as of August 2005, the court had only one judge, the new Chief Judge, who had at least 2 years of experience on the bench. In the words of that Chief Judge, ''no other Federal court would be faced with the transition that we were faced with as of August 2005. Where else in the Federal judiciary system could I, the junior judge . . . suddenly become the senior judge, and have all of the experience of the court departing?'' The Chief Judge also opined that ''[t]his turnover on the Court has had great significance, particularly in the short term, on the Court's case management.''

The effects of this turnover may have been magnified by the fact that this court deals with a very specialized area of law, which by all accounts has become increasingly complex in recent years. In fact, the Veterans of Foreign Wars of the United States recently described veterans' law as ''a complex thicket of court decisions and statutory requirements.''

To further complicate the situation, the court experienced a dramatic rise in the number of incoming cases in recent years. In fact, in 2005 the court received 37 percent more cases than it had received in any prior year and, then, in 2006 the court received an even higher level of incoming cases. As I indicated earlier, the combined effect of these factors led the court to be ''in the red'' for several years, taking in almost 3,000 more cases than it decided.

Although some factors that have contributed to the court's challenges cannot be controlled, it seems clear that multiple retirements of experienced judges within a relatively short period of time can have a profound impact on the court's ability to decide veterans' cases. It is worth noting that Congress previously attempted to stagger the retirement dates of the judges by temporarily expanding the size of the court and by shortening the length of two judges' terms. Despite those efforts, it is possible that 6 of the 7 judges now on the bench will retire within a 4-year window, an even shorter period than the disruptive turnover between 2000 and 2005.

That is why I believe we need to try a completely new approach to help ensure that experienced judges will stay

on the bench for as long as practicable and will not retire in clusters as their terms expire. To that end, this bill would eliminate the term limits for any new judges appointed to the court and would provide those judges with full pay-of-the-office only when serving as an active judge or when providing service as a recalled retired judge. The combined effect of those provisions should encourage judges to stay on the bench longer before they retire and to regularly volunteer for recall service after they retire.

Yes, this represents a significant departure from the traditional model for article I courts. But as experience has shown, the current model is not adequate to consistently provide veterans with timely decisions on their claims and we simply cannot allow further disruptions in service to our Nation's heroes each time the court turns over. Once judges gain years of valuable experience in this complex, specialized area of law, we should not force them, and their experience, into retirement. Rather, we should take steps, as this bill would do, to permit veterans and the court to receive the maximum possible benefit from their years on the bench.

To avoid ''changing the rules'' on those judges who have already been appointed and confirmed, these changes would be prospective, applying only to judges appointed to the court on or after the date of enactment of this bill. In the meantime, I hope the changes to the current recall provisions that I mentioned earlier will help avoid a difficult transition when the current sitting judges retire.

In addition to these changes to the term limits and recall rules, the bill would require the Chief Judge, in conjunction with the court's stakeholders, to set guidelines for when recall would be appropriate, taking into account such factors as the number of active judges, temporary or prolonged increases or decreases in caseload, and the complexity of the caseload. It would also require the court to submit annual performance reports to Congress including information on the court's workload during the prior year, as well as an analysis of whether the standards for recalling judges were met and what service, if any, was performed by retired judges. Such guidelines should aid the court, retired judges, and Congress in planning for periods when recall will likely be used and when it will not.

More importantly, the number of recall-eligible judges and their level of activity are important factors that must be considered in determining whether the court has sufficient judicial resources. If current caseload trends continue and the court, even fully utilizing the services of recalled judges, is unable to provide veterans with the level of service they deserve, the addition of judgeships may need to be considered. These guidelines and reports will allow Congress to closely monitor that situation to ensure that the court has the necessary capacity.

Finally, the bill would recognize the critical and increasingly demanding role of the Chief Judge by allowing the salary of the Chief Judge to be increased by $7,000 per year, and the bill would direct the General Services Administration to provide Congress with a report as to the feasibility and desirability of converting the court's current location into a dedicated Veterans Courthouse and Justice Center.

It is my sincere hope that the fundamental changes in this bill will help ensure that the Court of Appeals for Veterans Claims is able to consistently provide veterans with timely decisions, now and for many years to come. I ask my colleagues to support this legislation.

I also 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. 1289

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 ''Veterans' Justice Assurance Act of 2007''.

SEC. 2. REPEAL OF TERM LIMITS FOR JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) IN GENERAL.—Section 7253(c) of title 38, United States Code, is amended to read as follows:

''(c) TERM OF OFFICE.—(1) Except as provided in paragraph (2), judges of the Court shall hold office during good behavior.

''(2) In the case of an individual who is serving a term of office as a judge of the Court on the date of the enactment of the Veterans' Justice Assurance Act of 2007, such term shall be 15 years. A judge who is nominated by the President for appointment to an additional term on the Court without a break in service and whose term of office expires while that nomination is pending before the Senate may continue in office for up to 1 year while that nomination is pending.''.

(b) CONFORMING AMENDMENT.—Section 7296(b)(2) of such title is amended by striking ''A judge who'' and inserting ''A judge who was appointed before the date of the enactment of the Veterans' Justice Assurance Act of 2007 and who''.

SEC. 3. INCREASED SALARY FOR CHIEF JUDGE OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

Section 7253(e) of title 38, United States Code, is amended—

(1) by inserting ''(1)'' before ''Each judge''; and

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

''(2) The annual salary rate under paragraph (1) for a judge shall be increased by $7,000 during any period that such judge is serving as chief judge of the Court.''.

SEC. 4. PROVISIONS RELATING TO RECALL OF RETIRED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) ELIMINATION OF LIMIT ON SERVICE OF RETIRED JUDGES WHO VOLUNTARILY SERVE MORE THAN 90 DAYS.—Section 7257(b)(2) of title 38, United States Code, is amended by striking ''or for more than a total of 180 days (or the equivalent) during any calendar year''.

(b) NEW JUDGES RECALLED AFTER RETIREMENT RECEIVE PAY OF CURRENT JUDGES ONLY DURING PERIODS OF RECALL.—

(1) IN GENERAL.—Section 7296(c) of such title is amended by striking paragraph (1) and inserting the following:

''(1)(A) Except as provided in subparagraph (B), in the case of a judge who retires under subsection (b) of this section and elects under subsection (d) of this section to receive retired pay under this subsection, the retired pay of the judge shall (except as provided in paragraph (2) of this subsection and section 7257(d)(2) of this title) be the rate of pay applicable to that judge at the time of retirement (disregarding any increase in salary provided in accordance with section 7253(e)(2) of this title).

''(B) A judge who was appointed before the date of the enactment of the Veterans' Justice Assurance Act of 2007 and who retires under subsection (b) of this section and elects under subsection (d) of this section to receive retired pay under this subsection shall (except as provided in paragraph (2) of this subsection) receive retired pay as follows:

''(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability, the retired pay of the judge shall be the pay of a judge of the court.

''(ii) In the case of a judge who at the time of retirement did not provide notice under section 7257 of this title of availability for service in a recalled status, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

''(iii) In the case of a judge who was a recall-eligible retired judge under section 7257 of this title and was removed from recall status under subsection (b)(3) of that section, the retired pay of the judge shall be the pay of the judge at the time of the removal from recall status.''.

(2) PAY DURING PERIOD OF RECALL.—Section 7257(d) of such title is amended to read as follows:

''(d)(1) The pay of a recall-eligible retired judge to whom section 7296(c)(1)(B) of this title applies is the pay specified in that section.

''(2) A judge who is recalled under this section who retired under chapter 83 or 84 of title 5 or to whom section 7296(c)(1)(A) of this title applies shall be paid, during the period for which the judge serves in recall status, pay at the rate of pay in effect under section 7253(e) of this title for a judge performing active service, less the amount of the judge's annuity under the applicable provisions of chapter 83 or 84 of title 5 or the judge's annuity under section 7296(c)(1)(A) of this title, whichever is applicable.''.

(3) NOTICE.—The last sentence of section 7257(a)(1) of such title is amended to read as follows: ''Such a notice provided by a retired judge to whom section 7296(c)(1)(B) of this title applies is irrevocable.''.

(c) LIMITATION ON INVOLUNTARY RECALLS.—Section 7257(b)(3) of such title is amended by adding at the end the following new sentence: ''This paragraph shall not apply to—

''(A) a judge to whom section 7296(c)(1)(A) of this title applies; or

''(B) a judge to whom section 7296(c)(1)(B) of this title applies and who has, in the aggregate, served at least five years (or the equivalent) of recalled service on the Court under this section.''.

(d) ESTABLISHMENT OF CASELOAD THRESHOLDS FOR DETERMINING WHEN TO RECALL RETIRED JUDGES.—Section 7257(b) of such title is amended by adding at the end the following new paragraph:

''(5) For purposes of paragraph (1), the chief judge shall establish guidelines for determining whether recall-eligible retired judges should be recalled on either a voluntary or involuntary basis, taking into account such factors as the number of active judges, temporary or prolonged increases or decreases in caseload, and the complexity of the caseload. In establishing such guidelines, the chief judge shall, to the extent practicable, consult with the following:

''(A) Organizations recognized by the Secretary for the representation of veterans under section 5902 of this title.

''(B) The bar association of the Court.

''(C) The Secretary.

''(D) Such persons or entities the chief judge considers appropriate.''.

SEC. 5. ADDITIONAL DISCRETION IN IMPOSITION OF PRACTICE AND REGISTRATION FEES.

Section 7285(a) of title 38, United States Code, is amended—

(1) in the first sentence, by inserting ''reasonable'' after ''impose a'';

(2) in the second sentence, by striking '', except that such amount may not exceed $30 per year''; and

(3) in the third sentence, by inserting ''reasonable'' after ''impose a''.

SEC. 6. ANNUAL REPORTS ON WORKLOAD OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) IN GENERAL.—Subchapter III of chapter 72 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 7288. Annual report

''(a) IN GENERAL.—The chief judge of the Court shall submit annually to the appropriate committees of Congress a report summarizing the workload of the Court for the last fiscal year that ended before the submission of such report. Such report shall include, with respect to such fiscal year, the following information:

''(1) The number of appeals filed.

''(2) The number of petitions filed.

''(3) The number of applications filed under section 2412 of title 28.

''(4) The number and type of dispositions.

''(5) The median time from filing to disposition.

''(6) The number of oral arguments.

''(7) The number and status of pending appeals and petitions and of applications described in paragraph (3).

''(8) A summary of any service performed by recalled retired judges during the fiscal year and an analysis of whether any of the caseload guidelines established under section 7257(b)(5) of this title were met during the fiscal year.

''(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 of such title is amended by inserting after the item related to section 7287, the following new item:

''7288. Annual report.''.

SEC. 7. REPORT ON EXPANSION OF FACILITIES FOR UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) FINDINGS.—Congress finds the following:

(1) The United States Court of Appeals for Veterans Claims is currently located in the District of Columbia in a commercial office building that is also occupied by other Federal tenants.

(2) In February 2006, the General Services Administration provided Congress with a preliminary feasibility analysis of a dedicated Veterans Courthouse and Justice Center that would house the Court and other entities that work with the Court.

(3) In February 2007, the Court notified Congress that the ''most cost-effective alternative appears to be leasing substantial additional space in the current location'', which would ''require relocating other current government tenants'' from that building.

(4) The February 2006 feasibility report of the General Services Administration does not include an analysis of whether it would be feasible or desirable to locate a Veterans Courthouse and Justice Center at the current location of the Court.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Court of Appeals for Veterans Claims should be provided with appropriate office space to meet its needs, as well as to provide the image, security, and stature befitting a court that provides justice to the veterans of the United States; and

(2) in providing that space, Congress should avoid undue disruption, inconvenience, or cost to other Federal entities.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the feasibility of—

(A) leasing additional space for the United States Court of Appeals for Veterans Claims within the building where the Court was located on the date of the enactment of this Act; and

(B) using the entirety of such building as a Veterans Courthouse and Justice Center.

(2) CONTENTS.—The report required by paragraph (1) shall include a detailed analysis of the following:

(A) The impact that the matter analyzed in accordance with paragraph (1) would have on Federal tenants of the building used by the Court.

(B) Whether it would be feasible to relocate such Federal tenants into office space that offers similar or preferable cost, convenience, and usable square footage.

(C) If relocation of such Federal tenants is found to be feasible and desirable, an analysis of what steps should taken to convert the building into a Veterans Courthouse and Justice Center and a time line for such conversion.

(3) COMMENT PERIOD.—The Administrator shall provide an opportunity to such Federal tenants—

(A) before the completion of the report required by paragraph (1), to comment on the subject of the report required by such paragraph; and

(B) before the Administrator submits the report required by paragraph (1) to the congressional committees specified in such paragraph, to comment on a draft of such report.

By Mr. CRAIG:

S. 1290. A bill to amend title 38, United States Code, to provide additional discretion to the Secretary of Veterans Affairs in contracting with State approving agencies, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition today to comment on a bill I am introducing to ensure that veterans and their families have access to educational assistance benefits unimpeded by layers of bureaucracy and inflexible legal requirements.

Each year, the Department of Veterans Affairs provides educational assistance benefits to veterans, servicemembers, reservists, and their families to pursue a wide array of educational opportunities, including traditional college degrees, vocational training, apprenticeships, and on-the-job training programs. VA contracts with entities called ''State approving agencies,'' SAAs, to assess whether schools and training programs are of sufficient quality for individuals to receive VA education benefits while pursuing their programs. That SAA approval process was originally instituted after World War II to help stem abuses of veterans' education benefits, such as scam vocational and business schools profiting from those education benefits and then not providing veterans with an education of any value.

Today, unlike 60 years ago, schools and educational programs of all types may be scrutinized by a number of different entities, including the Department of Education, the Department of Labor, various national and regional accrediting bodies, and state licensing agencies. In fact, in 1995 the Government Accountability Office found that a substantial portion of the approval activities performed by SAAs overlapped with work done by others. Several years later, the Commission on Servicemembers and Veterans Transition Assistance concluded that veterans should be ''the primary judge of the appropriateness of accredited courses to their plans for the future'' and that ''[a]pproval of institutions accredited by accrediting bodies recognized by the Department of Education should suffice for veterans' training approval.''

In the years since those findings, Congress has altered the responsibilities of SAAs by requiring them to perform additional functions, such as promoting the development of apprenticeships and on-the-job training programs, conducting outreach services, and approving licensing tests. However, the traditional approval functions performed by SAAs, which are specifically required by statute, have not been significantly modified.

Last year, in order to assess whether veterans face unnecessary or inefficient barriers in accessing VA education benefits under the current system, I asked GAO to evaluate the extent to which SAA approval activities currently overlap with functions performed by the Departments of Labor and Education and what value is added by the services performed by SAAs. Let me give you a few examples of GAO's recent findings:

Many education and training programs approved by SAAs have also been approved by the Departments of Education or Labor and VA and SAAs have taken few steps to coordinate approval activities with those Departments.

To streamline approval processes, VA should collaborate with other agencies but, according to VA, that may be difficult because of the specific approval requirements in law.

VA does not require SAAs to track the amount of resources they spend on specific duties and functions, including those that may be performed by other agencies, and thus does not have all relevant information to make resource allocation decisions or to determine whether it is spending federal funds efficiently and effectively.

It is difficult to assess the effectiveness and progress of SAAs because VA does not have outcome-oriented performance measures in place to fully evaluate their performance.

Although I have no doubts about the dedication and sincerity of SAA personnel in the field, I believe GAO's findings demonstrate that we do not have a systematic or objective way to determine whether the current mix of services provided by SAAs, which are mandated by statute, are either necessary or beneficial to the veterans and their families who participate in VA's education programs. That is why I believe we should overhaul the entire statutory scheme regarding SAAs, as this bill would do, to help eliminate redundant administrative procedures, increase VA's flexibility in determining the nature and extent of services that should be performed by SAAs, and improve accountability for any activities they undertake.

Specifically, this bill would strike statutory provisions that mandate what activities SAAs must perform, how those functions must be carried out, and how VA must pay for them. Instead, VA would have authority to contract with SAAs for services that it deems valuable and to determine how those services should be performed, evaluated, and compensated. The bill would also require VA to coordinate approval activities performed by State approving agencies, the Department of Labor, the Department of Education, and other entities to reduce overlapping and unnecessary layers of bureaucracy. To ensure that VA, Congress, and other stakeholders will be able to objectively assess the effectiveness of any functions performed by SAAs, VA would be required to establish outcome-oriented performance measures and SAAs would be required to track and report information on the resources expended on all activities they perform.

Finally, the bill includes a provision, similar to legislation that the Senate passed last year, that would provide a $19 million spending authorization for SAAs effective at the start of the upcoming fiscal year and would allow, for the first time, SAA funding to be drawn from both mandatory spending accounts and discretionary accounts. By way of background, since 1988 VA payment for the services of SAAs has been made only out of funds available for ''readjustment benefits'', a VA account funded through mandatory appropriations, and has been subject to annual funding caps.

For the current fiscal year, SAA funding from this entitlement account is capped at $19 million, but under current law there will be a $6 million reduction in authorized spending, to $13 million, for every fiscal year thereafter. Although the provisions of this bill would maintain a $19 million funding level in future years, it is important to note that that level is a ceiling, not a floor. As with any private-sector business or good-government business model, budgeting and funding decisions should be linked to performance and VA should contract only for those services that are necessary and valuable.

In sum, this bill would provide VA with the flexibility to streamline approval processes, eliminate redundant bureaucratic procedures, focus resources on services that will meet the current needs of education program participants, and ensure that veterans and their families will not confront layers of bureaucracy and inflexible legal requirements in accessing their educational assistance benefits. I ask my colleagues to support this measure.

I also 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. 1290

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

SECTION 1. MODIFICATION OF AUTHORITIES FOR STATE APPROVING AGENCIES.

(a) TECHNICAL AMENDMENT TO SCOPE OF APPROVAL.—Section 3670 of title 38, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking ''(a)''.

(b) MODIFICATION OF PROVISIONS RELATING TO APPROVAL OF COURSES.—

(1) MODIFICATION OF REQUIREMENT THAT STANDARDS FOR PROGRAMS OF APPRENTICESHIP BE APPROVED UNDER THE NATIONAL APPRENTICESHIP ACT.—Subsection (c)(1)(A) of section 3672 of such title is amended by striking ''pursuant to section 2 of the Act of August 16, 1937 (popularly known as the 'National Apprenticeship Act') (29 U.S.C. 50a),''.

(2) MODIFICATION OF REQUIREMENT TO PROMOTE DEVELOPMENT OF APPRENTICESHIP PROGRAMS.—Subsection (d) of such section is amended—

(A) in paragraph (1)—

(i) by striking ''and State approving agencies''; and

(ii) by striking ''shall utilize the services of'' and inserting ''may utilize the services of State approving agencies and''; and

(B) in paragraph (2), by striking ''shall'' and inserting ''may''.

(3) MODIFICATION OF REQUIREMENTS RELATING TO APPROVAL OF PROGRAM OF EDUCATION EXCLUSIVELY BY CORRESPONDENCE.—Subsection (e) of such section is amended by striking ''only if'' and all that follows through the period and inserting ''under such criteria as the Secretary prescribes pursuant to section 3675.''.

(c) RESTATEMENT OF REQUIREMENT FOR COORDINATION OF APPROVAL ACTIVITIES.—

(1) IN GENERAL.—Subsection (a) of section 3673 of such title is amended to read as follows:

''(a) IN GENERAL.—The Secretary shall take appropriate measures to ensure the coordination of approval activities performed by State approving agencies under this chapter and chapters 34 and 35 of this title and approval activities performed by the Department of Labor, the Department of Education, and other entities to reduce overlap and improve efficiency with respect to the activities.''.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b), by inserting ''FURNISHING MATERIALS.—'' before ''The Secretary''; and

(B) in the heading by striking ''**Cooperation**'' and inserting ''**Coordination of approval activities**''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by striking the item relating to section 3673 and inserting the following:

''3673. Coordination of approval activities.''.

(d) ADDITIONAL DISCRETION FOR THE SECRETARY OF VETERANS AFFAIRS FOR REIMBURSING STATE APPROVING AGENCIES FOR EXPENSES.—Section 3674 of such title is amended to read as follows:

''§ 3674. Reimbursement of expenses

''(a) IN GENERAL.—(1) Subject to subsections (b) and (c), the Secretary is authorized to enter into contracts or agreements with State and local agencies to pay such State and local agencies for reasonable and necessary expenses of salary and travel incurred by employees of such agencies and an allowance for administrative expenses in accordance with such criteria as the Secretary determines appropriate for activities performed pursuant to this chapter for purposes of chapters 30 through 35 of this title and chapters 1606 and 1607 of title 10.

''(2) Each such contract or agreement shall be conditioned upon such terms and conditions as the Secretary determines appropriate for services performed pursuant to this chapter, including the condition that the State approving agency shall collect and report annually to the Secretary, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives information on—

''(A) the amount of resources expended on such services performed pursuant to that contract; and

''(B) the qualification and performance standards for State approving agency personnel responsible for such services.

''(b) SOURCE OF PAYMENTS.—Subject to subsection (c), the Secretary shall make payments authorized under subsection (a) to State and local agencies first out of amounts available for the payment of readjustment benefits and then from other amounts made available to make the payments.

''(c) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—(1) The total amount authorized and available under this section for any fiscal year may not exceed $19,000,000, except that the total amount made available for purposes of this section from amounts available for the payment of readjustment benefits may not exceed the following:

''(A) $19,000,000 for fiscal year 2007.

''(B) $13,000,000 for fiscal year 2008, and each subsequent fiscal year.

''(2) For any fiscal year in which the total amount that would be made available under this section would exceed the amount applicable to that fiscal year under paragraph (1) except for the provisions of this subsection, the Secretary shall provide that each agency shall receive the same percentage of the amount applicable to that fiscal year under paragraph (1) as the agency would have received of the total amount that would have been made available without the limitation of this subsection.''.

(e) EVALUATIONS OF AGENCY PERFORMANCE; QUALIFICATIONS AND PERFORMANCE OF AGENCY PERSONNEL.—Section 3674A of such title is amended—

(1) by striking subsection (b);

(2) in subsection (a), by striking ''(a)'';

(3) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(4) by inserting before paragraph (2), as redesignated by paragraph (3) of this subsection, the following new paragraph (1):

''(1) establish performance measures—

''(A) to assess the effectiveness of all services for which a State approving agency is

reimbursed pursuant to section 3674 of this title that are based on the outcomes of the services; and

''(B) to assess the effectiveness of the State approving agency in coordinating with other entities, including the Department of Labor and the Department of Education, to reduce overlap and improve efficiency in approval activities;'';

(5) by amending paragraph (2), as redesignated by paragraph (3) of this subsection, to read as follows:

''(2) conduct an annual evaluation of each State approving agency on the basis of the performance measures established under paragraph (1);''; and

(6) in paragraph (3), as redesignated by paragraph (3) of this subsection, by striking ''under paragraph (1)'' and inserting ''under paragraph (2)''.

(f) APPROVAL OF COURSES.—

(1) IN GENERAL.—Section 3675 of such title is amended to read as follows:

''§ 3675. Approval of courses

''(a) STANDARDS.—The Secretary shall establish standards of approval for accredited and nonaccredited courses offered by an educational institution that the Secretary determines are necessary to carry out the provisions of this chapter. Such standards shall be based on the following, as appropriate:

''(1) Student achievement.

''(2) Curricula, program objectives, and faculty.

''(3) Facilities, equipment, and supplies.

''(4) Institutional objectives, capacity, and administration.

''(5) Student support services.

''(6) Recruiting and admissions practices.

''(7) Record of student complaints.

''(8) Process related requirements, such as application requirements.

''(9) Such other criteria as the Secretary considers appropriate.

''(b) APPROVAL.—A State approving agency may approve courses offered by an educational institution when the standards established under subsection (a) have been satisfied by such educational institution. In performing such approval function, the State approving agency may, to the extent permitted by the Secretary, rely upon determinations made by other entities, including the Department of Labor and the Department of Education.

''(c) DISAPPROVAL.—Approval granted under this section may be revoked by the Secretary or a State approving agency under conditions established by the Secretary.''.

(2) CONFORMING AMENDMENT.—Section 3452(h) of such title is amended by striking ''an entrepreneurship course (as defined in section 3675(c)(2) of this title)'' and inserting ''a non-degree, non-credit course of business education that enables or assists a person to start or enhance a small business concern (as defined pursuant to section 3(a) of the Small Business Act (15 U.S.C. 362(a)))''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by striking the item related to section 3675 and inserting the following new item:

''3675. Approval of courses.''.

(g) MODIFICATION OF PROVISIONS RELATING TO APPROVAL OF NONACCREDITED COURSES.—

(1) IN GENERAL.—Section 3676 of such title is repealed.

(2) CONFORMING AMENDMENTS.—(A) Section 3677 of such title is redesignated as section 3676.

(B) Section 3672(d)(1) of such title is amended by striking ''sections 3677'' and inserting ''sections 3676''.

(C) Section 3687(a)(2) of such title is amended by striking ''section 3677'' and inserting ''section 3676''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by striking the item relating to section 3676 and inserting the following:

''3676. Approval of training on the job.''.

(h) NOTICE OF APPROVAL.—

(1) IN GENERAL.—Section 3678 of such title is amended to read as follows:

''SEC. 3677. NOTICE OF DETERMINATIONS BY STATE APPROVING AGENCIES.

''A State approving agency shall provide to the Secretary, an educational institution, or such other entities as the Secretary considers appropriate such notification as the Secretary may consider necessary regarding determinations made by the State approving agency pursuant to section 3675 of this title.''.

(2) CONFORMING AMENDMENT.—Section 3689(d) of such title is amended by striking ''3678'' and inserting ''3677''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by striking the items relating to section 3677 and 3678 and inserting the following:

''3677. Notice of determinations by State approving agencies.''.

(i) MODIFICATION OF PROVISIONS RELATING TO DISAPPROVAL OF COURSES.—

(1) IN GENERAL.—Section 3679 of such title is repealed.

(2) CONFORMING AMENDMENT.—Section 3689(d) of such title is amended by striking ''3679,''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by striking the item relating to section 3679.

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is one year after the date of the enactment of this section.

By Mr. CRAIG:

S. 1293. A bill to amend titles 10 and 38, United States Code, to improve educational assistance for members and former members of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition today to comment on a bill I am introducing to enhance educational assistance benefits provided to active duty servicemembers, veterans, members of the Guard and Reserve, and their survivors and dependents by the Department of Veterans Affairs, VA, and the Department of Defense.

In recent years, many veterans' organizations, members of Congress, and others have highlighted the need to modernize these education programs to support emerging and alternative education opportunities and to recognize that the role of Guard and Reserve members has been transformed since September 11, 2001. This bill would take significant steps in that direction by providing greater flexibility in the use of these education benefits, revising eligibility criteria to reflect current mobilization strategies for Guard and Reserve units, and enhancing the education program for our ''citizen soldiers'' who have been called up to serve in the war on terror.

First, this bill would provide veterans, Guard and Reserve members, and their spouses and dependents with additional flexibility in using existing education benefits. Traditionally, educational assistance benefits have been paid in equal monthly allotments throughout a semester or term. For veterans, the maximum basic rate is now $1,075 per month, which means a veteran may receive at least $9,675 over the course of an average school year and almost $39,000 during a 4-year college program.

This system works well for veterans attending a traditional four-year college. But, as the Commission on Servicemembers and Veterans Transition Assistance reported in 1999, the existing payment structure ''constrains veterans and servicemembers desiring to enroll in short-term career-focused technical courses,'' a problem that is ''especially acute if the cost of the course dramatically exceeds the benefits payable for the few months' duration of the course.''

That is why in 2001 I cosponsored legislation to establish an ''accelerated'' payment option for veterans' education benefits. With that program now in place, a veteran may receive an upfront, lump-sum payment of up to 60 percent of the cost of certain high-tech, high-cost programs. Since that option was made available, many veterans have used that additional flexibility to train for jobs in high technology sectors of the economy, such as the computer and telecommunications industry, the aerospace industry, and the electronics industry.

Then last year, as chairman of the Committee on Veterans' Affairs, I supported legislation that would have expanded this option to allow accelerated payments for short-term, high-cost education programs leading to jobs in any high growth sectors of the economy. Although VA also supported that legislation, VA testified that ''implementation would be challenging'' and that ''[i]t would be cleaner and more direct if the bill simply stated that all high-cost short-term courses were eligible for accelerated payments.''

Having taken those concerns into account, this bill would allow veterans to receive accelerated payments for any short-term, high-cost education programs, and it would authorize VA to spend up to $3 million for those payments in each fiscal year from 2009 to 2012. Not only would this provide veterans with the flexibility to pursue nontraditional or technical educational opportunities, but it may help veterans quickly obtain job skills that currently are in high demand.

For example, the trucking industry is now experiencing a critical shortage of trained drivers, but the GI Bill, as currently structured, may pay only a fraction of the cost for a veteran to take the 6 to 8 week training course, about $2,000 of a total $6,000 bill. With the availability of accelerated payments for those and other short-term, high-cost training programs, veterans may be able to obtain the skills needed

to thrive in sectors of the economy that, today, are growing rapidly and can provide them with lucrative, rewarding career opportunities.

In addition, the bill would, for the first time, provide Guard and Reserve members with the option of receiving accelerated payment of their education benefits. They, too, would be eligible to receive up-front, lump-sum payments of up to 60 percent of the cost of any short-term, high-cost education program. For fiscal years 2009 to 2012, the bill would authorize $2 million per year for the Montgomery GI bill, Selected Reserve program and $1 million per year for the smaller Reserve Educational Assistance Program to make these payments.

To ensure that the families of veterans also have flexibility in the use of their education benefits, the bill would extend the same accelerated payment option to participants in the Survivors' and Dependents' Educational Assistance program. It would authorize VA to spend up to $1 million per year for those payments in fiscal years 2009 to 2012.

The second principal goal of the bill is to update and enhance the education program for members of the Guard and Reserve who are called to active duty. In 2004, recognizing the increased sacrifices being made by our ''citizen soldiers'' who are fighting in the War on Terror, Congress created the Reserve Educational Assistance Program for Guard and Reserve members who are activated for at least 90 days after September 11, 2001. This program was a significant step in the right direction, providing a maximum benefit of $860 per month for 36 months, a total possible benefit of over $30,000.

However, the maximum monthly benefit requires a deployment of 2 continuous years or more of active duty, and the Secretary of Defense has recently announced that ''from this point forward, members of the Reserves will be involuntarily mobilized for a maximum of one year at any one time, in contrast to the current practice of sixteen to twenty-four months.'' To bring those eligibility criteria in line with current practice, this bill would allow members of the Guard or Reserve to receive the maximum benefits if they are deployed for an aggregate period of 3 or more years.

Finally, the bill would provide these ''citizen soldiers'' with access to a valuable option now available only under the Montgomery GI bill program for active duty servicemembers. Specifically, it would allow members of the Guard or Reserve to contribute up to $600 in order to receive an additional $150 per month in education benefits, which amounts to an additional $5,400 in benefits over the course of 36 months. Under this bill, Guard and Reserve members would, for the first time, have access to this valuable opportunity.

With these modifications, we can take significant strides towards ensuring that current education programs are up-to-date and flexible and that they provide members of the Guard and Reserve with benefits commensurate with the level of service they are now performing on behalf of the entire Nation. 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. 1293

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 ''Veterans' Education and Vocational Benefits Improvement Act of 2007''.

SEC. 2. TEMPORARY EXPANSION OF COURSES FOR WHICH ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE MAY BE MADE.

(a) ACCELERATED PAYMENT UNDER MONTGOMERY GI BILL FOR CERTAIN SHORT-TERM PROGRAMS.—

(1) IN GENERAL.—Section 3014A of title 38, United States Code, is amended—

(A) in subsection (b)—

(i) by striking ''who is—'' and inserting ''who—'';

(ii) by striking paragraph (1) and inserting the following new paragraph (1):

''(1)(A) is enrolled in an approved program of education that leads to employment in a high technology occupation in a high technology industry (as determined pursuant to regulations prescribed by the Secretary); or

''(B) during the period beginning on October 1, 2008, and ending on September 30, 2012, first enrolls in any other approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (h); and''; and

(iii) in paragraph (2), by inserting ''is'' before ''charged''; and

(B) by adding at the end the following new subsection:

''(h) The aggregate amount of basic educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1)(B) may not exceed $3,000,000.''.

(2) CONFORMING AMENDMENT.—Such section is further amended in the heading by striking ''**leading to employment in high technology occupation in high technology industry**''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended in the item relating to section 3014A by striking ''leading to employment in high technology occupation in high technology industry''.

(b) ACCELERATED PAYMENT OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—

(1) IN GENERAL.—Subchapter IV of chapter 35 of such title is amended by inserting after section 3532 the following new section:

''§ 3532A. Accelerated payment of educational assistance allowance

''(a) The educational assistance allowance payable under section 3531 of this title with respect to an eligible person described in subsection (b) may, upon the election of such eligible person, be paid on an accelerated basis in accordance with this section.

''(b) An eligible person described in this subsection is an individual who—

''(1) during the period beginning on October 1, 2008, and ending on September 30, 2012, first enrolls in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (h); and

''(2) is charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the individual under section 3531 of this title.

''(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible person making an election under subsection (a) for a program of education shall be the lesser of—

''(A) the amount equal to 60 percent of the established charges for the program of education; or

''(B) the aggregate amount of educational assistance allowance to which the individual remains entitled under this chapter at the time of the payment.

''(2) In this subsection, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

''(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

''(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible person under subsection (a) shall certify to the Secretary the amount of the established charges for the program of education.

''(d) An accelerated payment of educational assistance allowance made with respect to an eligible person under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary receives a certification from the educational institution regarding—

''(1) the person's enrollment in and pursuit of the program of education; and

''(2) the amount of the established charges for the program of education.

''(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible person under this section, the person's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the person under section 3531 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

''(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible person under section 3531 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the person's entitlement

to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary.

''(f) The Secretary may not make an accelerated payment of educational assistance allowance under this section for a program of education with respect to an eligible person who has received an advance payment under section 3680(d) of this title for the same enrollment period.

''(g) The Secretary shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of this title as the Secretary considers appropriate for purposes of this section.

''(h) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed $1,000,000.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 35 of such title is amended by inserting after the item relating to section 3532 the following new item:

''3532A. Accelerated payment of educational assistance allowance.''.

(c) ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—

(1) IN GENERAL.—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16131 the following new section:

''§ 16131A. Accelerated payment of educational assistance

''(a) The educational assistance allowance payable under section 16131 of this title with respect to an eligible person described in subsection (b) may, upon the election of such eligible person, be paid on an accelerated basis in accordance with this section.

''(b) An eligible person described in this subsection is a person entitled to educational assistance under this chapter who—

''(1) during the period beginning on October 1, 2008, and ending on September 30, 2012, first enrolls in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (g); and

''(2) is charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title.

''(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible person making an election under subsection (a) for a program of education shall be the lesser of—

''(A) the amount equal to 60 percent of the established charges for the program of education; or

''(B) the aggregate amount of educational assistance allowance to which the person remains entitled under this chapter at the time of the payment.

''(2) In this subsection, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary of Veterans Affairs) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

''(A) In the case of a person enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(B) In the case of a person enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

''(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible person under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

''(d) An accelerated payment of educational assistance allowance made with respect to an eligible person under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

''(1) the person's enrollment in and pursuit of the program of education; and

''(2) the amount of the established charges for the program of education.

''(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible person under this section, the person's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

''(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible person under section 16131 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the person's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

''(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

''(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed $2,000,000.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of such title is amended by inserting after the item relating to section 16131 the following new item:

''16131A. Accelerated payment of educational assistance.''.

(d) ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.—

(1) IN GENERAL.—Chapter 1607 of title 10, United States Code, is amended by inserting after section 16162 the following new section:

''§ 16162A. Accelerated payment of educational assistance

''(a) The educational assistance allowance payable under section 16162 of this title with respect to an eligible member described in subsection (b) may, upon the election of such eligible member, be paid on an accelerated basis in accordance with this section.

''(b) An eligible member described in this subsection is a member of a reserve component entitled to educational assistance under this chapter who—

''(1) during the period beginning on October 1, 2008, and ending on September 30, 2012, first enrolls in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (g); and

''(2) is charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title.

''(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible member making an election under subsection (a) for a program of education shall be the lesser of—

''(A) the amount equal to 60 percent of the established charges for the program of education; or

''(B) the aggregate amount of educational assistance allowance to which the member remains entitled under this chapter at the time of the payment.

''(2) In this subsection, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary of Veterans Affairs) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

''(A) In the case of a member enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the member for the term, quarter, or semester.

''(B) In the case of a member enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the member for the entire program of education.

''(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible member under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

''(d) An accelerated payment of educational assistance allowance made with respect to an eligible member under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

''(1) the member's enrollment in and pursuit of the program of education; and

''(2) the amount of the established charges for the program of education.

''(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible member under this section, the member's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

''(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible member under section 16162 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the member's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

''(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

''(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed $1,000,000.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1607 of such title is amended by inserting after the item relating to section 16162 the following new item:

''16162A. Accelerated payment of educational assistance.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 3. ENHANCEMENT OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

(a) ASSISTANCE FOR THREE YEARS CUMULATIVE SERVICE.—Subsection (c)(4)(C) of section 16162 of title 10, United States Code, is amended by striking ''for two continuous years or more.'' and inserting ''for—

''(i) two continuous years or more; or

''(ii) an aggregate of three years or more.''.

(b) CONTRIBUTIONS FOR INCREASED AMOUNT OF EDUCATIONAL ASSISTANCE.—

(1) IN GENERAL.—Such section is further amended by adding at the end the following new subsection:

''(f) CONTRIBUTIONS FOR INCREASED AMOUNT OF EDUCATIONAL ASSISTANCE.—(1)(A) Any individual eligible for educational assistance under this section may contribute amounts for purposes of receiving an increased amount of educational assistance as provided for in paragraph (2).

''(B) An individual covered by subparagraph (A) may make the contributions authorized by that subparagraph at any time while a member of a reserve component, but not more frequently than monthly.

''(C) The total amount of the contributions made by an individual under subparagraph (A) may not exceed $600. Such contributions shall be made in multiples of $20.

''(D) Contributions under this subsection shall be made to the Secretary concerned. Such Secretary shall deposit any amounts received as contributions under this subsection into the Treasury as miscellaneous receipts.

''(2) Effective as of the first day of the enrollment period following the enrollment period in which an individual makes contributions under paragraph (1), the monthly amount of educational assistance allowance applicable to such individual under this section shall be the monthly rate otherwise provided for under subsection (c) increased by—

''(A) an amount equal to $5 for each $20 contributed by such individual under paragraph (1) for an approved program of education pursued on a full-time basis; or

''(B) an appropriately reduced amount based on the amount so contributed as determined under regulations that the Secretary of Veterans Affairs shall prescribe, for an approved program of education pursued on less than a full-time basis.''.

By Mr. DURBIN (for himself, Mr. AKAKA, and Mr. COCHRAN):

S. 1294. A bill to strengthen national security by encouraging and assisting in the expansion and improvement of educational programs in order to meet critical needs at the elementary, secondary, and higher education levels, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I urge my colleagues to support the Homeland Security Education Act. This bill encourages initiatives to increase the number of Americans trained in science, technology, engineering, math, and foreign languages.

More than a century ago, Henry Ford revolutionized transportation and industry with the creation of the Model T. This car and the process designed to create it were so innovative that it was copied by every other company. The Model T became the base model for all cars that followed. This is a classic American story. Some of the most important scientific breakthroughs in modern history have occurred in the labs, workshops, and classrooms of America. We take pride in our Nation's ability to meet any challenge and solve any problem with innovation and discovery. But we are falling behind. Today's innovations in the auto industry come not from Detroit but from Japan. Engineers in Asia are designing tomorrow's hybrid car while Henry Ford's company and other American companies are just trying to keep up.

America's colleges and universities can play an important role in reversing the decline in American innovation. The United States graduates some of the world's best engineers, scientists, and mathematicians, but a far higher proportion of the students in China, India, South Korea, and Japan are focusing on these fields. The National Academies of Science reports that in 2004, only 32 percent of the undergraduate degrees awarded in the United States were in science or engineering compared to 59 percent in China and 66 percent in Japan. If we do not address this crisis soon, China, India, and Japan will become the new centers for scientific and technological innovation, while American workers scramble to keep up. We must act now to ensure that America remains the world's economic, scientific, and technological leader.

American workers are also increasingly finding themselves at a disadvantage in a multilingual global community. In our increasingly global economy and with a heightened concern for security in the post–911 world, we need Americans who can speak a foreign language. Only 9 percent of American students enroll in a foreign language course in college. We especially need to focus on less commonly taught languages, including Arabic, Farsi, Chinese, and Korean, and other languages that are of particular value in the world today.

The best place to address both of these concerns is in the classroom. We must adapt our educational system by providing the teachers and resources needed to encourage students to study science, technology, engineering, mathematics, and foreign languages. The Homeland Security Education Act is an important step in the right direction.

This bill would encourage students to pursue math, science, technology, engineering, and critical foreign languages by providing them with $5,000 scholarships. Scientists, engineers, technology professionals, and those fluent in foreign languages would be encouraged to return to the classroom and use their career experiences to inspire students in high-need or low-income schools. New grant programs would encourage educational institutions, public entities, and businesses to enter into partnerships that improve math and science curricula, establish programs that promote students' foreign language proficiency along with their science and technological knowledge, and create and establish foreign language pathways from elementary school through college. Finally, the bill would fund a student loan repayment program for qualified individuals trained in science, technology, engineering, math, and foreign languages who join the Federal workforce.

Our country is quickly approaching a crisis of competitiveness. To avoid falling behind our international competitors in science and innovation, we must confront this problem immediately in our schools. We need to strengthen our students' proficiency in science, technology, engineering, math, and foreign languages and provide them with the incentives necessary to pursue careers in those fields. Today's students are tomorrow's innovators, scientists, and technology leaders, and we can't afford not to invest in them. I encourage my colleagues to join me in cosponsoring the Homeland Security Education Act.

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. 1294

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 ''Homeland Security Education Act''.

SEC. 2. FINDINGS AND PURPOSE.

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

(1) Investing in science, technology, engineering, mathematics, and foreign language education is essential to maintaining the competitive advantage and national security of the United States. Significant improvements in the quantity and quality of science, technology, engineering, mathematics, and foreign language instruction offered in United States elementary schools and secondary schools are necessary.

(2) For the past 3 decades, about one-third of the baccalaureate degrees awarded in the United States have been granted in science and engineering, compared to 59 percent in China and 66 percent in Japan.

(3) The United States is behind its European counterparts in foreign language skills, in that one-half of European citizens speak a second language while only 9 percent of Americans speak another language.

(4) Elementary schools and secondary schools in the United States need more qualified teachers, equipment, and resources to improve education in mathematics, science, and foreign languages.

(5) The optimum time to begin learning a second language is in elementary school, when children have the ability to learn and excel in several foreign language acquisition skills, including pronunciation.

(6) Foreign language study can increase children's capacity for critical and creative thinking skills, and children who study a second language show greater cognitive development in areas such as mental flexibility, creativity, tolerance, and higher order thinking skills.

(7) All people of the United States should strive to have a global perspective. To understand the world around us, we must acquaint ourselves with the languages, cultures, and history of other nations.

(8) Federal agencies have reported shortfalls in language capability that is integral to, or directly supports, every discipline and is an essential factor in national security readiness, disaster response, law enforcement, information superiority, and coalition peacekeeping or warfighting missions.

(b) PURPOSE.—It is the purpose of this Act to ensure the national security and the competitiveness of the United States through increasing the quantity, diversity, and quality of the teaching and learning of subjects in the fields of science, technology, engineering, mathematics, and foreign language.

SEC. 3. SCHOLARSHIPS FOR SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, AND FOREIGN LANGUAGE EDUCATION.

(a) PURPOSE.—It is the purpose of this section to establish and implement a program to award scholarships to individuals who are citizens, nationals, or permanent legal residents of the United States or citizens of the Freely Associated States (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)), to serve as incentives for students to obtain degrees in science, technology, engineering, mathematics, and foreign language.

(b) SCHOLARSHIPS FOR SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, AND FOREIGN LANGUAGE EDUCATION.—Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

''Subpart 9—Scholarships for Science, Technology, Engineering, Mathematics, and Foreign Language Education

''SEC. 420K. SCHOLARSHIPS FOR SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, AND FOREIGN LANGUAGE EDUCATION.

''(a) PURPOSE.—It is the purpose of this section to award scholarships to students to provide incentives for pursuing and obtaining a baccalaureate degree in science, technology, engineering, mathematics, or a critical foreign language.

''(b) DEFINITIONS.—In this section:

''(1) CRITICAL FOREIGN LANGUAGE.—The term 'critical foreign language' means any language identified as critical by the National Security Education Board and the Secretary.

''(2) SCIENCE.—The term 'science' means any of the natural and physical sciences, including chemistry, biology, physics, and computer science. Such term shall not include any of the social sciences.

''(c) PROGRAM AUTHORIZED.—From the amounts appropriated under subsection (g), the Secretary shall carry out a program to award scholarships in the amount of $5,000 each to individuals who meet each of the following requirements:

''(1) The individual agrees to obtain a baccalaureate degree in science, technology, engineering, mathematics, or a critical foreign language.

''(2) The individual is a student at an institution of higher education who is in good academic standing and is capable, in the opinion of the Secretary, of maintaining good standing in such course of study.

''(d) SELECTION OF RECIPIENTS.—The Secretary shall promulgate regulations to establish a formula for the selection of scholarship recipients under this section that—

''(1) ensures fairness and equality for applicants in the selection process, based on the amounts appropriated under subsection (g); and

''(2) awards not less than 50 percent of amounts available under this section for an academic year for scholarships to students who meet the requirements described in subsection (c) and are eligible for a Federal Pell Grant under subpart 1 for such year.

''(e) FAILURE TO COMPLETE DEGREE.—If, by the end of the 5-year period beginning when an individual receiving a scholarship under this section begins a program of study in accordance with the agreement described in subsection (c)(1), the individual does not obtain a baccalaureate degree in science, technology, engineering, mathematics, or a critical foreign language, the individual shall reimburse the Federal Government for the amount of the scholarship, including interest, at a rate and schedule to be determined by the Secretary pursuant to regulations.

''(f) REPORT TO CONGRESS.—

''(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of the Homeland Security Education Act, the Secretary shall—

''(A) publish the proposed regulations that the Secretary determines are necessary to carry out this section; and

''(B) submit to the appropriate committees of Congress a report on how the Secretary plans—

''(i) to implement the program under this section; and

''(ii) to advertise such program to institutions of higher education and potential applicants.

''(2) FINAL REGULATIONS.—Not later than 180 days after the last day of the comment period for the proposed regulations under paragraph (1)(A), the Secretary shall promulgate the final regulations to carry out this section.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

SEC. 4. FEDERAL GRANTS TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.) is amended by adding at the end the following:

''PART E—STRENGTHENING MATHEMATICS AND SCIENCE EDUCATION

''SEC. 5701. DEFINITIONS.

''In this part:

''(1) CONDITIONAL AGREEMENT.—The term 'conditional agreement' means an arrangement between representatives of the private sector and a local educational agency to provide certain services and funds to the local educational agency, such as—

''(A) the donation of computer hardware and software;

''(B) the donation of science laboratory equipment suitable for students in kindergarten through grade 12;

''(C) the establishment of internship and mentoring opportunities for students who participate in mathematics, science, and information technology programs under this part;

''(D) the donation of scholarship funds for use at institutions of higher education by eligible students who have participated in the mathematics, science, and information technology programs under this part; and

''(E) the donation of technology tools.

''(2) PRIVATE SECTOR.—The term 'private sector' includes corporations, institutions of higher education, State or local government agencies, membership organizations, and other similar entities involved in the mathematics and science fields.

''(3) SCIENCE.—The term 'science' means any of the natural and physical sciences, including chemistry, biology, physics, and computer science. The term does not include any of the social sciences.

''SEC. 5702. FEDERAL GRANTS TO PUBLIC SCHOOLS.

''(a) GRANT PROGRAM AUTHORIZED.—The Secretary shall establish a demonstration program under which the Secretary shall award grants to local educational agencies to enable such agencies to—

''(1) develop and implement programs that—

''(A) build or expand mathematics and science curricula;

''(B) provide—

''(i) a rich standards-based course of study in mathematics and science to students; and

''(ii) opportunities for students who excel in mathematics or science, particularly students who are members of traditionally underrepresented groups in the fields of mathematics or science, to be mentored by adults currently active in the appropriate field;

''(2) provide mentoring opportunities for students in the fields of mathematics and science;

''(3) upgrade existing laboratory facilities; or

''(4) purchase the equipment necessary to establish and maintain such programs.

''(b) APPLICATION.—

''(1) IN GENERAL.—A local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary

may require by regulation, in accordance with paragraph (3).

''(2) CONTENTS.—The application described in paragraph (1) shall include—

''(A) a description of the proposed activities under the grant, consistent with the uses of funds described in subsection (a);

''(B) a description of how programs under the grant will involve innovative experience learning, such as laboratory experience;

''(C) a description of any mathematics and science mentoring component (which may take place at the school, at a workplace and paired with internships, or via the Internet), including—

''(i) the program model and goals;

''(ii) the anticipated number of students served;

''(iii) the criteria for selecting students for the mentoring component; and

''(iv) the mentoring best practices that will be followed;

''(D) a description of any applicable higher education scholarship program, including—

''(i) the criteria for student selection;

''(ii) the duration of the scholarships;

''(iii) the number of scholarships to be awarded each year; and

''(iv) the funding levels for the scholarships;

''(E) evidence of the private sector participation and support in cash or in kind, as required under subsection (c); and

''(F) an assurance that, upon receipt of a grant under this part, the local educational agency will—

''(i) execute a conditional agreement with a representative of the private sector; and

''(ii) enter into an agreement with the Secretary to comply with the requirements of this part.

''(3) REGULATIONS.—Not later than 180 days after the date of enactment of the Homeland Security Education Act, the Secretary shall issue and publish proposed regulations for this subsection. Not later than 180 days after the date on which the period for comment concerning the proposed regulations ends, the Secretary shall issue the final guidelines under this subsection.

''(c) PRIVATE SECTOR PARTICIPATION.—A local educational agency receiving a grant under this section shall enter into a conditional agreement with a representative of the private sector regarding the programs carried out under this section, including not less than 1 conditional agreement with a private sector entity that has agreed to recruit the entity's employees or members in the mathematics and science fields to serve as mentors to students.

''(d) AWARD BASIS.—

''(1) IN GENERAL.—The Secretary shall select a local educational agency to receive a grant under this section on the basis of merit, as determined after the Secretary has conducted a comprehensive review of the application.

''(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to a local educational agency that is a high need local educational agency (as such term is defined in section 201(b) of the Higher Education Act of 1965).

''SEC. 5703. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $75,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

(b) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 5618 the following:

''PART E—STRENGTHENING MATHEMATICS AND SCIENCE EDUCATION

''Sec. 5701. Definitions.

''Sec. 5702. Federal grants to public schools.

''Sec. 5703. Authorization of appropriations.''.

SEC. 5. FROM THE LABORATORY TO THE CLASSROOM SCHOLARSHIPS.

(a) PURPOSE.—The purpose of this section is to increase the amount of elementary and secondary educators with a background and expertise in scientific or engineering subjects by awarding scholarships to practicing scientists and engineers to encourage them to return to school to become certified or licensed elementary and secondary teachers in those disciplines.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means a person who—

(A) is a citizen, national, or permanent legal resident of the United States or a citizen of 1 of the Freely Associated States (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003));

(B) holds a baccalaureate or graduate degree in a scientific or engineering field from an institution of higher education; and

(C) has not less than 3 years of work experience in a scientific or engineering position.

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

(3) QUALIFIED EXPENSES.—The term ''qualified expenses'' means the tuition, books, fees, supplies, and equipment required for a course of instruction, at the institution of higher education the eligible individual chooses to attend, that leads to elementary or secondary teaching certification or licensure in any State, and other expenses for completing a teacher preparatory program or obtaining a teaching certificate or license.

(4) SCIENTIFIC OR ENGINEERING.—The term ''scientific or engineering'' means any discipline within the natural sciences, physical sciences, technology, mathematics, or engineering subject areas.

(5) STATE.—The term ''State'' means each of the several States of the United States and the District of Columbia.

(c) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary of Education shall award scholarships to eligible individuals which shall be used to enable the individuals to pay for qualified expenses and attend an institution of higher education of the individual's choosing.

(2) DESIGNATION.—A scholarship awarded under this section shall be known as a ''From the Laboratory to the Classroom Scholarship''.

(d) AMOUNT; DURATION.—

(1) AMOUNT.—A scholarship awarded under this section shall be in an amount of not more than $15,000 per year.

(2) DURATION OF SCHOLARSHIP.—A scholarship awarded to an eligible individual under this section shall be for the period of time required for the individual to complete a course of study leading to elementary or secondary school teacher certification or licensure in a State or a territory of the United States, except that no scholarship shall exceed a period of 2 years.

(e) TERMS OF SCHOLARSHIP.—

(1) EMPLOYMENT AS TEACHER.—As a condition of receiving a scholarship under this section, an eligible individual shall agree to be employed full-time as an elementary or secondary education teacher in science, mathematics, or engineering at a high-need, low-income school, as determined by the Secretary, for a period of not less than 5 years after receiving the teacher certification or licensure.

(2) FAILURE TO TEACH.—If an individual who receives a scholarship under this section does not comply with paragraph (1), the individual shall reimburse the Federal Government for the amount of such scholarship, including interest, at a rate and schedule to be determined by the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $300,000,000 for fiscal year 2008;

(2) $375,000,000 for fiscal year 2009;

(3) $450,000,000 for fiscal year 2010; and

(4) $600,000,000 for each of the fiscal years 2011 through 2014.

SEC. 6. ENCOURAGING EARLY FOREIGN LANGUAGE STUDIES.

(a) IN GENERAL.—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—ENCOURAGING EARLY FOREIGN LANGUAGE STUDIES

''SEC. 2501. ENCOURAGING EARLY FOREIGN LANGUAGE STUDIES.

''(a) PURPOSE.—It is the purpose of this section to improve the performance of students in the study of foreign languages by encouraging States, institutions of higher education, elementary schools, and secondary schools to participate in programs that—

''(1) upgrade the status and stature of foreign language teaching by encouraging institutions of higher education to assume greater responsibility for improving foreign language teacher education through the establishment of a comprehensive, integrated system of recruiting and advising such teachers;

''(2) focus on the education of foreign language teachers as a career-long process that should continuously stimulate the teachers' intellectual growth and upgrade the teachers' knowledge and skills;

''(3) bring foreign language teachers in elementary schools and secondary schools together with linguists or higher education foreign language professionals to increase the subject matter knowledge and improve the teaching skills of teachers through the use of more sophisticated resources that institutions of higher education are better able to provide than the schools; and

''(4) develop more rigorous foreign language curricula that are aligned with—

''(A) professional accepted standards for elementary and secondary education instruction; and

''(B) the standards expected for postsecondary study in foreign language.

''(b) DEFINITIONS.—In this section:

''(1) CRITICAL FOREIGN LANGUAGES.—The term 'critical foreign languages' refers to any language identified as critical by the National Security Education Board and the Secretary.

''(2) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that—

''(A) shall include—

''(i) a foreign language department of an institution of higher education; and

''(ii) a local educational agency; and

''(B) may include—

''(i) another foreign language department, or a teacher training department, of an institution of higher education;

''(ii) another local educational agency, or an elementary school or secondary school;

''(iii) a business;

''(iv) a nonprofit organization, including a museum;

''(v) a heritage or community center for language study;

''(vi) a national language resource and training center authorized under part A of title VI of the Higher Education Act of 1965; or

''(vii) the State foreign language coordinator or State educational agency.

''(3) HIGH NEED LOCAL EDUCATIONAL AGENCY.—The term 'high need local educational agency' has the meaning given the term in section 201(b) of the Higher Education Act of 1965.

''(4) SUMMER WORKSHOP OR INSTITUTE.—The term 'summer workshop or institute' means a workshop or institute that—

''(A) is conducted for a period of not less than 2 weeks during the summer;

''(B) provides direct interaction between students and faculty; and

''(C) provides for followup training during the academic year that—

''(i) except as provided in clause (ii) or (iii), shall be conducted in the classroom for a period of not less than 3 days, which may or may not be consecutive;

''(ii) if the program described in subparagraph (A) is for a period of not more than 2 weeks, shall be conducted for a period of more than 3 days; and

''(iii) may be conducted through distance education.

''(c) GRANTS TO PARTNERSHIPS.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to pay the Federal share of the costs of carrying out the authorized activities described in this section.

''(2) DURATION.—A grant awarded under this section shall be for a period of 5 years.

''(3) FEDERAL SHARE.—The Federal share of the costs of the activities described in this section shall be—

''(A) 75 percent of the costs for the first year of a grant under this section;

''(B) 65 percent of such costs for the second such year; and

''(C) 50 percent of such costs for each of the third, fourth, and fifth such years.

''(4) NON-FEDERAL SHARE.—The non-Federal share of the costs of carrying out the authorized activities described in this section may be provided in cash or in kind, fairly evaluated.

''(5) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible partnerships—

''(A) that include high need local educational agencies; or

''(B) that emphasize the teaching of the critical foreign languages.

''(d) APPLICATIONS.—

''(1) IN GENERAL.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(2) CONTENTS.—An application submitted under paragraph (1) shall include—

''(A) an assessment of the teacher quality and professional development needs of all the schools and educational agencies participating in the eligible partnership with respect to the teaching and learning of foreign languages;

''(B) a description of how the activities to be carried out by the eligible partnership will be based on a review of relevant research, and an explanation of why the activities are expected to improve student performance and to strengthen the quality of foreign language instruction; and

''(C) a description of—

''(i) how the eligible partnership will carry out the authorized activities described in subsection (e); and

''(ii) the eligible partnership's evaluation and accountability plan in accordance with subsection (f).

''(e) AUTHORIZED ACTIVITIES.—An eligible partnership that receives a grant under this section may use the grant funds to carry out activities such as—

''(1) creating opportunities for enhanced and ongoing professional development that improves the subject matter knowledge of foreign language teachers;

''(2) recruiting students from 4-year institutions of higher education with foreign language majors for teaching;

''(3) promoting strong teaching skills for foreign language teachers and teacher educators;

''(4) establishing foreign language summer workshops or institutes (including followup training) for teachers;

''(5) establishing distance learning programs for foreign language teachers;

''(6) designing programs to prepare a teacher at a school to provide professional development to other teachers at the school and to assist novice teachers at the school, including (if applicable) a mechanism to integrate experiences from a summer workshop or institute; and

''(7) developing instruction materials.

''(f) EVALUATION AND ACCOUNTABILITY PLAN.—Each eligible partnership receiving a grant under this section shall develop an evaluation and accountability plan for activities assisted under this section that includes strong performance objectives and measures for—

''(1) increased participation by students in advanced courses in foreign language;

''(2) increased percentages of secondary school classes in foreign language taught by teachers with academic majors in foreign language; and

''(3) increased numbers of foreign language teachers who participate in content-based professional development activities.

''(g) REPORT.—Each eligible partnership receiving a grant under this section shall annually report to the Secretary regarding the eligible partnership's progress in meeting the performance objectives described in subsection (f).

''(h) TERMINATION.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the performance objectives described in subsection (f) by the end of the third year of a grant under this section, the Secretary shall not make grant payments to the eligible partnership for the fourth and fifth years of the grant.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2008, and such sums as may be necessary for each succeeding fiscal year.''.

(b) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 2441 the following:

''PART E—ENCOURAGING EARLY FOREIGN LANGUAGE STUDIES

''Sec. 2501. Encouraging early foreign language studies.''.

SEC. 7. SCIENCE, ENGINEERING, TECHNOLOGY, AND ADVANCED FOREIGN LANGUAGE EDUCATION GRANT PROGRAM.

(a) PURPOSE.—It is the purpose of this section to support programs in institutions of higher education that encourage students—

(1) to develop an understanding of science, technology, and engineering;

(2) to develop foreign language proficiency; and

(3) to foster future international scientific collaboration.

(b) DEVELOPMENT.—The Secretary of Education shall develop and carry out a program to award grants to institutions of higher education that develop innovative programs for the teaching of foreign languages.

(c) REGULATIONS AND REQUIREMENTS.—The Secretary of Education shall promulgate regulations for the awarding of grants under subsection (b).

(d) APPLICATION.—An institution of higher education desiring a grant under this section shall submit an application to the Secretary of Education at such time, in such manner, and containing such information as the Secretary shall require.

(e) USE OF FUNDS.—An institution of higher education receiving a grant under this section shall use grant funds for, among other things—

(1) the development of an on-campus cultural awareness program by which students attend classes taught in the foreign language and study the science, technology, or engineering developments and practices in a non-English-speaking country;

(2) immersion programs where students study science, technology, or engineering related coursework in a non-English-speaking country; and

(3) other programs, such as summer workshops, that emphasize the intense study of a foreign language and science, technology, or engineering.

(f) GRANT DISTRIBUTION.—In awarding grants to institutions of higher education under this section, the Secretary of Education shall give priority to—

(1) institutions that have programs focusing on a curriculum that combines the study of foreign languages and the study of science and technology and produces graduates who have both skills; and

(2) institutions teaching the languages identified as critical by the National Security Education Board and the Secretary of Education.

(g) DEFINITIONS.—In this section:

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

(2) SCIENCE.—The term ''science'' means any of the natural and physical sciences, including chemistry, biology, physics, and computer science. Such term does not include any of the social sciences.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $15,000,000 for fiscal year 2008, and such sums as may be necessary for each succeeding fiscal year.

SEC. 8. NATIONAL SECURITY EDUCATION PROGRAM SERVICE AGREEMENT.

Section 802(b)(2) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902(b)(2)) is amended to read as follows:

''(2) will—

''(A) in the case of a recipient of a scholarship, not later than 3 years after the date of the recipient's completion of the study for which scholarship assistance was provided under the program, work—

''(i) for not less than 1 year in a position in the Department of Defense, the Department of Homeland Security, the Department of State, or any element of the intelligence community that is certified by the Secretary as contributing to national security;

''(ii) if such recipient demonstrates to the Secretary of Defense that no position described in clause (i) is available, for not less than 1 year in a position in another department or agency of the Federal Government that is certified by the Secretary as contributing to national security; or

''(iii) if such recipient demonstrates to the Secretary of Defense that no position described in clause (i) or (ii) is available, for not less than 1 academic year in a position in the field of education in a discipline related to the studies supported under this section; or

''(B) in the case of a recipient of a fellowship, not later than 2 years after the date of the recipient's completion of the study for which the fellowship assistance was provided under the program, work—

''(i) for not less than 1 year in a position in the Department of Defense, the Department of Homeland Security, the Department of State, or any element of the intelligence community that is certified by the Secretary as contributing to national security;

''(ii) if such recipient demonstrates to the Secretary of Defense that no position described in clause (i) is available, for not less than 1 year in a position in another department or agency of the Federal Government that is certified by the Secretary as contributing to national security; or

''(iii) if such recipient demonstrates to the Secretary of Defense that no position described in clause (i) or (ii) is available, for not less than 1 academic year in a position in the field of education in a discipline related to the studies supported under this section.''.

SEC. 9. CRITICAL FOREIGN LANGUAGE EDUCATION PROGRAM.

(a) GRANTS AUTHORIZED.—From amounts appropriated under subsection (f), the Secretary of Education shall award grants to institutions of higher education to pay the Federal share of programs established by the institutions, in collaboration with elementary schools and secondary schools, for language learning pathways that train students from kindergarten through graduate education to be proficient in the critical foreign languages.

(b) APPLICATION REQUIREMENTS.—An institution of higher education desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary of Education shall require. In the application, the institution of higher education shall—

(1) demonstrate the ability of the institution to collaborate effectively with elementary schools and secondary schools to ensure that students who successfully achieve an advanced proficiency level in a critical foreign language at such schools will continue studying a foreign language at an institution of higher education and achieve a superior proficiency level while enrolled in an academic degree program;

(2) demonstrate that the program designed by the institution under this section can be replicated for use by other institutions of higher education and elementary schools and secondary schools in the United States; and

(3) agree to provide the non-Federal share of the costs of the program under this section.

(c) FEDERAL SHARE; NON-FEDERAL SHARE.—The Federal share of the costs of the program under this section shall be not more than 90 percent of such costs. The non-Federal share shall be not less than 10 percent of such costs, and may be provided in cash or in kind, fairly evaluated.

(d) PROGRAM.—A program assisted under this section may include—

(1) study or work abroad opportunities;

(2) experiential and community learning;

(3) distance learning;

(4) language learning for professional purposes, business, and other disciplines; and

(5) innovative opportunities for language learning through immersion, internships, and community service.

(e) DEFINITION OF CRITICAL FOREIGN LANGUAGE.—In this section, the term ''critical foreign language'' means any language identified as critical by the National Security Education Board and the Secretary of Education.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2008 and each succeeding fiscal year.

SEC. 10. WORLD LANGUAGE TEACHING SCHOLARSHIPS.

(a) PURPOSE.—The purpose of this section is to increase the number of elementary school and secondary school educators with foreign language proficiency by awarding scholarships to language proficient individuals to enable the individuals to become certified or licensed as foreign language teachers.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE INDIVIDUAL.—The term ''eligible individual'' means a person who—

(A) is a citizen, national, or permanent legal resident of the United States or is a citizen of 1 of the Freely Associated States (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003));

(B) holds at least a baccalaureate degree from an institution of higher education; and

(C) demonstrates written and verbal fluency in a critical foreign language.

(2) CRITICAL FOREIGN LANGUAGE.—The term ''critical foreign language'' means any language identified as critical by the National Security Education Board and the Secretary of Education.

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

(4) QUALIFIED EXPENSES.—The term ''qualified expenses'' means the tuition, books, fees, supplies, and equipment required for a course of instruction, at the institution of higher education the eligible individual chooses to attend, that leads to elementary or secondary teaching certification or licensure in any State, and other expenses for completing a teacher preparatory program or obtaining a teaching certificate or license.

(5) STATE.—The term ''State'' means each of the several States of the United States and the District of Columbia.

(c) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From amounts appropriated under subsection (e), the Secretary of Education shall award scholarships to eligible individuals that shall be used to pay for the qualified expenses of a teacher certification or licensure program.

(2) DESIGNATION.—A scholarship under this section shall be known as a ''World Language Teaching Scholarship''.

(d) AMOUNT; DURATION; TERMS.—

(1) AMOUNT.—A scholarship awarded under this section shall be in an amount of not more than $15,000 per year.

(2) DURATION OF SCHOLARSHIP.—A scholarship awarded to an eligible individual under this section shall be for the number of years required to complete a course of study leading to elementary or secondary school teaching certification or licensure in a State or a territory of the United States, except that no scholarship shall exceed a period of 2 years.

(3) TERMS OF SCHOLARSHIP.—

(A) EMPLOYMENT AS A TEACHER.—As a condition of receiving a scholarship under this section, an eligible individual shall agree to be employed full-time as a foreign language elementary or secondary education teacher at a high-need, low-income school, as determined by the Secretary, for a period of not less than 5 years.

(B) FAILURE TO TEACH.—If an individual who receives a scholarship under this section does not comply with subparagraph (A), the individual shall reimburse the Federal Government for the amount of such scholarship, including interest, at a rate and schedule to be determined by the Secretary.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $300,000,000 for fiscal year 2008;

(2) $375,000,000 for fiscal year 2009;

(3) $450,000,000 for fiscal year 2010; and

(4) $600,000,000 for each of the fiscal years 2011 through 2013.

SEC. 11. PILOT PROGRAM FOR STUDENT LOAN REPAYMENT FOR FEDERAL EMPLOYEES WITH CRITICAL SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, AND FOREIGN LANGUAGE SKILLS.

(a) IN GENERAL.—Subchapter VII of chapter 53 of title 5, United States Code, is amended by inserting after section 5379 the following:

''§ 5379a. Pilot program for student loan repayment for Federal employees with critical science, technology, engineering, mathematics, and foreign language skills

''(a) In this section:

''(1) The term 'agency' means any agency that, based on the agency's human capital strategic plan, has a shortfall in the number of individuals possessing critical science, technology, engineering, mathematics, and foreign language skills.

''(2) The term 'human capital strategic plan' means an agency's strategic plan under section 306 of this title.

''(3) The term 'student loan' means—

''(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

''(B) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq., 1087aa et seq.); or

''(C) a health education assistance loan made or insured under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) or under part E of title VIII of such Act (42 U.S.C. 297a et seq.).

''(b) The Director of the Office of Personnel Management shall establish and administer a program under which not less than 3 but not more than 5 agencies, for a period of 5 years, shall set aside an amount, as described in subsection (d), to fund a student loan repayment program under section 5379 of this title to repay (by direct payments on behalf of the employee) any student loan previously taken out by employees possessing science, technology, engineering, mathematics, or foreign language skills deemed critical to an agency under the agency's human capital strategic plan.

''(c) A program established under this section shall remain in effect for the 5-year period beginning on the date of enactment of the Homeland Security Education Act. Notwithstanding the previous sentence, such program shall continue to pay an employee recruited under this program who is in compliance with this section and section 5379 of this title the employee's benefits under this section through the commitment period in accordance with section 5379(c).

''(d) Each agency participating in this program shall set aside enough funds to repay the student loans of at least one-half of the number of employees needed with critical science, technology, engineering, mathematics, or foreign language skills, according to the agency's human capital strategic plan.

''(e)(1) Not later than 60 days after the date of enactment of the Homeland Security Education Act and after consultations with the heads of agencies, the Director of the Office of Personnel Management shall propose regulations for the pilot program.

''(2) Not later than 180 days after the date on which the comment period for proposed regulations under paragraph (1) ends, the Director of the Office of Personnel Management shall promulgate final regulations.

''(f)(1)(A) Not later than 180 days after the date of enactment of the Homeland Security

Education Act, the Director of the Office of Personnel Management shall report to the appropriate committees of Congress on the implementation of the program under this section.

''(B) As part of its annual report on the Federal Government's student loan repayment program under section 5379, the Director of the Office of Personnel Management shall report on the status of the program established under this section and the success of such program in recruiting and retaining employees possessing such skills, including an assessment as to whether the program should be expanded to other agencies or to individuals possessing other critical skills.

''(2) The head of each agency establishing a student loan repayment program under this section shall provide any necessary information to the Director of the Office of Personnel Management to enable the Director to carry out this subsection.

''(g) For the purpose of enabling the Federal Government to recruit and retain employees possessing critical science, technology, engineering, mathematics, and foreign language skills under this section, there are authorized to be appropriated such sums as may be necessary to carry out this section for each fiscal year.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 53 of title 5, United States Code, is amended by inserting after the item relating to section 5379 the following:

''Sec. 5379a. Pilot program for student loan repayment for Federal employees with critical science, technology, engineering, mathematics, and foreign language skills.''.

Mr. AKAKA. Mr. President, I rise today, along with my friends Senators DURBIN and COCHRAN, to reintroduce legislation that will provide students much needed educational opportunities in foreign languages and science, technology engineering and mathematics, STEM.

The future economic health and security of our Nation depends on programs such as those called for in our legislation. This country's national security depends upon having a workforce with the necessary science, technology, engineering, math, and foreign language skills to rapidly and efficiently adapt to the challenges of globalization. Yet, we are falling behind.

According to a study conducted by the Committee on Economic Development, the Federal Bureau of Investigation and other Federal Government agencies do not have a sufficient number of personnel trained in critical languages to translate intelligence information in a timely manner. Similarly, a GAO report issued August 4, 2006, GAO–06–894 noted that the State Department was still suffering from gaps in language proficiency which could adversely impact its ability to communicate with foreign audiences and execute critical duties.

We all know that we live in a global marketplace. The United States, which has the world's largest economy, is the engine for global economic growth. However, this also means that American workers must compete with others in the global market for skilled labor. The signs have long been clear that we are failing to develop the next generation of workers. As a recent study by the National Center for Public Policy and Higher Education observes, in the United States ''about one-quarter of 15-year-olds fall into the lowest proficiency level on assessments of skills and knowledge.'' The United States ranks 16th among 27 countries in the number of students who earn a college degree or certificate. We can delay no longer in taking the steps to train students to compete and thrive in a multilingual and technologically complex environment.

Our bill the Homeland Security Education Act, provides schools with the framework they need to prepare our Nation's youth for the future. Its enactment is a critical step in reenergizing and reinvigorating our education system to meet the needs of our Nation. It will increase students' proficiency in foreign languages and encourage them to become scientists and engineers.

The Homeland Security Education Act provides schools with the equipment and materials necessary to teach STEM and foreign language courses by encouraging public private partnerships to improve science and math curricular—upgrade laboratory facilities; provide scholarships for students to study math, science, or engineering at the university level; and Establish internship and mentoring opportunities for students in grades K–12; developing cultural awareness and immersion programs in colleges and universities that combine science, technology, and engineering instruction with foreign language to expand international understanding and scientific collaboration; and creating language learning pathways to facilitate proficiency in critical foreign languages from kindergarten through graduate school.

In addition, this act addresses the shortage of STEM and foreign language teachers. Our Nation needs mathematicians, scientists, and linguists in order to compete in a global mart. Accordingly, our bill awards scholarships in the amount of $15,000 to language proficient individuals and to practicing scientists and engineers to encourage them to become certified to teach these critical skills to students in high-need, low-income schools. The bill would also allow National Security Education Program scholarship and fellowship recipients to meet their service requirements by teaching in critical areas if they cannot find a national security position in the Federal service. In addition, a key provision awards grants to build professional development programs, summer workshops or institutes, and foreign language distance learning programs for elementary and secondary school teachers in order to facilitate partnerships between 12 schools and institutions of higher education.

Not only do we need to encourage individuals and professionals to become teachers in these critical need areas, we also need to encourage students to study languages, science, technology, engineering, and math by underscoring the importance of these subjects to our country's security and economic well-being. As Secretary of Education Margaret Spellings noted in January 2006, only 44 percent of this country's high school students are studying any foreign language, while learning a second or even a third language is compulsory for students in the European Union, China, Thailand, and many other nations. Only 32 percent of undergraduates in the United States receive their degrees in science and engineering compared to 59 percent in China and 66 percent in Japan. Our children deserve better opportunities to become math, science, and language proficient. The Homeland Security Education Act helps correct this growing skill gap between students in the United States and students across the globe by providing scholarships for students to earn their degrees in STEM or a foreign language.

Mr. President, education is the foundation of our Nation's long-term security. In order to fulfill our role as a world leader, this Nation needs Americans who are well educated and can communicate and compete in a global environment. The bill we are introducing today will help us meet this essential goal.

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

S. 1298. A bill to amend the Social Security Act to establish a Federal Reinsurance Program for Catastrophic Health Care Costs; to the Committee on Finance.

Mr. KERRY. Mr. President, States like my home state of Massachusetts are setting an example for the rest of the country by taking bold steps to provide quality health coverage for everyone. Now it is time for Washington to do the same by bringing meaningful, affordable healthcare to the uninsured, in Massachusetts and across America.

In Massachusetts there is still a major obstacle in the overall goal of universal coverage: cost. The fact is the problem of the uninsured can't be solved unless the issue of skyrocketing health costs to families and businesses is also tackled. And fully reforming the healthcare system will require that the Federal Government begin shouldering some of the burden to help alleviate costs.

Healthcare costs are highly concentrated in this country. The very few who suffer from catastrophic illness or injury drive costs up for everyone. One percent of patients account for 25 percent of healthcare costs, and 20 percent of patients account for 80 percent of costs. To make healthcare more affordable, we must find a better way to share the immense burden of insuring the chronically ill and seriously injured.

Part of the reason that businesses and health plans today fail to cover

their workers is an aversion to risk, a fear that they will be saddled with a sick employee whose high premiums will bankrupt them. And patients who are catastrophically ill or injured often face the tragic combination of failing health and financial peril. But there's a way to combat these costs.

Congress should make employers and healthcare plans an offer they can't refuse. It's called ''reinsurance.'' Reinsurance provides a backstop for the high costs of healthcare. The Federal Government will reimburse a percentage of the highest cost cases if employers agree to offer a substantive insurance benefit to all full time employees, including preventative care and health promotion benefits that are proven to make care affordable. This means lower costs and lower premiums for both employers and employees. If the Federal Government can help small and large businesses bear the burden of cost in the most expensive cases, we'll dramatically improve the health of everyone.

Today I am introducing the Healthy Businesses, Healthy Workers Reinsurance Act, a bill that will make Government a partner in helping businesses with the heavy financial burden of those catastrophic cases: those that use over $50,000 in a single year in healthcare costs. Healthy Businesses, Healthy Workers will protect business owners from skyrocketing premiums, and provide more working families affordable, quality healthcare. With reinsurance, health insurance premiums for all of us will go down, by up to 10 percent under this plan. This plan does have a cost associated with it, but the benefits will outweigh the costs. We spend hundreds of billions of dollars each year on inefficient and wasteful health expenditures. We need to make sure that these funds are being spent wisely to ensure that we can lower health care costs and improve coverage.

I believe that even in today's sharply divided Washington, this plan is feasible. There is a growing bipartisan consensus that the Federal Government has a responsibility to help the catastrophically ill. Consider the Medicare prescription drug program: Despite its flaws, the bill did cover 95 percent of the cost of prescription drugs once seniors passed through the disastrous ''doughnut hole'' in their coverage. The same approach has been used to protect the insurance market from going under in case of another catastrophic act of terrorism.

As we take the next steps toward alleviating our Nation's healthcare crisis, a commonsense partnership between employers, families, and the government to share the costs of the sickest among us will lay the groundwork for achieving our ultimate goal: healthcare coverage for every single American.

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. 1298

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 ''Healthy Businesses, Healthy Workers Reinsurance Act of 2007''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The cost of health insurance premiums for families has risen 87 percent since 2000, nearly 4 times the growth in overall inflation and workers earnings.

(2) Health insurance premium increases have resulted in a nearly 10 percentage point drop in the number of firms choosing to offer coverage to their workers over that time period.

(3) Today, just 48 percent of firms with between 3 and 9 employees offer health insurance benefits, down from 58 percent in 2001.

(4) The decline in employer-sponsored coverage has added to the growing problem of the uninsured. An additional 4 million Americans have been added to the ranks of the uninsured since 2001.

(5) Health care costs are highly concentrated. Twenty percent of the population that is catastrophically or chronically ill accounts for 80 percent of the health care spending, with just 1 percent driving a full 22 percent of health care costs.

SEC. 3. FEDERAL REINSURANCE PROGRAM FOR CATASTROPHIC HEALTH CARE COSTS.

(a) PROGRAM.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end the following new title:

''TITLE XXII—FEDERAL REINSURANCE PROGRAM FOR CATASTROPHIC HEALTH CARE COSTS

''SEC. 2201. OFFICE OF FEDERAL REINSURANCE.

''(a) IN GENERAL.—There is established within the Department of Health and Human Services an office to be known as the 'Office of Federal Reinsurance'.

''(b) DUTY.—The Office of Federal Reinsurance shall establish and administer the Federal Reinsurance Program for Catastrophic Health Care Costs in accordance with the provisions of this title.

''SEC. 2202. PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Office shall establish and administer a Federal Reinsurance Program for Catastrophic Health Care Costs under which reinsurance payments are provided to eligible health plans that experience catastrophic health care costs during a year with respect to an individual covered under the plan. For purposes of this title, the term 'individual covered under the plan' includes employees, retirees, spouses, and dependants.

''(2) PROGRAM TO BEGIN IN 2009.—The Office shall establish the Program in a manner so that reinsurance payments are made with respect to catastrophic health care costs occurring on or after January 1, 2009.

''(3) ELIGIBLE HEALTH PLAN.—

''(A) IN GENERAL.—In this title, the term 'eligible health plan' means any of the following:

''(i) A group health plan that meets the requirements described in subparagraph (B).

''(ii) A governmental plan (as defined in section 3(32) of the Employee Retirement Income Security Act of 1974) that meets the requirements described in subparagraph (B).

''(iii) A multiemployer plan (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974) that meets the requirements described in subparagraph (B).

''(iv) A plan that offers coverage through health purchasing cooperatives in conjunction with a State health program that makes available health insurance coverage to the small group market and the individual market on the same terms and that meets the requirements described in subparagraph (B).

''(B) REQUIREMENTS.—The requirements described in this subparagraph are that—

''(i) the plan involved—

''(I) provides eligibility for health insurance coverage (after any waiting period (as defined in section 9801(b)(4))) to all full-time employees of the employer maintaining or contributing to the plan;

''(II) ensures that if there is a deductible under the plan, such deductible does not exceed $1,000 for an individual and $2,000 for a family;

''(III) ensures that the plan offers preventative benefits; and

''(IV) ensures that the plan employs effective high-cost case management tools (in accordance with the definition of disease management by the Disease Management Association of America) in order to reduce costs over time; and

''(ii) the employer maintaining or contributing to the plan involved pays at least 50 percent of the costs of health insurance coverage for each employee covered under the plan (regardless of whether the employee is a full-time or part-time employee).

''(C) COST-OF-LIVING ADJUSTMENT.—

''(i) IN GENERAL.—In the case of any calendar year after 2009. each dollar amount in subparagraph (B)(ii) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 for such calendar year determined by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) DATE FOR DETERMINATION.—For purposes of clause (i), section 1(f)(4) of such Code shall be applied by substituting 'March 31' for 'August 31', and the Secretary of the Treasury shall publish the adjusted amounts under subparagraph (B)(ii) for the calendar year not later than June 1 of the preceding calendar year.

''(iii) ROUNDING.—If any increase under clause (i) is not a multiple of $50, such increase shall be rounded to the nearest multiple of $50.

''(D) EMPLOYER.—For purposes of this title, the term 'employer' includes the Federal government and any other governmental entity (within the meaning of section 5000(d) of Internal Revenue Code of 1986).

''(b) ENROLLMENT.—

''(1) PROCEDURES.—The Office shall establish procedures for the enrollment of eligible health plans in the Program.

''(2) APPLICATION AND ANNUAL RECERTIFICATION.—

''(A) IN GENERAL.—The procedures established under paragraph (1) shall include a process for an eligible health plan—

''(i) to submit an application to the Office for enrollment in the Program; and

''(ii) to be annually recertified for enrollment in the Program.

''(B) REQUIREMENT.—The application and recertification process under subparagraph (A) shall require that an eligible health plan submit to the Office—

''(i) a detailed description of the projected and actual reduction in total costs under the plan that are a result of the Program, including both individual and employer portions; and

''(ii) such other information determined appropriate by the Office.

''(3) APPROVAL.—

''(A) IN GENERAL.—The procedures established under paragraph (1) shall provide for the approval or disapproval of applications and requests for recertification submitted by eligible health plans under paragraph (2).

''(B) SPECIFIC REQUIREMENT.—The Office shall not approve an application or a request for recertification unless the Office finds that the eligible health plan is reducing total costs under the plan, based on the information submitted under paragraph (2)(B) and audits conducted under paragraph (4).

''(4) AUDITS.—The Office shall conduct audits of claims data of eligible health plans in order to ensure that the eligible health plan is in compliance with the requirements under the Program, including the requirement under paragraph (3)(B). An eligible health plan shall not be eligible for reinsurance payments unless it provides the Office with access to such data.

''(c) COST-SHARING IN COSTS OF PROGRAM.—

''(1) IN GENERAL.—An eligible health plan that participates in the Program shall pay the fee established by the Office under paragraph (2).

''(2) AUTHORIZATION.—The Office is authorized to charge a fee to each eligible health plan that participates in the Program. Any amounts collected shall be deposited into the Trust Fund.

''(3) REQUIREMENTS.—In establishing the fee under paragraph (2)—

''(A) the Office shall consult with interested parties; and

''(B) shall ensure that the amount of such fee is not excessive so as to unduly discourage eligible health plans from enrolling in the Program.

''(d) APPEALS PROCESS.—The Office shall establish an appeals process under the Program.

''(e) PROCEDURES TO PROTECT AGAINST FRAUD, WASTE, AND ABUSE.—The Office shall establish procedures to protect against fraud, waste, and abuse under the Program.

''SEC. 2203. REINSURANCE PAYMENTS.

''(a) AMOUNT.—

''(1) IN GENERAL.—The amount of a reinsurance payment under the Program to an eligible health plan that experiences catastrophic health care costs in a year with respect to an individual covered under the plan shall be an amount equal to 75 percent of such costs.

''(2) CATASTROPHIC HEALTH CARE COSTS.—

''(A) IN GENERAL.—In this title, the term 'catastrophic health care costs' means, with respect to a year, costs for medical care (as defined in section 9832(d)(3) of the Internal Revenue Code of 1986) provided under an eligible health plan to an individual covered under the plan, but only with respect to such costs which exceed $50,000.

''(B) NEGOTIATED PRICES.—In determining the amount of catastrophic health care costs under the Program, the eligible health care plan shall take into account any negotiated price concessions, such as discounts, direct or indirect subsidies, rebates, and direct or indirect remunerations, obtained by the plan.

''(C) INFLATION ADJUSTMENT.—

''(i) IN GENERAL.—In the case of a calendar year after 2009, the $50,000 amount in subparagraph (A) shall be increased by an amount equal to—

''(I) such dollar amount; multiplied by

''(II) the percentage (if any) by which the average of the medical care component of the Consumer Price Index for all urban consumers (United States city average) for the 12-month period ending with August of the preceding calendar year exceeds such average for the 12-month period ending with August 2008.

''(ii) ROUNDING.—If any dollar amount after being increased under clause (i) is not a multiple of $1,000, such dollar amount shall be rounded to the nearest multiple of $1,000.

''(b) REQUESTS FOR PAYMENT.—To be eligible for a reinsurance payment with respect to an individual for a year, an eligible health plan shall submit to the Office, at a time and in a manner determined appropriate by the Office, a request for payment that contains—

''(1) a certification—

''(A) that the plan paid or incurred catastrophic health care costs during the year with respect to the individual; and

''(B) of the amount of such costs; and

''(2) such other information determined appropriate by the Office.

''(c) PAYMENTS FROM TRUST FUND.—

''(1) IN GENERAL.—Payments to eligible health plans under the Program shall be made from the Trust Fund.

''(2) TAX TREATMENT.—For purposes of the Internal Revenue Code of 1986—

''(A) payments from the Trust Fund to the eligible health plan shall not be included in gross income; and

''(B) no deduction shall be allowed to the eligible health plan with respect to the payment of any catastrophic health care costs for the portion of such costs which was reimbursed from the Trust Fund.

''SEC. 2204. FEDERAL REINSURANCE FOR CATASTROPHIC HEALTH CARE COSTS TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Federal Reinsurance for Catastrophic Health Care Costs Trust Fund', consisting of such amounts as may be appropriated or credited to the Trust Fund (including any fees deposited under section 2202(c)).

''(b) MANDATORY APPROPRIATIONS.—There are appropriated to the Trust Fund such sums as may be necessary in order to make the reinsurance payments required under section 2203.

''(c) RULES REGARDING TRANSFERS TO AND MANAGEMENT OF TRUST FUND.—For purposes of this section, rules similar to the rules of sections 9601 and 9602 of the Internal Revenue Code of 1986 shall apply.

''(d) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—Amounts in the Trust Fund shall be available for making payments under section 2203.

''SEC. 2205. REPORTS.

''(a) SECRETARY.—

''(1) IN GENERAL.—Not later than March 1, 2011, and biennially thereafter, the Secretary shall submit to Congress a report on the Program.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—Each report submitted under paragraph (1) shall contain—

''(i) a detailed description of the Program, including a detailed description of the impact the Program has had on reducing premiums for health insurance coverage and increasing the number of individuals with health insurance coverage; and

''(ii) any other information or recommendations determined appropriate by the Secretary.

''(B) INDIVIDUAL MARKET.—The first report submitted under paragraph (1) shall also contain recommendations regarding expanding the Program to the individual market.

''(C) CONSULTATION.—The Secretary shall consult with the National Association of Insurance Commissioners in preparing each report under paragraph (1).

''(b) GAO.—

''(1) IN GENERAL.—Not later than March 1, 2011, and biennially thereafter, the Comptroller General of the United States shall submit to Congress and the Secretary a report on the Program.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—Each report submitted under paragraph (1) shall contain—

''(i) a detailed description of the Program, including a detailed description of the impact the Program has had on reducing premiums for health insurance coverage and increasing the number of individuals with health insurance coverage; and

''(ii) any other information or recommendations determined appropriate by the Comptroller General.

''(B) INDIVIDUAL MARKET.—The first report submitted under paragraph (1) shall also contain recommendations regarding expanding the Program to the individual market.

''SEC. 2206. DEFINITIONS.

''In this title:

''(1) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning given such term by section 5000(b)(1) of the Internal Revenue Code of 1986.

''(2) INDIVIDUAL MARKET; SMALL GROUP MARKET.—The terms 'individual market' and 'small group market' have the meanings given such terms by section 2791 of the Public Health Service Act.

''(3) OFFICE.—The term 'Office' means the Office of Federal Reinsurance established under section 2201.

''(4) PROGRAM.—The term 'Program' means the Federal Reinsurance Program for Catastrophic Health Care Costs under this title.

''(5) TRUST FUND.—The term 'Trust Fund' means the Federal Reinsurance for Catastrophic Health Care Costs Trust Fund established under section 2204.''.

(b) FUNDING START-UP ADMINISTRATIVE COSTS FOR PROGRAM.—

(1) IN GENERAL.—There are appropriated to the Secretary of Health and Human Services $200,000,000 to carry out the provisions of, and amendments made by, this Act.

(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until September 30, 2009.

Mr. REED. Mr. President, I join my colleague, Senator KERRY, in introducing the Reinsure America's Businesses Act of 2007. This legislation represents a critical step forward in bringing affordable health care to the uninsured and lowering the ever increasing costs of health care for families and businesses.

The bill that we are introducing today proposes that the Federal Government assume responsibility for the most burdensome risk for employers, and in doing so helps to provide greater access to lower priced health care. Under our legislation, the Federal Government will reimburse employers for a significant portion of the costs of their most ill employees—75 percent of medical bills in excess of $50,000. In exchange, employers agree to offer all of their workers preventative care and quality coverage.

At the heart of this bill lies the fact that 1 percent of patients account for 25 percent of health care costs, and 20 percent of the population that is catastrophically ill accounts for 80 percent of the costs. Planning for the unfortunate chance that one falls into one of these categories is precisely why individuals have health insurance. Yet it is also the primary reason why many employers, particularly small businesses where one critically ill individual can have a tremendous influence on the

overall cost, do not offer their employees health insurance. Through reinsurance, the Federal Government has an opportunity to absorb a large portion of this risk and encourage more affordable and meaningful employer sponsored health coverage. This legislation also eases the burden on health insurance companies by making rate determinations more predictable.

Federal reinsurance is an efficient use of Federal dollars because it spreads the burden across employers, the Federal Government, and employees, thereby lowering costs and increasing access to quality health care. Reinsurance reduces health insurance premiums for everyone; some estimates suggest as much as 10 percent. Actions to decrease the cost of health care and improve access to care are crucial if we are to combat ever-rising health care costs in this country. In Rhode Island, from 2000 to 2006, premiums increased 75 percent while median earnings went up only 23 percent. Uninsured rates have also grown in Rhode Island with more than 13 percent of residents under age 65 with no health insurance, up from 8.1 percent in 1999. Rhode Island is not unique; the entire country bears the burden of high health care costs and increasingly declining access. This legislation lays the groundwork for achieving our goal of making health care more affordable and more accessible to every American.

I am pleased to join with my colleague in introducing this important initiative and hope the Senate will give it prompt consideration.

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

S. 1302. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to encourage and support parent, family, and community involvement in schools, to provide needed integrated services and comprehensive supports to children, and to ensure that schools are centers of communities, for the ultimate goal of assisting students to stay in school, become successful learners, and improve academic achievement; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, I am pleased today to introduce the Keeping Parents and Communities Engaged or Keeping PACE Act, to foster greater involvement of parents in their children's education, engage community partners in supporting the comprehensive learning needs of students in school, as well as to address our Nation's high dropout rate.

It is clear that engaged parents can make a positive difference in students' achievement. Parents are their children's first teachers, and they have immense influence over their children's attitudes, focus, priorities and goals. Well-informed parents are more likely to be involved, to ask questions, to suggest constructive changes and to make a difference in their child's education. They deserve to know what their children are learning and being tested on, what their children's grades and assessment scores mean, and how assessment data may be used for improvement. Informed and engaged parents can help turn around struggling schools.

We crafted the No Child Left Behind Act to recognize parents as full partners in their children's education. The Act includes essential requirements to develop parent involvement policies and programs, develop and release school report cards, and to establish a team of parents and community representatives to construct a plan to improve schools if they are identified as struggling. We should build on these important reforms. But in the upcoming reauthorization of the law, we must also explore new and innovative strategies to engage parents and communities in helping kids succeed in school.

Better coordination among parents, schools, and the community can also help create a network that enables and empowers students to take advantage of every opportunity to learn. That's particularly important for students needing the greatest help and attention in their learning and those who need more challenging schoolwork to keep them engaged and progressing, as well as students at risk of dropping out of school. Today, more than one million students who enter the ninth grade fail to receive a high school diploma 4 years later and approximately 7,000 students drop out of school every day. We've made great advances in recent years to improve the education of every student, but it remains clear that more must be done to respond to this challenge.

We must support and strengthen our elementary and secondary schools and do more to attend to the learning and nonacademic needs of our most at-risk students, which make such a difference in how well they master their subjects. That means support for community programs to meet children's social, intellectual, emotional, and physical needs. It means making parent involvement a top priority, and offering support to schools to involve parents and families more effectively in their children's education, including postsecondary education planning.

The Keeping PACE Act will address these fundamental issues. This bill amends the Elementary and Secondary Education Act of 1965 to encourage and support parent, family, and community involvement in schools, to provide needed supports and services to children, and to ensure that schools are centers of communities.

Educators recognize, on the basis of abundant research and common experience, that parental involvement is a critical element in children's academic and social development. Unfortunately, as noted in a recent report by Appleseed, too often, schools and districts continue to face challenges that impede efforts to effectively advance parental involvement. My bill enables States to award grants to local education agencies to assist schools in hiring and maintaining Parent and Community Outreach Coordinators. These coordinators will build critical partnerships among families, schools, and the community. They'll work with school principals, teachers, and staff to encourage parents to become more involved in their child's education and give them the tools necessary to become successful advocates for their children.

Last year, a Massachusetts pilot initiative placed 17 full-time Family and Community Outreach Coordinators in Boston Public Schools. The Coordinators were responsible for supporting families, teachers, and the community in a common effort to help students excel academically and socially.

Their efforts have worked. The Family and Community Outreach Coordinator at the Condon School in Boston, Massachusetts, has offered workshops for parents on middle school transition and math curriculum; coordinated parent participation on the School Climate Committee, an anti-bullying initiative at the school; helped teachers and parents make connections for parent-teacher conferences; and brought in over 200 parents to participate in the fall open house, where some teachers reported having contact with over 80 percent of their students' families. The Coordinator has also leveraged donations to the school through the generosity of local businesses.

The success of the coordinators led the Boston School Committee to approve its budget for the next school year with the addition of 14 more full-time Family and Community Outreach Coordinators. All together this means that almost 22 percent of Boston Public Schools will have a coordinator by September 2007–2008.

The director of the Harvard Family Research Project notes that many years of research confirm that ''now is the time . . . for action. The question we must ask is, in addition to quality schools, what non-school learning resources should we invest in and scale up to improve educational outcomes, narrow achievement gaps, and equip our children with the knowledge and skills needed to succeed in the complex and global 21st century.''

The bill answers that question and responds directly to these needs by creating new grants for community-based organizations to work in partnership with schools to bring essential comprehensive and integrated services to children in need. These support services may include health care, counseling, social services, enrichment, mentorship, and tutoring, services that can often spell the difference between a dropout and a graduate.

Rather than giving teachers, counselors, and principals more to do as they address the non-classroom needs

of students, every school should have a resource they can turn to for help with identifying student needs and leveraging community services to help all students succeed. We know that comprehensive, integrated supportive services increase graduation rates and improve student achievement. In one national report: 82 percent of tracked students improved their attendance in school; 86 percent of tracked students had fewer behavior incidents; 89 percent of tracked students had fewer suspensions. In addition, 98 percent of tracked students stayed in school and 85 percent of eligible seniors graduated. Students who are identified as needing these services, but do not receive them are more likely to drop out of school.

The Lucy Stone School in Boston, Massachusetts, demonstrates the effectiveness of student supports on learning. The once failing school took action and focused on improving core learning skills, a broad array of enrichment activities and health and social supports. Lucy Stone is making strong progress. Students in Grades 3 and 4 are passing the literacy MCAS at rates well above the Boston Public School average percentages, and are approaching State averages. Grade 4 math MCAS passing rates are approaching Boston and State averages as well.

In other communities, diverse community partners have played an important role in providing accelerated learning and mentoring opportunities that have made all the difference for students.

For example, a comprehensive evaluation of nine schools in New England found that classroom participation in community service outdoor learning projects increased student engagement and retention of science knowledge. And the ''Being Enthusiastic about Math and Science'' (BEAMS) enrichment program at the Jefferson National Lab in Virginia, which serves 1,800 inner-city students and their teachers, has resulted in increased achievement and attendance rates, and a better understanding of academic subjects, careers and applications among participating students.

The National Commission on Service Learning found that mentorships and internships with caring adults in a workplace resulted in higher grade point averages and better attendance than for students who spend less time with adult mentors.

There is one particular organization that has a demonstrated track record in helping leverage the integrated services and supports that students need to succeed in school. Communities in Schools (CIS) is the Nation's largest dropout prevention organization, and has a nearly 30-year track record of helping connect students, families and schools with supportive services to help them graduate and prepare for life. With affiliates operating in 27 States and the District of Columbia, Communities in Schools helps about 2 million students every year.

Community involvement means real help for children in need, and the evidence shows. For instance:

In Georgia, CIS currently supports graduation coaches directly serving approximately 37,000 high school students who are at risk of dropping out.

In the wake of Hurricane Katrina, CIS stepped in to provide morning classes and afternoon activities for students whose parents had lost their social support systems after they were forced to relocate to Houston, Texas.

There are also countless individual stories of community-based integrated services making a difference. In Texas, CIS helped 14-year-old Yeana Carbajal, who was born with cerebral palsy, to obtain proper medical attention and social services, enabling her to return to school after hip surgery when her doctors had told her that would be impossible. Yeana is now back in school and thriving academically and socially.

Another student, who at 14 became the primary caregiver of a mother who eventually died with AIDS, overcame homelessness and became the first in her family to graduate high school. A turning point for her came when she participated in a career exploration program coordinated through the community-based program office at her school. She discovered her special talents in the culinary arts, and is now an honor student at Johnson and Wales University.

Finally, a growing body of educational research suggests that student achievement improves in environments where learning is a community value, and where schools have the ability to address a broad range of educational needs. Many school districts have gone even further to respond to this research, by establishing full-service community schools that directly involve parents, families, and the entire community in education.

The Keeping PACE Act also responds to this research by providing new avenues to establish and support full-service community schools. These efforts have wide-ranging positive impacts, including ''better family functioning and parental involvement, healthy youth development and improved social behavior, improved academic achievement and learning outcomes, and enhanced community life.'' Two prominent researchers in the field further note, ''In community schools . . . schools are transformed into much more than just a portfolio of programs and services. They become a powerful agent for change in the lives of young people and their families and improve the climate of the entire school.''

This bill enables States to provide incentives to local education agencies that coordinate with mayors, community-based organizations, for-profit organizations and other community partners to re-design and modernize their current school plans and facilities to better link students with community resources. School districts across the country are beginning to recognize the benefits of planning a school not only as an academic center for students, but also as a neighborhood center that serves the entire community. Designing schools from the onset to leverage integrated services to students helps meet multiple local needs such as educational, health, social service, and recreational needs.

It's time for America to make a real commitment, and give real opportunity and real fairness to address the comprehensive learning needs of children and families, guarantee a place for parents and families in schools, and provide real hope to our students most at-risk of dropping out. Engaging parents and communities in the success of students enrolled in our public schools is critical to the future and prosperity of our entire Nation.

This bill is supported by 15 organizations representing education communities. I ask unanimous consent that their letters of support be printed in the RECORD.

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

COMMUNITIES IN SCHOOLS,
Alexandria, VA, April 16, 2007.

DEAR SENATOR KENNEDY: On behalf of Communities In Schools—our national offices and our network of local affiliates in 27 states and District of Columbia—I would like to congratulate you on the introduction of the Keeping Parents and Communities Engaged (Keeping PACE) Act. For 30 years Communities In Schools has been working to connect existing community resources with schools to improve student achievement. This legislation provides much needed structure, funding, and support at the federal level for critical community engagement activities in our nation's public schools. The Keeping PACE Act's provisions are research-based, effective, and fiscally responsible. Communities In Schools strongly supports this legislation.

While much of the rhetoric in education is about the problems in the system, the Keeping PACE Act offers a real solution to help to lower the high school dropout rate and raise the achievement level of students in need. Too often, students at risk of dropping out or not achieving academically have the talent, intelligence, and potential to achieve, but they need assistance to address challenges that may block their way. The Keeping PACE Act's three components provide a strong foundation to help students—particularly those at risk of dropping out of school—with their challenges by supporting: grants to states to support parent and community outreach coordinators in schools; grants to community-based organizations to engage schools and provide integrated services; and grants to help make schools the centers of their communities.

Communities In Schools is particularly pleased that the Keeping PACE Act provides support for community-based organizations that provide integrated student services. Community-based, integrated student services are interventions that improve student achievement by connecting community resources—such as mentoring, service-learning, and afterschool programs—with both the academic and social service needs of students. Programs focus energy, resources, and time on shared school and student goals. The core strategy of community-based, integrated student services is to leverage existing community resources and effectively

link these resources with students in need in order to address whatever barriers the students may face. This leverages a greater return on federal, state, and local investments that are already being made in education. Without coordination, however, many students cannot benefit from these programs. The Keeping PACE Act supports funding for this critical coordination and effectively leverages current federal, state, and local investments in education.

Importantly, research and experience establish that the model supported by the Keeping PACE Act works in all types of schools across the country—urban, rural, and suburban. By supporting community-based, integrated student services and parental involvement, the Keeping PACE Act provides strong support for a very effective strategy to address our nation's dropout rate and the achievement gap in communities across the country.

Thank you again for your leadership the Keeping PACE Act. This very important bill will go along way toward supporting the services that young people need and will make a huge difference in lowering the dropout rate and closing the achievement gap.

Sincerely,

DANIEL J. CARDINALI,
President.

CENTER FOR AMERICAN
PROGRESS ACTION FUND,
Washington, DC, April 16, 2007.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor and Pensions, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: This letter is written to express the support of the Center for American Progress Action Fund for your PACE Act of 2007. The PACE Act takes great strides towards facilitating community support for low-income schools, a crucial step towards closing the achievement gap and providing all American children with equal educational opportunity.

Schools, families, communities, and children themselves all play important roles in promoting student learning. Children are more likely to do their best when all these players work together to ensure that challenges students face outside the classroom are addressed, rather than remaining as ongoing barriers to student learning and achievement.

Community schools reshape the structure of traditional schools and recast their roles in the community by explicitly positioning schools, families and communities as vital partners in fostering the health, well-being and academic growth of children. These schools help address the out-of-school needs of students and their families so that young people can focus on learning when they are in the classroom, and also take advantage of nurturing opportunities outside of the classroom.

Providing supplemental support services to students and their families has been shown to lead to real improvements in their well-being. Researchers have documented that students in community schools demonstrate positive outcomes, including higher test scores, fewer disciplinary problems, improved attendance and graduation rates, and diminished incidence of self-destructive behaviors.

We are pleased that the report by the Renewing Our Schools, Securing Our Future National Task Force on Public Education, issued by our sister organization, the Center for American Progress, has influenced the drafting of this legislation, and that the PACE Act reflects the community schools recommendations in that report. It is our hope that Congress and the nation as a whole will embrace the ideas in this important piece of legislation.

Best Regards,

JOHN PODESTA,
President and CEO.

CITIZEN SCHOOLS,
Boston, MA, April 13, 2007.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing in support of the Keeping Parents and Communities Engaged (Keeping PACE) Act of 2007. The Keeping PACE Act proposes a promising set of initiatives to strengthen two areas that are key to student success: parental involvement and coordinated community support.

At Citizen Schools, we see the importance of parental engagement and integrated student support systems every day. Citizen Schools operates a national network of afterschool programs that advance student achievement and mobilize adult volunteers to teach hands-on apprenticeship courses. Our programs blend real-world learning projects with rigorous academic and leadership development activities, preparing students in the middle grades for success in high school, college, the workforce, and civic life. Citizen Schools currently serves 3,000 students and engages 2,400 volunteers in California, Massachusetts, New Jersey, North Carolina and Texas. In Massachusetts, our programs operate in Boston, Lowell, Malden, New Bedford, Worcester, and Springfield.

Citizen Schools works intensively with low-income students, most of whom are struggling academically. A rigorous independent evaluation has reported that Citizen Schools' students significantly outperformed a matched comparison group on key metrics of school success and advancement, including grades and standardized test scores. These achievements would not be possible without the engagement and support of students' families and communities.

Our program also brings together students and adult volunteers, and we have seen the rewards that both groups derive from this opportunity to interact. As such, Citizen Schools wholeheartedly supports efforts that reduce the barriers between schools and communities.

The Keeping PACE Act will produce positive outcomes for our neediest students by facilitating parent involvement and access to community resources. Thank you for your leadership on this important issue.

Sincerely,

ERIC SCHWARZ,
President and CEO.

NATIONAL ASSOCIATION
FOR GIFTED CHILDREN,
Washington, DC, April 11, 2007.

Hon. EDWARD M. KENNEDY,
Chairman, Senate Committee on Health, Education, Labor and Pensions, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN KENNEDY: The National Association for Gifted Children (NAGC), the largest organization devoted to meeting the needs of the nation's more than three million gifted and talented students, is writing to express its support of the Keeping Parents and Communities Engaged (Keeping PACE) Act.

In high-poverty school districts, little attention is being paid to finding and supporting the children who meet the requirements of NCLB-mandated tests and are ready to move to higher levels of achievement. Many low-income promising students may be trapped in schools that do not acknowledge the presence of gifted children, do not offer appropriate level of intellectual stimulation, and do not provide the services necessary to encourage talent development. This failure to address the learning needs of high-ability children is a tragedy for the children, their families, communities, and the nation.

The Keeping PACE Act will be a catalyst for developing the partnerships necessary to support bright children from disadvantaged backgrounds. The Act establishes an integrated service strategy for students and their families in several key areas—including mentoring, tutoring, and enrichment—which go a long to supporting the intellectual appetites of students who are unchallenged in the classroom, who want to explore in-depth learning on their own, or who need safe haven from negative peer attitudes towards academic achievement. We also applaud the Act's focus on assisting students and parents in planning for post-secondary educational opportunities. Many of these bright children will be the first in their families to pursue post-secondary options and they will need assistance to make appropriate decisions and to understand the range of grant and other funding opportunities available to high-achieving students.

NAGC is invested in building alliances with other national organizations that serve low-income learners and has made a strong commitment to enhancing the competency of teachers who work with underserved populations of students. We look forward to working with you and your office in support of this legislation and to strengthen NCLB in other ways for gifted and talented students.

Sincerely,

NANCY GREEN,
Executive Director.

NATIONAL COLLABORATION
FOR YOUTH,
Washington, DC, March 26, 2007.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR CHAIRMAN KENNEDY: The National Collaboration for Youth is writing to express its support of the Keeping Parents and Communities Engaged (Keeping PACE) Act.

The National Collaboration for Youth membership comprises national youth-serving organizations that have a presence in almost every community in the United States. The signers of this letter include community-based organizations, and organizations that conduct research, evaluation, and provide technical assistance to communities and schools across the country. As advocates striving to improve the conditions of young people in America, we believe that student achievement is enhanced when parents, caregivers and communities are engaged in education.

Research and experience demonstrate that improving the interaction between school and community, and providing integrated services and supports for students and their families in such areas as healthcare, employment, mentoring, tutoring, enrichment and recreation, will help to serve the intellectual, social, emotional, and physical well-being of students. Access to these and other related non-academic needs pave the way for the successful education of a young person. By incorporating family and community engagement with schools, the Keeping PACE Act will strengthen the Elementary and Secondary Education Act, and will be an important tool in reducing the school dropout rate and closing the achievement gap.

We look forward to continuing to work with you and your office to strengthen the goals of this legislation, and move it towards enactment. Please do not hesitate to contact us if we can be of any assistance.

Thank you for your leadership and public service.

Sincerely,

America's Promise—The Alliance for Youth, Marguerite Kondracke, President and CEO.

Big Brothers Big Sisters of America, Judy Vredenburgh, President and CEO.

Camp Fire USA, Jill Pasewalk, National President and CEO.

Communities In Schools, Inc., Daniel Cardinali, President.

First Focus, Bruce Lesley, President.

Forum for Youth Investment, Karen J. Pittman, Executive Director.

GLSEN—The Gay Lesbian and Straight Education Network, Kevin Jennings, Executive Director.

Leadership & Renewal Outfitters, Janet R. Wakefield, CEO.

MENTOR/National Mentoring Partnership, Gail Manza, Executive Director.

National Collaboration for Youth, Irv Katz, President and CEO.

National Network For Youth, Victoria Wagner, President and CEO.

YMCA of the USA, Neil Nicoll, President and CEO.

FIRST FOCUS,
Alexandria, VA, March 23, 2007.

Hon. EDWARD KENNEDY,
Chairman, Senate Committee on Health, Education, Labor and Pensions, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: It is a pleasure to formally endorse the Keeping Parents and Communities Engaged Act. This important legislation recognizes the critical role played by families and communities in improving the academic success of our students. We applaud this bill and look forward to working with you toward its enactment.

First Focus believes, and research demonstrates, that we must meet the needs of students in and outside the classroom in order to bolster their success in school. A study commissioned by the America's Promise Alliance analyzed the impact of having five key resources in children's lives: caring adults, safe places, a healthy start, an effective education, and opportunities to help others. Students with four or five of these resources were twice as likely as their peers with zero or one resource to get As in school, 40 percent more likely to volunteer, and twice as likely to avoid violence. The Keeping PACE Act is crucial because it will help to connect young people to an array of services and supports, thereby increasing their access to these and other important resources.

The debate surrounding the reauthorization of the No Child Left Behind Act will appropriately center on issues surrounding accountability, teacher quality, national standards and other important topics. We thank you for raising the importance of parent and community engagement as well. Every child can succeed, but we must provide them with the tools to do so. By building stronger connections between parents, schools, and communities, the Keeping PACE Act will help the nation be stronger supporters of our students.

Chairman Kennedy, thank you for your leadership. We look forward to working with you.

Sincerely,

BRUCE LESLEY,
President.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 1304. A bill to amend the National Trails System Act to designate the Arizona National Scenic Trail; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am pleased to be joined today by Senator KYL in introducing the Arizona Trail Feasibility National Scenic Trail Act. This bill would designate the Arizona Trail as a National Scenic Trail. A similar bill is being introduced in the House of Representatives by Congresswoman GIFFORDS.

The Arizona Trail is a beautifully diverse stretch of public lands, mountains, canyons, deserts, forests, historic sites, and communities. The Trail is approximately 807 miles long and begins at the Coronado National Memorial on the U.S.-Mexico border and ends in the Bureau of Land Management's Arizona Strip District on the Utah border near the Grand Canyon. In between these two points, the trail winds through some of the most rugged, spectacular scenery in the Western United States. The corridor for the Arizona Trail encompasses the wide range of ecological diversity in the State, and incorporates a host of existing trails into one continuous trail. In fact, the trail route is so topographically diverse that a person can hike from the Sonoran Desert to Alpine forests in 1 day.

For over a decade, more than 16 Federal, State, and local agencies, as well as community and business organizations, have partnered to create, develop, and manage the Arizona Trail. Through their combined efforts, these agencies and the members of the Arizona Trail Association have completed over 90 percent of the longest contiguous land-based trail in the State of Arizona. Designating the Arizona Trail as a National Scenic Trail would help streamline the management of the high-use trail to ensure that this pristine stretch of diverse land is preserved for future generations to enjoy.

Since 1968, when the National Trails System Act was established, Congress has designated over 20 National trails. Before a trail receives a national designation, a Federal study is typically required to assess the feasibility of establishing a trail route. The Arizona Trail doesn't require a feasibility study because it's virtually complete with less than 60 miles left to build and sign. All but 1 percent of the trail resides on public land, and the unfinished segments don't involve private property. The trail meets the criteria to be labeled a National Scenic Trail and already appears on all Arizona State maps. Therefore, the Congress has reason to forego an unnecessary and costly feasibility study and proceed straight to National Scenic Trail designation.

The Arizona Trail is known throughout the State as boon to outdoor enthusiasts. The Arizona State Parks recently released data showing that two-thirds of Arizonans consider themselves trail users. Millions of visitors also use Arizona's trails each year. In one of the fastest-growing States in the U.S., the designation of the Arizona Trail as a National Scenic Trail would ensure the preservation of a corridor of open space for hikers, mountain bicyclists, cross country skiers, snowshoers, eco-tourists, equestrians, and joggers.

I urge my colleagues to support the passage of this legislation.

Mr. KYL. Mr. President, today I am pleased to join with Senator MCCAIN in introducing the Arizona National Scenic Trail Act. This bill would amend the National Trails System Act to designate the Arizona Trail as a national scenic trail. In 1968, Congress established the National Trails System to promote the preservation of historical resources and outdoor areas. National scenic and historic trails may be designated only by an act of Congress.

This is not a new proposal. Senator MCCAIN and I have been working on legislation relating to the Arizona Trail since the 108th Congress. Past legislation focused on conducting a feasibility study to determine whether the trail is physically possible and financially feasible. A feasibility study is generally the first step toward national trail designation, but such legislation was not successfully enacted. In the meantime the Arizona Trail Association and its State and Federal partners have continued to develop the trail with national designation in mind. Senator MCCAIN and I believe a feasibility study is not necessary. Let me explain: the Arizona Trail already exists. It extends over 800 continuous miles and is over 90 percent complete—clearly, it is physically possible. It is also financially feasible, as this trail does not require a single land acquisition, and commitments already exist to manage the trail and complete the remaining few miles of trail construction. This trail is ready for designation. In fact, the Arizona Trail is farther along than many national scenic trails that have already been designated by Congress.

The Arizona Trail is highly deserving of national designation. The trail is a roller coaster ride through the wide range of ecological diversity in the State. The trail corridor begins at the Coronado National Memorial on the U.S.–Mexico border and winds some 800 miles, ending on the Bureau of Land Management's Arizona Strip District on the Utah border. Between these two points, it invites recreationists to explore the State's most renowned mountains, canyons, deserts and forests, including the Grand Canyon and the Sonora Desert. This trail is unique in that it maximizes the incorporation of already existing public trails into one continuous trail to showcase some of the most spectacular scenery in the West.

Over 16 Federal, State and local agencies, as well as numerous community and business organizations and countless volunteers, have cooperated to develop and sustain the trail as a recreational resource for future generations. Designating the Arizona Trail

as a national scenic tail will help streamline its management, boost tourism and recreation, and preserve a magnificent natural, cultural, and historical experience of the American West. I urge my colleagues to enact this legislation at the earliest possible date.

By Mr. COLEMAN (for himself, Mr. LEVIN, and Mrs. MCCASKILL):

S. 1307. A bill to Include Medicare provider payments in the Federal Payment Levy Program, to require the Department of Health and Human Services to offset Medicare provider payments by the amount of the provider's delinquent Federal debt, and for other purposes; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I rise to introduce the Medicare Provider Accountability Act on behalf of myself, and my colleagues Senator LEVIN and Senator MCCASKILL. This bill is a direct result of the recent bipartisan investigation by the Permanent Subcommittee on Investigations exposing Medicare physicians and related providers who cheat on their taxes. At our March 20 hearing, entitled ''Medicare Doctors Who Cheat On Their Taxes,'' the Subcommittee presented evidence that more than 21,000 physicians and other providers received millions of dollars through the Centers for Medicare and Medicaid Services, CMS, under Medicare Part B, even though they collectively owe more than $1.3 billion in undisputed Federal taxes as of September 30, 2006.

I think it is important to note that the vast majority of physicians are working hard to provide services to Medicare beneficiaries. In fact, I know that many doctors struggle with ongoing reductions in payments under the so-called Sustainable Growth Rate.

The focus of PSI's ongoing investigations has been tax fraud and government contractors. CMS is the only Federal agency of considerable size that has resisted participating in the Federal Payment Levy Program that I will describe later. As we looked into CMS, we found that there were physicians receiving payments from the government while they simultaneously withheld money from the government by cheating on taxes, and failing to pay child support or student loan debts. Through their actions, these ''bad apples'' are hurting efforts to promote the longterm sustainability of the Medicare Program.

What is disturbing is that the delinquent doctors identified by our investigation were not hardship cases but rather folks living the ''good life.'' This minority of physicians live in multimillion-dollar homes, own luxury vehicles and pleasure boats, and gamble with millions of dollars, yet still cheat the government.

Some of the most egregious examples that GAO discovered include the following:

An ambulance company received more than $1 million from Medicare in just the first 9 months of 2005, although it owed more than $11 million in back taxes.

One doctor has refused to pay Federal income taxes since the 1970s and now owes more than $3 million in unpaid Federal taxes, and more than $1 million to another Federal agency. He was paid approximately $100,000 by Medicare in the first 9 months of 2005. He tried to hide his assets by attempting to transfer property to his children.

Another physician who owes more than $1 million, primarily as payroll taxes withheld from his employees, received more than $1 million from Medicare between January and September 2005. He was flaunting his illegally gained windfall with a million-dollar home, 58-foot yacht, and ownership of several night clubs. His recently reported income is half a million dollars, but the compromise offer he made to the IRS only covers the penalty for nonpayment and not the overdue taxes themselves.

Another physician whose medical license is on probation owes more than $400,000 in unpaid Federal taxes. Despite this debt, he purchased a luxury vehicle predominantly with cash, deposited tens of thousands of dollars in cash in such a way as to avoid mandatory reporting to the IRS, and gambled away millions of dollars. Although he did report more than $600,000 in net profits for 2 recent years, he still managed to fall behind in his child support payments by tens of thousands of dollars and to default on his installment agreement with the IRS.

Unfortunately, the list goes on and on. Worse, as if failing to pay their taxes was not a sufficient insult to American taxpayers, Medicare providers also owed $33 million in child support, $27 million in unpaid student loans, $114 million owed to other Federal agencies, and $22 million in unpaid state income taxes.

While these figures and case studies are obviously disturbing, the good news is that the Federal Government has two marvelous programs for recovering Federal debt from Federal payments, the Federal Payment Levy Program, FPLP, for tax debt, and the Treasury Offset Program, TOP, for non-tax debt, such as delinquent student loans, child support, and money owed Federal agencies. The Financial Management Service, FMS, handles both of these programs and matches pending payments from the Federal Government against outstanding Federal tax debt in the case of FPLP, and against other outstanding federal debt in TOP. If such debt exists, a levy of 15 percent or more is imposed upon each payment made to the delinquent taxpayer until that debt is recovered. FMS currently screens most Federal payments for unpaid taxes, including salaries and payments to contractors and vendors.

The Government Accountability Office specifically recommended that CMS confer with the IRS and FMS to figure out how to get Medicare payments into the levy program. That recommendation came in six years ago, in 2001, so it is clear that CMS and the other agencies have been ''on notice'' about this very issue for years. In fact, although CMS has been sending information on payments to Medicare Part C and D providers to FMS for matching in FPLP, it has failed to include the more than $300 billion in payments to Part A and B providers.

As a result, the Federal Government has lost countless opportunities to levy Medicare payments made to tax-delinquent doctors and other suppliers. The GAO estimated that, if CMS had participated in the levy program, the government could have recouped anywhere between $50 million and $140 million of unpaid Federal taxes from these Medicare tax-cheats in just the first nine months of 2005 alone. That does not include potential millions recouped for delinquent student loans, unpaid child support, and back-taxes owed to States.

But we are not in the blame business, we are in the problem-solving business. So, the paramount question is how to fix this mess. Make no mistake: these are complex problems, but I am confident that we can fix them. This legislation is a good start.

The bill, entitled the Medicare Provider Accountability Act, has three prongs to assist the Federal government with the collection of these outstanding debts. It establishes a timetable for CMS to join the Federal Payment Levy Program for all payments to Medicare providers, and expressly authorizes CMS to participate in the Treasury Offset Program to collect nontax debt. Finally, it enables the IRS to begin levying payments earlier in the notice process.

First, this bill sets a deadline by which CMS must fully participate in the FPLP. Fifty percent of the payments to Part A and B providers must be sent to FMS for matching tax debt under FPLP within 1 year of enactment. Within 2 years of enactment, every Medicare provider payment, regardless of Part, will be checked by FMS under FPLP for outstanding Federal tax debt.

Second, this bill gives CMS the authority to submit payments to its providers to TOP, which it had previously been unable to do. CMS and FMS testified at the hearing that CMS cannot legally participate in TOP as a Federal disbursing authority, and that to do so will require a Legislative fix. This bill explicitly includes payments to Medicare providers as disbursements that can be offset, allowing for the recovery of delinquent student loans, overdue child support, debts owed to other federal agencies and state taxes.

In addition, this legislation enables IRS to levy Federal payments to recover delinquent tax debt earlier in the process. Currently, only about half of the $140 billion in tax debt eligible for

matching is ''turned on'' to allow FMS to begin levying payments through FPLP. This is a result of IRS's current procedure, sending four computer-generated notices followed by a Collection Due Process, CDP, notice. Although the delinquent taxpayer can enter a payment plan or challenge the amount throughout the process, the formal appeals process begins only after all of those notices are issued. This protracted process allows a delinquent taxpayer to drag out the process and prevent automatic levies anywhere from months to years. An additional problem beyond the delay is that by the time the appeals process concludes, the contractor may no longer be receiving Federal payments. This provision of the bill accelerates the collection process, enabling a postlevy appeals process, whereby the IRS can begin to levy Federal payments prior to the CDP notice. To be clear, this would permit the Government to begin levying payments earlier, while still preserving the taxpayer's right to appeal. This will not affect levies on third parties.

Congress has spent much of this session focusing on health care. We all know that we have a crisis looming with Medicare. In order to ensure the long term sustainability of the program, we need to be sure that the money that is going out through this program is being spent efficiently and effectively. We also need to be sure that the money that is coming into this program through our taxes is being collected efficiently and effectively. They are part and parcel of the same problem. As we look for money to spend on programs to benefit our most vulnerable, this legislation can go a long way to identifying possible sources.

I would especially like to thank Chairman Levin for his ongoing support of our efforts to address those who receive Federal payments without paying their taxes. This is truly a bipartisan effort and a bipartisan bill in its writing and its sponsorship.

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

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

S. 1307

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 ''Medicare Provider Accountability Act''.

SEC. 2. INCLUSION OF MEDICARE PROVIDER PAYMENTS IN FEDERAL PAYMENT LEVY PROGRAM.

(a) IN GENERAL.—The Centers for Medicare and Medicaid Services shall take all necessary steps to participate in the Federal Payment Levy Program under section 6331(h) of the Internal Revenue Code of 1986 as soon as possible and shall ensure that—

(1) at least 50 percent of all payments under parts A and B of title XVIII of the Social Security Act are processed through such program within one year of the date of enactment of this Act, and

(2) all remaining payments under such parts A and B are processed through such program within two years of such date.

(b) ASSISTANCE.—The Financial Management Service and the Internal Revenue Service shall provide assistance to the Centers for Medicare and Medicaid Services to ensure that all payments described in subsection (a) are included in the Federal Payment Levy Program by the deadlines specified in that subsection.

SEC. 3. APPLICATION OF ADMINISTRATIVE OFFSET PROVISIONS TO MEDICARE PROVIDER PAYMENTS.

(a) IN GENERAL.—Section 3716 of title 31, United States Code, is amended—

(1) by inserting ''the Department of Health and Human Services,'' after ''United States Postal Service,'' in subsection (c)(1)(A), and

(2) by adding at the end of subsection (c)(3) the following new subparagraph:

''(D) This section shall apply to claims or debts, and to amounts payable, under title XVIII of the Social Security Act.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after the date of enactment of this Act.

SEC. 4. STREAMLINING TAX LEVIES ON FEDERAL PAYMENTS.

(a) IN GENERAL.—Section 6330(f) of the Internal Revenue Code of 1986 (relating to jeopardy and State refund collection) is amended—

(1) by striking ''or'' at the end of paragraph (1),

(2) by striking the comma at the end of paragraph (2) and inserting ''; or'',

(3) by inserting after paragraph (2) the following new paragraph:

''(3) the Secretary has approved a levy, including a continuing levy under section 6331(h), on specified payments, as defined in section 6331(h)(2),'', and

(4) by striking the heading and inserting ''JEOPARDY, STATE REFUND, AND COLLECTION FROM FEDERAL PAYMENTS''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to levies made after the date of enactment of this Act.

Mr. LEVIN. Mr. President, I join today with my colleagues, Senator COLEMAN and Senator MCCASKILL, in introducing the Medicare Provider Accountability Act. This bill targets Medicare, a program which is indispensable to the health of our citizens, because some Medicare service providers are profiting from the program while abusing the federal tax system. The facts show that, while the vast majority of Medicare health care providers are honest, tax-paying citizens, others are getting paid with taxpayer dollars while, at the same time, failing to pay their taxes.

Legislation to stop this abuse is a product of the work of the Permanent Subcommittee on Investigations, on which I serve as Chairman and Senator COLEMAN serves as the Ranking Member. On March 20, 2007, a Subcommittee hearing presented testimony from the Government Accountability Office (GAO) showing that about 21,000 Medicare Part B health care providers, including doctors, ambulance companies, and medical laboratories, collectively owe more than $1 billion in delinquent taxes. GAO also determined that, despite this pending tax debt, during the first 9 months of 2005 alone, these health care providers had received payments on Medicare claims totaling around $140 million. In other words, these providers were stuffing taxpayer dollars in their pockets at the same time they were stiffing Uncle Sam by not paying their taxes.

Federal programs exist to stop this type of abuse. One key program is the Federal Payment Levy Program, which was established about ten years ago to enable the Federal government to identify federal payments being made to tax delinquents, and authorize the withholding of a portion of those taxpayer dollars to apply to the person's tax debt. That program has successfully collected taxes from federal payments made through the Treasury Department and by agencies like the Defense Department who screen their own payments to contractors through Treasury's Financial Management Service.

As our March hearing demonstrated, however, despite a legal requirement to do so, The Centers for Medicare and Medicaid Services (CMS) have never participated in the tax levy program with respect to Medicare Part A and B payments. This failure means that, year after year, as much as $300 billion in Federal Medicare payments have not been screened for unpaid taxes. The first substantive provision of our bill would redress this situation by mandating CMS to bring all Medicare part A and B payments into the Federal Payment Levy Program over the next two years.

The second part of our bill would enable CMS to participate in a similar automated program, known as the Treasury Offset Program, to collect non-tax debt, such as unpaid student loans and child support. GAO has determined that certain Medicare health care providers collectively owe hundreds of millions of dollars in student loans, child support, and unpaid state taxes that could be collected through administrative offsets.

The third and final part of our bill would eliminate a barrier to including a large part of IRS's uncollected tax assessments in the Federal Payment Levy Program for collection from Medicare provider payments, as well as other federal contractor payments. Right now, for a variety of legal and technical reasons, only 45 percent of the tax debt assessed but still uncollected in 2006 was actually made subject to levy under the federal program. In 2006, over half of this assessed tax debt—some $67 billion—was never ''turned on'' for actual collection under the tax levy program. Now, $67 billion is a big number, even by Washington standards.

One key reason that this tax debt was not ''turned on'' for collection by levy is that many of the accounts had not reached the stage in their processing where the required notice of intent to levy had been sent to the taxpayer. Until that notice is sent and the taxpayer has exhausted all rights of appeal available under the tax law, the

IRS is currently barred from placing a tax levy on the taxpayer's property. In the case of Medicare providers and other federal contractors, that means federal dollars continue to go into their pockets, without any withholding, despite their unpaid taxes.

While it may be appropriate to delay tax levies on most types of taxpayer property until a taxpayer's appeals are exhausted, it makes no sense to keep sending taxpayer dollars to a tax delinquent Medicare provider or other federal contractor while they are appealing the tax assessment. Withholding should be allowed when it is taxpayer dollars that are being paid to the tax delinquent. That's why our bill would create a special rule for federal payments, allowing a tax levy to be initiated and continue in effect, while the taxpayer's appeal goes forward. The taxpayer would retain the same due process rights, but a tax levy would be allowed to begin earlier in the administrative process; it would no longer have to wait until all of the taxpayer's appeal rights were exhausted. For property other than federal payments, the bill would maintain the current system, requiring a pre-levy notice and exhausted appeal rights before the property could be levied.

The vast majority of Medicare providers render valuable services to their patients, and they do so while paying their taxes. These honest health care providers are put at a competitive disadvantage by the Medicare tax cheats who reduce their operating costs by failing to pay taxes. Besides hurting honest businesses, this type of tax dodging hurts our country by undermining the fairness of our tax system and by forcing honest taxpayers to make up the shortfall needed to pay for basic federal protections—like health care. When these tax delinquents also receive large payments of federal funds, it adds insult to injury. We must force these tax dodgers to pay their tax debt, and a key tool is to subject any federal payments they receive to an effective tax levy program.

The Medicare Providers Accountability Act would target those tax dodgers by strengthening the tax levy program and subjecting additional hundreds of billions of dollars in federal payments each year to screening for unpaid taxes. An improved tax levy program would, in turn, strengthen federal tax enforcement, take a load off the shoulders of honest taxpayers, and reduce the tax gap. I urge my colleagues to join us in supporting the bill's enactment.

I ask unanimous consent that my remarks follow those of Senator COLEMAN in today's CONGRESSIONAL RECORD.

By Mr. SCHUMER (for himself, Mr. LOTT, and Mr. CONRAD):

S. 1310. A bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program; to the Committee on Finance.

Mr. SCHUMER. Mr. President, today I, along with Senators LOTT and CONRAD, introduce the Medicare Ambulance Payment Extension Act. Without this legislation, ambulance service providers stand to lose $306 million in Medicare reimbursement in 2008 and 2009 in addition to the nearly $150 million they will lose this year. Our legislation will restore $341 million in Medicare reimbursement with a 5 percent increase in payments for 2008 and 2009.

Ambulance services are a vital component of the health care and emergency response systems of our Nation. Unfortunately, ambulance services providers are being significantly underfunded in providing their critical services to Medicare patients. We need to ensure that our ambulance service providers have the financial resources necessary to provide all Americans with high quality, life-saving services.

Fortunately, in the Medicare Modernization Act of 2003, MMA, Congress implemented several provisions to provide temporary relief to help struggling ambulance service providers. The MMA ambulance provisions provided short-term relief through 1 percent urban and 2 percent rural increases, a mileage rate increase for long trips, a payment boost for ambulance transports in extremely rural areas, and a regional adjustment that helped a majority of providers depending on their state. While the rural payment boost and long trip increase are temporarily still intact, the 1 percent urban and 2 percent rural increases expired at the end of last year and the regional adjustment has dropped from 80 percent to only 20 percent of payments. If Congress does not act, ambulance service providers will lose over $450 million in relief from 2007 through 2009.

Ambulance service providers cannot afford to face decreased reimbursement in the coming years. Ambulances services respond to not only 911 calls and nonemergency requests but also as first responders to natural disasters and acts of terrorism. Medicare patients account for approximately 45 percent of the call volume of an ambulance operation. Ambulance service providers cannot afford to have half of their transports reimbursed at below the cost of providing services.

While all health care providers face reimbursement challenges, ambulance service providers are required by law to respond to a plea for emergency medical care, regardless of whether the provider will recoup the full, if any, cost of the service. This additional responsibility along with the requirement that ambulance service providers accept the Medicare ambulance fee schedule rate as payment in full has further deteriorated the financial stability of ambulance operations. With increased focus on ensuring that our first responders are prepared in the event of a terrorist attack or national disaster, we should be bolstering, not deteriorating, this health care safety net.

The Medicare Ambulance Payment Extension Act will ensure that patients across America will continue to have access to critical ambulance services. We urge our colleagues to support this legislation, and I look forward to its passage this year.

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

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

S. 1310

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 ''Medicare Ambulance Payment Extension Act''.

SEC. 2. EXTENSION OF INCREASED MEDICARE PAYMENTS FOR GROUND AMBULANCE SERVICES.

Section 1834(l)(13) of the Social Security Act (42 U.S.C. 1395m(l)(13)) is amended—

(1) in subparagraph (A), in the heading, by striking ''IN GENERAL'' and inserting ''FOR THE SECOND HALF OF 2004 AND FOR 2005 AND 2006'';

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting the following after subparagraph (A):

''(B) FOR 2008 AND 2009.—After computing the rates with respect to ground ambulance services under the other applicable provisions of this subsection, in the case of such services furnished on or after January 1, 2008, and before January 1, 2010, the fee schedule established under this section shall provide that the rate for the service otherwise established, after application of any increase under paragraphs (11) and (12), shall be increased by 5 percent.''; and

(4) in subparagraph (C), as redesignated by paragraph (2)—

(A) in the heading, by striking ''APPLICATION OF INCREASED PAYMENTS AFTER 2006'' and inserting ''NO EFFECT ON SUBSEQUENT PERIODS''; and

(B) by adding at the end the following new sentence: ''The increased payments under subparagraph (B) shall not be taken into account in calculating payments for services furnished after the period specified in such subparagraph.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 185—SUPPORTING THE IDEALS AND VALUES OF THE OLYMPIC MOVEMENT

Mr. SALAZAR (for himself, Mr. BROWN, Mr. ALLARD, Mr. LEAHY, Mrs. FEINSTEIN, and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 185

Whereas, for over 100 years, the Olympic Movement has built a more peaceful and better world by educating young people through athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, sportsmanship, and fair play;

Whereas the United States Olympic Committee is dedicated to coordinating and developing athletic activity in the United

States to foster productive working relationships among sports-related organizations;

Whereas the United States Olympic Committee promotes and supports athletic activities involving the United States and foreign countries;

Whereas the United States Olympic Committee promotes and encourages physical fitness and public participation in athletic activities;

Whereas the United States Olympic Committee assists organizations and persons concerned with sports in the development of athletic programs for able-bodied and disabled athletes regardless of age, race, or gender;

Whereas the United States Olympic Committee protects the opportunity of each athlete, coach, trainer, manager, administrator, and official to participate in athletic competition;

Whereas athletes representing the United States at the Olympic Games have achieved great success personally and for the Nation;

Whereas thousands of men and women of the United States are focusing their energy and skill on becoming part of the United States Olympic Team and aspire to compete in the 2008 Olympic Games in Beijing, China;

Whereas the Nation takes great pride in the qualities of commitment to excellence, grace under pressure, and good will toward other competitors exhibited by the athletes of the United States Olympic Team; and

Whereas June 23, 2007, is the anniversary of the founding of the Modern Olympic Movement, representing the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the Modern Olympic Games: Now, therefore, be it

Resolved, That the Senate—

(1) supports the ideals and values of the Olympic Movement; and

(2) calls upon the people of the United States to observe the anniversary of the founding of the Modern Olympic Movement with appropriate ceremonies and activities.

SENATE RESOLUTION 186—DESIGNATING JUNE 5, 2007, AS ''NATIONAL HUNGER AWARENESS DAY'' AND AUTHORIZING THE SENATE OFFICES OF SENATORS GORDON H. SMITH, BLANCHE L. LINCOLN, ELIZABETH DOLE, AND RICHARD J. DURBIN TO COLLECT DONATIONS OF FOOD DURING THE PERIOD BEGINNING MAY 7, 2007, AND ENDING JUNE 5, 2007, FROM CONCERNED MEMBERS OF CONGRESS AND STAFF TO ASSIST FAMILIES SUFFERING FROM HUNGER AND FOOD INSECURITY IN THE WASHINGTON, D.C., METROPOLITAN AREA

Mr. SMITH (for himself, Mrs. LINCOLN, Mrs. DOLE, Mr. DURBIN, Mr. VITTER, Mr. PRYOR, Mr. LEVIN, Mrs. LEVIN, Mrs. MURRAY, Mr. KOHL, Mr. SALAZAR, and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 186

Whereas food insecurity and hunger are a fact of life for millions of low-income citizens of the United States and can produce physical, mental, and social impairments;

Whereas recent data published by the Department of Agriculture show that almost 38,200,000 people in the United States live in households experiencing hunger or food insecurity;

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban portions of the United States, touching nearly every community of the Nation;

Whereas, although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, certain groups remain vulnerable to hunger and the negative effects of food deprivation, including the working poor, the elderly, homeless people, children, migrant workers, and Native Americans;

Whereas the people of the United States have a long tradition of providing food assistance to hungry people through acts of private generosity and public support programs;

Whereas the Federal Government provides essential nutritional support to millions of low-income people through numerous Federal food assistance programs, including—

(1) the Federal food stamp program, as established by the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(2) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the special supplemental program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), and other child nutrition programs; and

(3) food donation programs;

Whereas there is a growing awareness of the important public and private partnership role that community-based organizations, institutions of faith, and charities provide in assisting hungry and food-insecure people;

Whereas more than 50,000 local community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people;

Whereas all citizens of the United States can help participate in hunger relief efforts in their communities by—

(1) donating food and money to such efforts;

(2) volunteering for such efforts; and

(3) supporting public policies aimed at reducing hunger: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 5, 2007, as ''National Hunger Awareness Day'';

(2) calls on the people of the United States to observe National Hunger Awareness Day—

(A) with appropriate ceremonies, volunteer activities, and other support for local anti-hunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) by continuing to support programs and public policies that reduce hunger and food insecurity in the United States; and

(3) authorizes the offices of Senators Gordon H. Smith, Blanche L. Lincoln, Elizabeth Dole, and Richard J. Durbin to collect donations of food during the period beginning May 7, 2007, and ending June 5, 2007, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C., metropolitan area.

SENATE RESOLUTION 187—CONDEMNING VIOLENCE IN ESTONIA AND ATTACKS ON ESTONIA'S EMBASSIES IN 2007, AND EXPRESSING SOLIDARITY WITH THE GOVERNMENT AND THE PEOPLE OF ESTONIA

Mr. VOINOVICH (for himself, Mr. BIDEN, Mr. LIEBERMAN, Mr. SMITH, and Ms. MIKULSKI) submitted the following resolution, which was considered and agreed to:

S. RES. 187

Whereas, on April 27, 2007, the Bronze Soldier Soviet monument in central Tallinn was moved to a prominent location in the Garrison Military Cemetery as a result of a decision by the Government of Estonia;

Whereas the Government of Estonia communicated its reasons for this decision to the Government of the Russian Federation and offered to work with Russian officials during the process, which the Russian officials declined to do;

Whereas, on April 27, 2007, a crowd of more than 1,000 demonstrators gathered at the site of the memorial and riots broke out across Tallinn;

Whereas more than 153 people were injured as a result of the riots, and one died as a result of stabbing by another rioter;

Whereas several stores in Tallinn and surrounding villages were looted as a result of the riots, and a statue of an Estonian general was set on fire;

Whereas, since April 27, 2007, the Government of Estonia has reported several cyber-attacks on its official lines of communication, including those of the Office of the President;

Whereas, on April 28, 2007, and in days following, the Embassy of Estonia in Moscow was surrounded by angry protesters who demanded the resignation of the Government of Estonia, tore down the flag of Estonia from the Embassy building, and subjected Embassy officials inside the building to violence and vandalism;

Whereas, on April 30, 2007, a delegation of the State Duma of the Russian Federation visited Estonia and issued an official statement at the Embassy of the Russian Federation in Estonia that ''the government of Estonia must step down'';

Whereas, on May 2, 2007, the Ambassador of Estonia to the Russian Federation was physically attacked by protesters and members of youth groups during an official press conference;

Whereas, on May 2, 2007, the Swedish Ambassador to the Russian Federation was attacked as he left the Embassy of Estonia in Moscow, and his car was damaged by a crowd, resulting in a formal protest to the Russian Federation by the Swedish Foreign Ministry;

Whereas the Government of Estonia has reported other coordinated attacks against Estonian embassies in Helsinki, Oslo, Copenhagen, Stockholm, Riga, Prague, Kiev, and Minsk, and the Estonian Consulate in St. Petersburg;

Whereas, on May 2, 2007, Prime Minister of Estonia Andrus Ansip stated that a ''sovereign state is under a heavy attack'' and that the events constitute ''a well-coordinated and flagrant intervention with the internal affairs of Estonia'';

Whereas, on May 2, 2007, the public prosecutor's office of Estonia initiated an investigation into the cyber-attacks against Internet servers in Estonia and requested cooperation from the Russian Federation to identify the source of the attacks;

Whereas, on May 2, 2007, the European Commission expressed its solidarity with Estonia and urged Russia to respect its obligations to the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961, and end the blockade of the Embassy of Estonia in Moscow; and

Whereas the Embassy of Estonia in Russia has been closed since April 27, 2007, and Estonia has suspended consular services to Moscow because conditions remain unsafe for Embassy officials: Now, therefore, be it

Resolved, That—

(a) it is the sense of the Senate that the Soviet Union's brutal, decades-long occupation of Estonia was illegal, illegitimate, and

a patent violation of Estonia's sovereignty and right to self-determination; and

(b) the Senate—

(1) expresses its strong support for Estonia as a sovereign state and a member of the North Atlantic Treaty Organization (NATO) and the Organization of Security and Cooperation in Europe (OSCE) as it deals with matters internal to its country;

(2) condemns recent acts of violence, vandalism, and looting that have taken place in Estonia;

(3) condemns the attacks and threats against Estonia's embassies and officials in Russia and other countries;

(4) urges all activists involved to express their views peacefully and reject violence;

(5) honors the sacrifice of all those, including soldiers of the Red Army, that gave their lives in the fight to defeat Nazism;

(6) condemns any and all efforts to callously exploit the memory of the victims of the Second World War for political gain;

(7) supports the efforts of the Government of Estonia to initiate a dialogue with appropriate levels of the Government of the Russian Federation to resolve the crisis peacefully and to sustain cooperation between their two sovereign, independent states; and

(8) urges the governments of all countries—

(A) to condemn the violence that has occurred in Estonia, Moscow, and elsewhere in 2007 and to urge all parties to express their views peacefully;

(B) to assist the Government of Estonia in its investigation into the source of cyber-attacks; and

(C) to fulfill their obligations under the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961.

SENATE RESOLUTION 188—EXPRESSING THE SENSE OF THE SENATE IN SUPPORT OF THE ACCESSION OF ISRAEL TO THE CONVENTION ON THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

Mr. CARDIN (for himself, Mr. COLEMAN, Mr. BIDEN, Mr. SMITH, and Mr. BUNNING) submitted the following resolution; which was considered and agreed to:

S. RES. 188

Whereas Israel has met the membership criteria for the Organisation for Economic Co-operation and Development (OECD), and has actively sought membership in the body since 2000;

Whereas, in May 2006, the OECD adopted in full the Report by the Working Party on the Implications of Future Enlargement on OECD Governance, stating that expanding membership is vital to the organization;

Whereas the OECD is expected to vote on enlargement and consider new countries for membership at a ministerial meeting in May 2007;

Whereas Israel is the most active non-member country in the OECD, is a member, observer, or ad hoc observer in 50 working bodies, is party to various OECD declarations, and is already in compliance with multiple OECD standards;

Whereas Israel made significant economic reforms in recent years that grew the private sector and streamlined the public sector, and the Prime Minister of Israel, Ehud Olmert, stated that OECD membership would anchor these reforms and allow additional reforms;

Whereas membership in the OECD would strengthen the position of Israel in the global economy, solidify Israel's transition from an emerging market to an advanced economy, and encourage increased foreign domestic investment in Israel;

Whereas the inclusion of Israel in the OECD would strengthen the OECD because of Israel's high living standard, liberal and stable markets, and commitment to democratic values;

Whereas Israel is a world leader in science and technology and is home to the most high-technology start-up companies, scientific publications, and research and development spending, per capita;

Whereas, in 2006, the World Economic Forum ranked Israel as the world's 15th most competitive economy;

Whereas the accession of Israel to the Convention on the OECD would benefit other OECD member countries because of Israel's leadership in high-technology companies and research and development; and

Whereas Israel is a strong ally of the United States and supports the United States in international organizations more consistently than any other country: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Israel shares the commitment of the United States to, and the Organisation of Economic Co-operation and Development (OECD) foundational principles of, good government, free markets, and democratic values;

(2) Israel meets the OECD membership criteria, and is well deserving of membership;

(3) it is in the interest of the United States to strongly support the accession of Israel to the Convention on the OECD; and

(4) the United States should strongly advocate for Israel's accession to the Convention on the OECD before and during the OECD ministerial meeting in May 2007 and use all necessary and available means to secure Israel's membership in the OECD.

SENATE CONCURRENT RESOLUTION 31—EXPRESSING SUPPORT FOR ADVANCING VITAL UNITED STATES INTERESTS THROUGH INCREASED ENGAGEMENT IN HEALTH PROGRAMS THAT ALLEVIATE DISEASE AND REDUCE PREMATURE DEATH IN DEVELOPMENT NATIONS, ESPECIALLY THROUGH PROGRAMS THAT COMBAT HIGH LEVELS OF INFECTIOUS DISEASE IMPROVE CHILDREN'S AND WOMEN'S HEALTH, DECREASE MALNUTRITION, REDUCE UNINTENDED PREGNANCIES, FIGHT THE SPREAD OF HIV/AIDS, ENCOURAGE HEALTHY BEHAVIORS, AND STRENGTHEN HEALTH CARE CAPACITY

Mr. FEINGOLD (for himself and Mr. SUNUNU) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 31

Whereas health is integral to social and economic development and to building stable, independent, and productive societies;

Whereas unnecessarily high levels of preventable death and disability persist in developing nations, including over 10,000,000 child deaths every year—30,000 each day—a majority of which are from easily preventable or treatable causes, including pneumonia, diarrhea, malaria, malnutrition, measles, and complications immediately following birth; 40,000,000 people infected with HIV and 3,000,000 AIDS deaths per year; 530,000 deaths of women every year from complications related to pregnancy and childbirth and millions of cases of trauma and disability caused by obstetric fistula and other preventable injuries; an unmet need for family planning among over 100,000,000 married women; 1,000,000 deaths annually from malaria, most of which are among young children and in sub-Saharan Africa; an expanding threat from tuberculosis, which is a principal cause of death among those infected with HIV and is evolving into forms increasingly resistant to all known drugs; the increasing impact of preventable, non-communicable disease, especially those deriving from tobacco use, alcohol and drug abuse, and other risky lifestyle behaviors; and the potential of new disease threats, such as avian influenza, which demand new levels of preparedness and health capacity;

Whereas the short and long-term economic, military, and political security of countries is directly threatened by increased mortality and morbidity resulting from infectious diseases like HIV/AIDS, tuberculosis, and malaria, poor maternal and newborn health, the lack of family planning services, and the absence of clean water;

Whereas proven and cost-effective solutions that have already achieved astonishing successes are readily available and could dramatically further reduce the burden of death and disease, including access to immunization, antibiotics, diarrheal disease control, newborn care, improved nutrition, antiretrovirals, essential obstetric care, family planning, anti-malarials and insecticide treated nets, and tuberculosis treatment;

Whereas long term gains in health require a comprehensive approach that addresses the range of critical health problems and builds local capacity while ensuring equitable access, especially by the poor, women and girls, and other vulnerable populations, to services; and

Whereas the United States has a history of leadership and success in building international consensus and improving health throughout the world by investing in basic health services, particularly services for poor and vulnerable populations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes that contributing to improving health in developing nations is in the vital interest of the United States, as it helps protect the health of the American people, facilitates development among partner nations, cultivates a positive image for the United States, and projects the humanitarian values of the American people;

(2) acknowledges the need to strengthen health care systems to meet essential health needs, including surveillance and information systems, facilities and equipment, management capacity, and an adequately compensated health care work force that is appropriate in number, composition, and skills;

(3) supports the unprecedented and unparalleled investments of the United States in reducing the global burdens of HIV/AIDS and malaria through the President's Emergency Program for AIDS Relief and the President's Malaria Initiative; and

(4) encourages the United States Government to expand its adoption and implementation of policies and programs that alleviate the greatest burden of disease in developing nations in the most efficient and cost-effective manner possible.

SENATE CONCURRENT RESOLUTION 32—HONORING THE 50TH ANNIVERSARY OF STAN HYWET HALL & GARDENS

Mr. VOINOVICH (for himself and Mr. BROWN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 32

Whereas Stan Hywet Hall was built between 1912 and 1915 by Franklin ''F.A.'' Augustus Seiberling and his wife, Gertrude;

Whereas Franklin Seiberling hired architect Charles S. Schneider of Cleveland to design the home, landscape architect Warren H. Manning of Boston to design the grounds, and Hugo F. Huber of New York City to decorate the interior;

Whereas Stan Hywet Hall is one of the finest examples of Tudor Revival architecture in the United States;

Whereas Alcoholics Anonymous, an organization that continues to help millions of individuals worldwide recover from alcohol addiction, was founded on Mother's Day 1935 following a meeting between Mr. Bill Wilson and Dr. Bob Smith and hosted by Henrietta Seiberling at Stan Hywet Hall;

Whereas, in 1957, in keeping with the Stan Hywet Hall crest motto of ''Non Nobis Solum (Not for Us Alone)'', the Seiberling family donated Stan Hywet Hall to a nonprofit organization, which came to be known as Stan Hywet Hall & Gardens, so that the public could enjoy and experience part of a noteworthy chapter in the history of the United States;

Whereas Stan Hywet Hall & Gardens is identified as a National Historic Landmark by the Department of the Interior, the only location in Akron, Ohio, with such a designation and one of only 2,200 nationwide;

Whereas Stan Hywet Hall & Gardens is one of Ohio's top 10 tourist attractions, is a Save America's Treasures project, and is accredited by the American Association of Museums;

Whereas more than 5,000,000 people from around the world have visited Stan Hywet Hall & Gardens, with the number of visitors annually averaging between 150,000 and 200,000 since 1999;

Whereas Stan Hywet Hall & Gardens contributes over $12,000,000 annually to the greater Akron economy;

Whereas Stan Hywet Hall & Gardens is a recipient of the Trustee Emeritus Award for Excellence in the Stewardship of Historic Sites from the National Trust for Historic Preservation, only the fourth recipient of the Award after George Washington's Mount Vernon, Thomas Jefferson's Monticello, and Washington, D.C.'s Octagon House; and

Whereas Stan Hywet Hall & Gardens relies on more than 1,300 volunteers to ensure that its doors remain open to the public, including the Women's Auxiliary Board, the Friends of Stan Hywet, the Stan Hywet Gilde, the Stan Hywet Needlework Guild, the Stan Hywet Flower Arrangers, the Stan Hywet Garden Committee, the Carriage House Gift Shop, the Conservatory, Vintage Base Ball, Vintage Explorers, the Akron Garden Club, and the Garden Forum of Greater Akron: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates Stan Hywet Hall & Gardens on its 50th anniversary;

(2) honors Stan Hywet Hall & Gardens for its commitment to sharing its history, gardens, and art collections with the public; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to Stan Hywet Hall & Gardens.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1034. Mr. DURBIN (for himself and Mr. BINGAMAN) 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 1035. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1036. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 990 submitted by Mr. DORGAN (for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. MCCAIN, Ms. STABENOW, Mr. NELSON of Florida, Mr. PRYOR, Mr. SANDERS, Mr. WHITEHOUSE, and Mrs. MCCASKILL) to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1037. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1038. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1039. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1040. Mrs. CLINTON (for herself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1041. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1042. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1043. Mr. REED (for himself and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 1035 submitted by Mr. BURR and intended to be proposed to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1044. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1034. Mr. DURBIN (for himself and Mr. BINGAMAN) 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:

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.

SA 1035. Mr. BURR 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 end of the bill, insert the following:

SEC. ___. ADDITION TO PRIORITY LIST CONSIDERATIONS.

Section 409I of the Public Health Service Act (42 U.S.C. 284m), as amended by this Act, is further amended—

(1) by striking subsection (a)(2) and inserting the following:

''(2) CONSIDERATION OF AVAILABLE INFORMATION.—In developing and prioritizing the list under paragraph (1), the Secretary—

''(A) shall consider—

''(i) therapeutic gaps in pediatrics that may include developmental pharmacology, pharmacogenetic determinants of drug response, metabolism of drugs and biologics in children, and pediatric clinical trials;

''(ii) particular pediatric diseases, disorders or conditions where more complete knowledge and testing of therapeutics, including drugs and biologics, may be beneficial in pediatric populations; and

''(iii) the adequacy of necessary infrastructure to conduct pediatric pharmacological research, including research networks and trained pediatric investigators; and

''(B) may consider the availability of qualified countermeasures (as defined in section 319F–1) and qualified pandemic or epidemic products (as defined in section 319F–3) to address the needs of pediatric populations, in consultation with the Assistant Secretary for Preparedness and Response.''; and

(2) in subsection (b), by striking ''subsection (a)'' and inserting ''paragraphs (1) and (2)(A) of subsection (a)''.

SA 1036. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 990 submitted by Mr. DORGAN (for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. MCCAIN, Ms. STABENOW, Mr. NELSON of Florida, Mr. PRYOR, Mr. SANDERS, Mr. WHITEHOUSE, and Mrs. MCCASKILL) 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 88 of the amendment, strike lines 5 through 7 and insert the following:

''(B) the packaging, repackaging, labeling, relabeling, or distribution of a prescription drug.

''(o) PROHIBITION ON COMMINGLING.—

''(1) IN GENERAL.—A registered importer shall not commingle a prescription drug imported into the United States under this section with another prescription drug unless such other prescription drug is imported from a permitted country.

''(2) LABEL.—A registered importer (including an Internet pharmacy) that dispenses a prescription drug imported from a permitted country shall affix on each dispensed container of the prescription drug the label required under paragraph (3), unless such a label is already affixed to the container.

''(3) REQUIREMENTS.—Each prescription drug imported under this section shall be in a container that bears a label stating, in prominent and conspicuous type—

''(A) the lot number of the prescription drug;

''(B) the name, address, and phone number of the exporter of the drug, regardless of whether the exporter is registered;

''(C) the following statement: 'This drug has been imported from _____.' with the name of the permitted country from which the prescription drug has imported in the blank space;

''(D) a unique identifier code provided by the Secretary that modifies the national drug code of the prescription drug to indicate that the drug has been imported;

''(E) a statement that discloses the originating country of the drug; and

''(F) that the container complies with any other applicable requirement of this Act.''.

SA 1037. Mr. VITTER 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. ___. REQUIRED TESTING OF DRUGS.

Notwithstanding any other provision of this title (and the amendment made by this title) a prescription drug may only be imported by a pharmacist, wholesaler, or individual under this title (or amendments) if

the importer of such drug complies with subsections (d)(1) and (e) of section 804 of such Act (21 U.S.C. 384(d)(1) and (e)), as in effect on the day before the date of enactment of this Act.

SA 1038. Mr. VITTER 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. ___. REQUIRED FDA APPROVAL OF DRUGS.

Notwithstanding any other provision of this title (and the amendment made by this title) a prescription drug may only be imported by a pharmacist, wholesaler, or individual under this title (or amendments) if—

(1) such drug complies with section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355)(including with respect to being safe and effective for the intended use of the prescription drug) and with sections 501 and 502 of such Act (21 U.S.C. 351 and 352);

(2) the importer of such drug complies with subsections (d)(1) and (e) of section 804 of such Act (21 U.S.C. 384(d)(1) and (e)), as in effect on the day before the date of enactment of this Act; and

(3) the drug or importer of such drug complies with any additional requirements determined by the Secretary of Health and Human Services to be appropriate as a safeguard to protect the public health or as a means to facilitate the importation of prescription drugs.

SA 1039. Mr. GRASSLEY 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 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.

SA 1040. Mrs. CLINTON (for herself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her 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, insert the following:

SEC. ___. JOINT TASK FORCE WITH THE FOOD AND DRUG ADMINISTRATION AND THE DEPARTMENT OF AGRICULTURE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services, the Commissioner of Food and Drugs, and the Secretary of Agriculture shall establish a joint task force concerning foodborne illnesses.

(b) CHAIRPERSON.—The Secretary of Health and Human Services shall serve as the chairperson of the joint task force established under subsection (a).

(c) DUTIES.—The joint task force established under subsection (a) shall—

(1) develop recommendations on how to effectively address the problem of foodborne illness in the United States;

(2) submit to Congress recommendation for changes in the law to address the sources of food contamination before hazards enter the food supply, such as mandatory recall authority, trace back procedures, and modification to farm regulations; and

(3) identify measures to be taken at the Federal agency level to effectively improve internal and external communication and information sharing with respect to addressing the problem of foodborne illness.

(d) PARTICIPATION AND INPUT OF OTHERS.—The joint task force established under subsection (a) shall establish mechanisms to allow relevant stakeholder, including farmers, the food industry, consumer groups, and relevant State agencies, to participate in task force activities and to provide the task force with input on food safety policy.

SA 1041. Mr. OBAMA 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, 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 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.

SA 1042. Mr. ENSIGN 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, insert the following:

SEC. ___. LIABILITY OF HEALTHCARE PROVIDERS.

A healthcare provider who prescribes, or who dispenses pursuant to a prescription, a drug, biologic product, or medical device approved, licensed, or cleared by the Food and Drug Administration shall not be named as a party to a product liability lawsuit involving such drug, biological product, or medical device and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or seller of such drug, biological product, or medical device.

SA 1043. Mr. REED (for himself and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 1035 submitted by Mr. BURR 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:

In lieu of the matter proposed to be inserted, insert the following:

( ) ADDITION TO PRIORITY LIST CONSIDERATIONS.—

(1) IN GENERAL.—Section 409I of the Public Health Service Act (42 U.S.C. 284m), as amended by this Act, is amended—

(A) by striking subsection (a)(2) and inserting the following:

''(2) CONSIDERATION OF AVAILABLE INFORMATION.—In developing and prioritizing the list under paragraph (1), the Secretary—

''(A) shall consider—

''(i) therapeutic gaps in pediatrics that may include developmental pharmacology, pharmacogenetic determinants of drug response, metabolism of drugs and biologics in children, and pediatric clinical trials;

''(ii) particular pediatric diseases, disorders or conditions where more complete knowledge and testing of therapeutics, including drugs and biologics, may be beneficial in pediatric populations; and

''(iii) the adequacy of necessary infrastructure to conduct pediatric pharmacological research, including research networks and trained pediatric investigators; and

''(B) may consider the availability of qualified countermeasures (as defined in section 319F–1) and qualified pandemic or epidemic products (as defined in section 319F–3) to address the needs of pediatric populations, in consultation with the Assistant Secretary for Preparedness and Response.''; and

(B) in subsection (b), by striking ''subsection (a)'' and inserting ''paragraphs (1) and (2)(A) of subsection (a)''.

(2) BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.—Section 319L(c)(6) of the Public Health Service Act (42 U.S.C. 247d–e(c)(6)) is amended by striking ''may give priority'' and inserting ''shall give priority''.

SA 1044. Mr. KOHL 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, 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.

NOTICES OF HEARINGS

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 a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on National Parks.

The hearing will be held on May 15, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 553, to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System; S. 800, to establish the Niagara Falls National Heritage Area in the State of New York; S. 916, to modify the boundary of the Minidoka Internment National Monument, to establish the Minidoka National Historic Site, to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho; S. 1057, to amend the Wild and Scenic Rivers Act to designate certain segments of the New River in the States of North Carolina and Virginia as a component of the National Wild and Scenic Rivers System; S. 1209, to provide for the continued administration of Santa Rosa Island, Channel Islands National Park, in accordance with the laws (including regulations) and policies of the National Park Service; S. 1281, to amend the Wild and Scenic Rivers Act to designate certain rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic River System; H.R. 161, to adjust the boundary of the Minidoka Internment National Monument to include the Nidoto Nai Yoni Memorial in Bainbridge Island, Washington; H.R. 247, to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives; and H.R. 376, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Rachel Pasternack at (202) 224–0883.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 3, 2007, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 310, the Native Hawaiian Government Reorganization Act of 2007.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES.

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 3, 2007, at 9:30 a.m., in open, and possibly closed, session to receive testimony on United States Central Command in review of the Defense authorization request for fiscal year 2008 and the future years defense program.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, May 3, 2007, at 3 p.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to review pending Corporate Average Fuel Economy legislation and related matters.

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

COMMITTEE ON FINANCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, May 3, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Offshore Tax Evasion: Stashing Cash Overseas.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, May 3, 2007, at 10 a.m. for a hearing titled ''The Internet: A Portal to Violent Islamist Extremism.''

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

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 3, 2007, at 10 a.m. in Dirksen Room 226.

Agenda

I. Committee Authorization: Authorization of Subpoenas in Connection with Investigation into Replacement of U.S. Attorneys.

II. Bills: S. 376, Law Enforcement Officers Safety Act of 2007. (Leahy, Specter, Grassley, Kyl, Sessions, Cornyn) S. 221, Fair Contracts for Growers Act of 2007. (Grassley, Feingold, Kohl, Leahy, Durbin) S. 495, Personal Data Privacy and Security Act of 2007. (Leahy, Specter, Feingold, Schumer) S. 239, Notification of Risk to Personal Data Act of 2007. (Feinstein) S. 1202, A bill to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft. (Sessions)

III. Nominations: Debra Ann Livingston to be U.S. Circuit Judge for the Second Circuit; Roslynn Renee Mauskopf to be U.S. District Judge for the Eastern District of New York; Richard Joseph Sullivan to be U.S. District Judge for the Southern District of New York; Joseph S. Van Bokkelen to be U.S. District Judge for the Northern District of Indiana.

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

SEAPOWER SUBCOMMITTEE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Seapower Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 3, 2007, at 2:30 p.m., in closed and open sessions to receive testimony on Navy Force structure requirements and programs to meet those requirements in review of the defense authorization request for fiscal year 2008 and the future years defense program.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 3, 2007 at 2:30 p.m. to hold a business meeting.

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. DORGAN. Mr, President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, May 3, 2007 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 205 and H.R. 865, to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska; S. 390, to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah; S. 647, to designate certain land in the State of Oregon as wilderness; S. 1139, to establish the National Landscape Conservation System; H.R. 276, to designate the Piedras Blancas Light Station and the surrounding public land as

an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System; and H.R. 356, to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, May 3, 2007 at 10 a.m. in room SD–366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony on S. 27, a bill to authorize the implementation of the San Joaquin River Restoration Settlement.

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

WATER RESOURCES DEVELOPMENT ACT OF 2007—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that it be in order to proceed to calendar No. 128, H.R. 1495, notwithstanding rule XXII.

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

CLOTURE MOTION

Mr. REID. Mr. President, I now move to proceed to calendar No. 128, H.R. 1495, and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 128, H.R. 1495, Water Resources Development Act.

Harry Reid, Robert P. Casey, Jr., Byron L. Dorgan, Patty Murray, Barbara Boxer, Dick Durbin, Claire McCaskill, Bernard Sanders, Tom Carper, Max Baucus, Frank R. Lautenberg, Ben Cardin, Robert Menendez, Ken Salazar, Edward Kennedy, H.R. Clinton, Amy Klobuchar.

Mr. REID. Mr. President, I now withdraw that motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum call required under rule XXII be waived with respect to the three cloture motions filed today.

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

ORDERS FOR FRIDAY, MAY 4, AND MONDAY, MAY 7, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Friday morning, May 4; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; further, that when the Senate completes its business Friday, it stand adjourned until 2:15 p.m., Monday, May 7; that on Monday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business until 4 p.m., with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each; that at 4 p.m., the Senate resume consideration of S. 1082 and there be 2 minutes of debate prior to a vote in relation to the Cochran amendment No. 1010; that upon disposition of the Cochran amendment, there be 2 minutes of debate prior to a vote in relation to the Dorgan amendment No. 990, as amended, if amended; that upon disposition of the Dorgan amendment, there be 2 minutes of debate, then the Senate proceed to vote on the motion to invoke cloture on the substitute amendment, with all debate time equally divided and controlled in the usual form and with no intervening amendments or action in order prior to the votes covered in this agreement; that Members have until 3 p.m., Monday, to file any first-degree amendments.

I also ask unanimous consent that the vote after the first vote be a 10-minute vote rather than a 15-minute vote.

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

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110–2

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on May 3, 2007, by the President of the United States:

Singapore Treaty on the Law of Trademarks, Treaty Document No. 110–2.

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith for the Senate's advice and consent to ratification the Singapore Treaty on the Law of Trademarks (the ''Treaty'' or ''Singapore Treaty'') adopted and signed by the United States at Singapore on March 28, 2006. I also transmit for the information of the Senate a report of the Department of State with respect to the Treaty.

If ratified by the United States, the Treaty would offer significant benefits to U.S. trademark owners and national trademark offices, including the United States Patent and Trademark Office. The beneficial features of the Trademark Law Treaty of 1994 (the ''1994 TLT''), to which the United States is a party, are included in the Singapore Treaty, as well as the improvements to the 1994 TLT that the United States Government sought to achieve through the revision effort. Key improvements allow for national trademark offices to take advantage of electronic communication systems as an efficient and cost-saving alternative to paper communications, at such time as the office is ready to embrace the technology. The Treaty also includes trademark license recordation provisions that reduce the formalities that trademark owners face when doing business in a country that is a Contracting Party that requires trademark license recordation. The goal of these provisions is to reduce the damaging effects that can result from failure to record a license in those jurisdictions that require recordation. These and other improvements create a more attractive treaty for World Intellectual Property Organization Member States. Consequently, once the Treaty is in force, it is expected to increase the efficiency of national trademark offices, which in turn is expected to create efficiencies and cost savings for U.S. trademark owners registering and maintaining trademarks abroad.

Ratification of the Treaty is in the best interests of the United States. I recommend, therefore, that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 3, 2007.*

ACCESSION OF ISRAEL TO CONVENTION ON ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 188.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The resolution (S. Res. 188) expressing the sense of the Senate in support of the accession of Israel to the Convention on the Organisation for Economic Co-operation and Development.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be

agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 188) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 188

Whereas Israel has met the membership criteria for the Organisation for Economic Co-operation and Development (OECD), and has actively sought membership in the body since 2000;

Whereas, in May 2006, the OECD adopted in full the Report by the Working Party on the Implications of Future Enlargement on OECD Governance, stating that expanding membership is vital to the organization;

Whereas the OECD is expected to vote on enlargement and consider new countries for membership at a ministerial meeting in May 2007;

Whereas Israel is the most active non-member country in the OECD, is a member, observer, or ad hoc observer in 50 working bodies, is party to various OECD declarations, and is already in compliance with multiple OECD standards;

Whereas Israel made significant economic reforms in recent years that grew the private sector and streamlined the public sector, and the Prime Minister of Israel, Ehud Olmert, stated that OECD membership would anchor these reforms and allow additional reforms;

Whereas membership in the OECD would strengthen the position of Israel in the global economy, solidify Israel's transition from an emerging market to an advanced economy, and encourage increased foreign domestic investment in Israel;

Whereas the inclusion of Israel in the OECD would strengthen the OECD because of Israel's high living standard, liberal and stable markets, and commitment to democratic values;

Whereas Israel is a world leader in science and technology and is home to the most high-technology start-up companies, scientific publications, and research and development spending, per capita;

Whereas, in 2006, the World Economic Forum ranked Israel as the world's 15th most competitive economy;

Whereas the accession of Israel to the Convention on the OECD would benefit other OECD member countries because of Israel's leadership in high-technology companies and research and development; and

Whereas Israel is a strong ally of the United States and supports the United States in international organizations more consistently than any other country: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Israel shares the commitment of the United States to, and the Organisation of Economic Co-operation and Development (OECD) foundational principles of, good government, free markets, and democratic values;

(2) Israel meets the OECD membership criteria, and is well deserving of membership;

(3) it is in the interest of the United States to strongly support the accession of Israel to the Convention on the OECD; and

(4) the United States should strongly advocate for Israel's accession to the Convention on the OECD before and during the OECD ministerial meeting in May 2007 and use all necessary and available means to secure Israel's membership in the OECD.

NATIONAL HUNGER AWARENESS DAY

Mr. REID. Mr. President, I ask unanimous consent we now proceed to S. Res. 186.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 186) designating June 5, 2007, as ''National Hunger Awareness Day'' and authorizing the Senate offices of Senators Gordon H. Smith, Blanche L. Lincoln, Elizabeth Dole, and Richard J. Durbin to collect donations of food during the period beginning May 7, 2007, and ending June 5, 2007, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C., metropolitan area.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

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

The resolution (S. Res. 186) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 186

Whereas food insecurity and hunger are a fact of life for millions of low-income citizens of the United States and can produce physical, mental, and social impairments;

Whereas recent data published by the Department of Agriculture show that almost 38,200,000 people in the United States live in households experiencing hunger or food insecurity;

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban portions of the United States, touching nearly every community of the Nation;

Whereas, although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, certain groups remain vulnerable to hunger and the negative effects of food deprivation, including the working poor, the elderly, homeless people, children, migrant workers, and Native Americans;

Whereas the people of the United States have a long tradition of providing food assistance to hungry people through acts of private generosity and public support programs;

Whereas the Federal Government provides essential nutritional support to millions of low-income people through numerous Federal food assistance programs, including—

(1) the Federal food stamp program, as established by the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(2) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the special supplemental program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), and other child nutrition programs; and

(3) food donation programs;

Whereas there is a growing awareness of the important public and private partnership role that community-based organizations, institutions of faith, and charities provide in assisting hungry and food-insecure people;

Whereas more than 50,000 local community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people;

Whereas all citizens of the United States can help participate in hunger relief efforts in their communities by—

(1) donating food and money to such efforts;

(2) volunteering for such efforts; and

(3) supporting public policies aimed at reducing hunger: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 5, 2007, as ''National Hunger Awareness Day'';

(2) calls on the people of the United States to observe National Hunger Awareness Day—

(A) with appropriate ceremonies, volunteer activities, and other support for local anti-hunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) by continuing to support programs and public policies that reduce hunger and food insecurity in the United States; and

(3) authorizes the offices of Senators Gordon H. Smith, Blanche L. Lincoln, Elizabeth Dole, and Richard J. Durbin to collect donations of food during the period beginning May 7, 2007, and ending June 5, 2007, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C., metropolitan area.

CONDEMNING VIOLENCE IN ESTONIA

Mr. REID. I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 187.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 187) condemning violence in Estonia and attacks on Estonia's embassies in 2007 and expressing solidarity with the Government and people of Estonia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

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

The resolution (S. Res. 187) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 187

Whereas, on April 27, 2007, the Bronze Soldier Soviet monument in central Tallinn was moved to a prominent location in the Garrison Military Cemetery as a result of a decision by the Government of Estonia;

Whereas the Government of Estonia communicated its reasons for this decision to the Government of the Russian Federation and offered to work with Russian officials during the process, which the Russian officials declined to do;

Whereas, on April 27, 2007, a crowd of more than 1,000 demonstrators gathered at the site of the memorial and riots broke out across Tallinn;

Whereas more than 153 people were injured as a result of the riots, and one died as a result of stabbing by another rioter;

Whereas several stores in Tallinn and surrounding villages were looted as a result of the riots, and a statue of an Estonian general was set on fire;

Whereas, since April 27, 2007, the Government of Estonia has reported several cyber-attacks on its official lines of communication, including those of the Office of the President;

Whereas, on April 28, 2007, and in days following, the Embassy of Estonia in Moscow was surrounded by angry protesters who demanded the resignation of the Government of Estonia, tore down the flag of Estonia from the Embassy building, and subjected Embassy officials inside the building to violence and vandalism;

Whereas, on April 30, 2007, a delegation of the State Duma of the Russian Federation visited Estonia and issued an official statement at the Embassy of the Russian Federation in Estonia that ''the government of Estonia must step down'';

Whereas, on May 2, 2007, the Ambassador of Estonia to the Russian Federation was physically attacked by protesters and members of youth groups during an official press conference;

Whereas, on May 2, 2007, the Swedish Ambassador to the Russian Federation was attacked as he left the Embassy of Estonia in Moscow, and his car was damaged by a crowd, resulting in a formal protest to the Russian Federation by the Swedish Foreign Ministry;

Whereas the Government of Estonia has reported other coordinated attacks against Estonian embassies in Helsinki, Oslo, Copenhagen, Stockholm, Riga, Prague, Kiev, and Minsk, and the Estonian Consulate in St. Petersburg;

Whereas, on May 2, 2007, Prime Minister of Estonia Andrus Ansip stated that a ''sovereign state is under a heavy attack'' and that the events constitute ''a well-coordinated and flagrant intervention with the internal affairs of Estonia'';

Whereas, on May 2, 2007, the public prosecutor's office of Estonia initiated an investigation into the cyber-attacks against Internet servers in Estonia and requested cooperation from the Russian Federation to identify the source of the attacks;

Whereas, on May 2, 2007, the European Commission expressed its solidarity with Estonia and urged Russia to respect its obligations to the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961, and end the blockade of the Embassy of Estonia in Moscow; and

Whereas the Embassy of Estonia in Russia has been closed since April 27, 2007, and Estonia has suspended consular services to Moscow because conditions remain unsafe for Embassy officials: Now, therefore, be it

Resolved, That—

(a) it is the sense of the Senate that the Soviet Union's brutal, decades-long occupation of Estonia was illegal, illegitimate, and a patent violation of Estonia's sovereignty and right to self-determination; and

(b) the Senate—

(1) expresses its strong support for Estonia as a sovereign state and a member of the North Atlantic Treaty Organization (NATO) and the Organization of Security and Cooperation in Europe (OSCE) as it deals with matters internal to its country;

(2) condemns recent acts of violence, vandalism, and looting that have taken place in Estonia;

(3) condemns the attacks and threats against Estonia's embassies and officials in Russia and other countries;

(4) urges all activists involved to express their views peacefully and reject violence;

(5) honors the sacrifice of all those, including soldiers of the Red Army, that gave their lives in the fight to defeat Nazism;

(6) condemns any and all efforts to callously exploit the memory of the victims of the Second World War for political gain;

(7) supports the efforts of the Government of Estonia to initiate a dialogue with appropriate levels of the Government of the Russian Federation to resolve the crisis peacefully and to sustain cooperation between their two sovereign, independent states; and

(8) urges the governments of all countries—

(A) to condemn the violence that has occurred in Estonia, Moscow, and elsewhere in 2007 and to urge all parties to express their views peacefully;

(B) to assist the Government of Estonia in its investigation into the source of cyber-attacks; and

(C) to fulfill their obligations under the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961.

MEASURES READ THE FIRST TIME EN BLOC—S. 1301 AND S. 1305

Mr. REID. Mr. President, I understand there are two bills at the desk. I ask for their first reading, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1301) to preserve and protect the free choice of individual employees to form, join or assist labor organizations, or to refrain from such activities.

A bill (S. 1305) making emergency war appropriations for American troops overseas, without unnecessary pork barrel spending and without mandating surrender or retreat in Iraq, for the fiscal year ending September 30, 2007, and for other purposes.

Mr. REID. I now ask for a second reading and in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:38 p.m., adjourned until Friday, May 4, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 3, 2007:

COMMODITY FUTURES TRADING COMMISSION

JILL E. SOMMERS, OF KANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2009, VICE SHARON BROWN-HRUSKA, RESIGNED.

BARTHOLOMEW H. CHILTON, OF DELAWARE, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2008, VICE FREDERICK WILLIAM HATFIELD, RESIGNED.

PENSION BENEFIT GUARANTY CORPORATION

CHARLES E.F. MILLARD, OF NEW YORK, TO BE DIRECTOR OF THE PENSION BENEFIT GUARANTY CORPORATION. (NEW POSITION)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

TEVI DAVID TROY, OF NEW YORK, TO BE DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES, VICE ALEX AZAR II.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

KERRY N. WEEMS, OF NEW MEXICO, TO BE ADMINISTRATOR OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, VICE MARK B. MCCLELLAN.

DEPARTMENT OF STATE

CAMERON R. HUME, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF INDONESIA.

DEPARTMENT OF LABOR

BRADFORD P. CAMPBELL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE ANN LAINE COMBS, RESIGNED.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

STAN Z. SOLOWAY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2011, VICE CAROL KINSLEY, TERM EXPIRED.

JAMES PALMER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2011, VICE DONNA N. WILLIAMS, TERM EXPIRED.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

ALEJANDRO MODESTO SANCHEZ, OF FLORIDA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2010. (REAPPOINTMENT)

GORDON JAMES WHITING, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2010. (REAPPOINTMENT)

ANDREW SAUL, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2008. (REAPPOINTMENT)

ANDREW SAUL, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2012. (REAPPOINTMENT)

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID W. TITLEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MICHAEL S. ROGERS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID A. DUNAWAY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. SAMUEL J. COX, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID G. SIMPSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) EDWARD H. DEETS III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JEFFREY A. WIERINGA, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) CHARLES H. GODDARD, 0000
REAR ADM. (LH) KEVIN M. MCCOY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. TERRY J. BENEDICT, 0000
CAPT. MICHAEL E. MCMAHON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) GERALD R. BEAMAN, 0000
REAR ADM. (LH) MARK S. BOENSEL, 0000
REAR ADM. (LH) DAN W. DAVENPORT, 0000
REAR ADM. (LH) WILLIAM E. GORTNEY, 0000
REAR ADM. (LH) VICTOR G. GUILLORY, 0000
REAR ADM. (LH) CECIL E. D. HANEY, 0000
REAR ADM. (LH) HARRY B. HARRIS, JR., 0000
REAR ADM. (LH) JOSEPH D. KERNAN, 0000
REAR ADM. (LH) MICHAEL A. LEFEVER, 0000
REAR ADM. (LH) CHARLES J. LEIDIG, JR., 0000
REAR ADM. (LH) ARCHER M. MACY, JR., 0000
REAR ADM. (LH) CHARLES W. MARTOGLIO, 0000
REAR ADM. (LH) RICHARD O'HANLON, 0000
REAR ADM. (LH) SCOTT R. VAN BUSKIRK, 0000
REAR ADM. (LH) MICHAEL C. VITALE, 0000
REAR ADM. (LH) RICHARD B. WREN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPTAIN JOSEPH P. AUCOIN, 0000
CAPTAIN PATRICK H. BRADY, 0000
CAPTAIN TED N. BRANCH, 0000
CAPTAIN PAUL J. BUSHONG, 0000
CAPTAIN JAMES F. CALDWELL, JR, 0000
CAPTAIN THOMAS H. COPEMAN III, 0000
CAPTAIN PHILIP S. DAVIDSON, 0000
CAPTAIN KEVIN M. DONEGAN, 0000
CAPTAIN PATRICK DRISCOLL, 0000
CAPTAIN EARL L. GAY, 0000
CAPTAIN MARK D. GUADAGNINI, 0000
CAPTAIN JOSEPH A. HORN, 0000
CAPTAIN ANTHONY M. KURTA, 0000
CAPTAIN RICHARD B. LANDOLT, 0000
CAPTAIN SEAN A. PYBUS, 0000
CAPTAIN JOHN M. RICHARDSON, 0000
CAPTAIN THOMAS S. ROWDEN, 0000
CAPTAIN NORA W. TYSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MICHAEL R. MURRAY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CURT W. DODGES, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MICHAEL L. INCZE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

SANDRA C. IRWIN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

WILLIAM R. FENICK, 0000
CATHERINE T. MUELLER, 0000
ISAAC N. SKELTON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROBERT B. CALDWELL, JR., 0000
FREDERICK W. HEPLER, 0000
RICHARD B. LORENTZEN, 0000
NORBERT F. MELNICK, 0000
ELLEN E. MOORE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DAWN H. DRIESBACH, 0000
DAVID E. HALLADAY, 0000
CHRISTOPHER J. MCDONALD, 0000
GLENN J. OLARTE, 0000
JOSEPH W. PIONTEK, 0000
GLENN S. ROSEN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

NICHOLAS J. CIPRIANO III, 0000
JOHN M. DIMENTO, 0000
JOHN V. GURLEY, 0000
DOUGLAS C. MARBLE, 0000
JAMES T. MONROE, 0000
DEAN A. SADANAGA, 0000
CHARLES L. SCHILLING, 0000
STEPHEN C. WOLL, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

RHETTA R. BAILEY, 0000
DONNA A. CHERRY, 0000
ANNETTE P. CORNETT, 0000
GREGORY D. GJURICH, 0000
ANNE G. HAMMOND, 0000
DONNA M. JOYAL, 0000
KATHARINE A. M. REED, 0000
CAROL E. SHIVERS, 0000
KELLY J. WILD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JEFFREY S. COLE, 0000
DONALD P. DARNELL, JR., 0000
JON A. DOLLAN, 0000
GARY EDWARDS, 0000
JAMES E. HAGY, 0000
STEPHANIE T. KECK, 0000
PETER C. NULAND, 0000
DARREN L. TURNER, 0000
TIMOTHY J. WHITE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

BRUCE A. BASSETT, 0000
ROBERT GARDENIER, 0000
REZA GHAFFARI, 0000
DOUGLAS G. MCBANE, 0000
DONALD J. MISCH, 0000
JOSEPH E. SWEENEY, 0000
MICHAEL A. YUKISH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JULIE S. CHALFANT, 0000
RONALD R. FRITZEMEIER, 0000
VINCENT J. GAST, 0000
ARNOLD S. LIM, 0000
DAVID L. LOVE, 0000
PAUL J. VANBENTHEM, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DANIEL J. MACDONNELL, 0000
SCOTT A. MILLER, 0000
ROBERT J. PAVUR, 0000
JEAN M. VACURA, 0000
MICHAEL J. WILKINS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

HARRY S. DELOACH, 0000
LEE A. JUDSON, 0000
JAMES T. ROONEY, 0000
MARK Q. SCHWARTZEL, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

KENNETH BRANHAM, 0000
RICHARD P. CARRANO, 0000
WILLIAM C. HENDRICKS, 0000
KEVIN J. MCGOVERN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

STEVEN P. CLANCY, 0000
BURTON L. COOPER, 0000
STEWART B. WHARTON III, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JAMES A. ALBANI, 0000
BRIAN D. BLOWER, 0000
MATTHEW V. FENTON, 0000
TIMOTHY FORSYTH, 0000
ROBERT J. FURUKAWA, 0000
ALEXANDER E. HALLIDAY, 0000
KEVIN J. MULVEY, 0000
SCOTT W. OCONNOR, 0000
RALPH J. ORTOLANO, JR., 0000
BRADDOCK L. PARKS, 0000
MARK C. PATTERSON, 0000
RICHARD M. PAYTON, 0000
ROBERT R. YOUNG, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PATRICK J. BARRETT, 0000
DWAYNE F. BAXTER, 0000
ADAM C. BINFORD, 0000
JAMES L. BROWN, JR., 0000
WILLIAM T. CARNEY, 0000
ROLAND W. CLATTERBUCK, 0000
JAMES R. CUSTER, 0000
MATTHEW P. DUBOIS, 0000
LARRY D. GRIPPIN, 0000
CHRISTIAN H. HANSEN, 0000
BRIAN J. HARRISON, 0000
JOHN R. HAVLIK, 0000
KURT E. HEDBERG, 0000
MARK O. HOWELL, 0000
JAMES F. HUGHES, 0000
ERIC P. JABS, 0000
JAMES M. KUHN, 0000
JOHN A. LATHROUM, 0000
THOMAS W. LUSCHER, 0000
TIMOTHY MAHAN, 0000
ROBERT G. MARIN, 0000
ELIZABETH A. MCALISTER, 0000
ROBERT F. ONEIL, 0000
DAVID J. OPATZ, 0000
ERIC G. PETERSEN, 0000
MATTHEW C. RAGAN, 0000
DOROTHY J. REED, 0000
WILLIAM B. SHERER, 0000
KENNETH W. SKAGGS, 0000
JEANNINE E. SNOW, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

BETH Y. AHERN, 0000
ROBERT S. ARP, 0000
MARK A. ASSUR, 0000
ROBERTA C. BELESIMO, 0000
SCOTT A. BEST, 0000
MICHAEL P. CANNON, 0000
DANIEL C. CROSS, 0000
CHRISTOPHER D. GLASS, 0000
STEVEN F. GROVER, 0000
MARY C. HASTY, 0000
TIMOTHY D. HELD, 0000
PATRICK L. HITE, 0000
THOMAS K. HUTCHISON, 0000
CAROL L. LOEBLEIN, 0000
BARRY H. LUCAS, 0000
JAMES C. MANTER, 0000
JAMES MARKLOFF, 0000
DANIEL T. MCGRATTAN, JR., 0000
CHARLES R. OTEY, JR., 0000
MICHAEL P. PAPA, 0000
STEPHEN J. PAYNE, 0000
CURT G. PERKINS, 0000
JAMES T. PRESCOTT, 0000
GENE F. PRICE, 0000
JON N. PUCKETT, 0000
VERA A. REGISTER, 0000
RONALDO SERRANO, 0000
JOHN J. SURINA, 0000
MELINDA A. SUSZAN, 0000
WILLIAM F. YOUNG, 0000
DANIEL E. ZIMBEROFF, 0000

WITHDRAWAL

Executive Message transmitted by the President to the Senate on May 3, 2007 withdrawing from further Senate consideration the following nomination:

JANE C. LUXTON, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE JAMES R. MAHONEY, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.