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Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable JIM DEMINT, a Senator from the State of South Carolina.

PRAYER

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

Let us pray.

Almighty God, our father and our king, we thank You for the gift of this day. We need Your grace, for we cannot offer anything to merit Your favor or gain Your love. Cover our mistakes and failures with Your merciful love and give us Your peace.

In the beginning of time You created the Heavens and laid the Earth's foundation. Now create in our lawmakers a passion to accomplish Your purposes. May they seek Your wisdom and acknowledge Your precepts. Help them to use Your time-honored principles as the litmus test for good decisions. Give them the desire to so honor You that future generations will praise Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM DEMINT 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. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,

PRESIDENT PRO TEMPORE,

Washington, DC, September 26, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JIM DEMINT, a Senator from the State of South Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. DEMINT 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. FRIST. Mr. President, today we will begin the session with a 1-hour period of morning business. At the conclusion of the morning business period, we will address the pending bill, H.R. 6061, the secure fence legislation.

I filed cloture on the pending amendment and the underlying bill last night, and I will speak to that process in a moment. I do want to remind everyone that the consent agreement now provides that all first-degree amendments to the secure fence bill must be filed at the desk no later than 2:30 today in order to qualify under rule XXII.

Today we will recess from 12:30 to 2:15 in order to accommodate one of our weekly policy meetings.

To further explain, last night I filed an amendment to the secure fence bill, and that amendment included language to establish the military tribunals, the legislation that is in response to the Hamdan legislation from several months ago which the Supreme Court has handed down, which reflects the agreement announced last week between the President and Senate Republicans. I also filed cloture on this amendment last night, as well as cloture on the secure fence bill. There will be a cloture vote Wednesday on the Hamdan amendment. If that cloture on the amendment is invoked, there would

be time for postcloture debate on the amendment. Once all postcloture time is expired, there would then be a vote on the adoption of the amendment, followed immediately by a cloture vote on the secure fence legislation. All those votes would be Thursday.

I explained that last night, and I explain it again now because it illustrates the procedural moves that have to be made in order to finish this bill with certainty before we depart on Friday or Saturday. It is critical that we do so. The very important, critical, high-value interrogation programs cannot continue until we legislate, and indeed the military tribunals, military commissions cannot take place in terms of trying these enemy combatants until we act.

It is important with regard to what I said for people to understand that the Democratic leader and I and our caucuses are working very hard to get a unanimous consent agreement to consider the Hamdan legislation free-standing. However, last night we did not reach that agreement, or early this morning, but I am very hopeful that we can do so shortly.

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

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

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. 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.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

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



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will be a period for the transaction of morning business for up to 1 hour, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Georgia is recognized.

HOMELAND SECURITY

Mr. CHAMBLISS. Mr. President, I rise today to speak on the importance of national and homeland security and specifically to ensure that we enact the key legislation that we have under consideration necessary to protect our great Nation.

While we have achieved a great deal since 9/11 in the area of homeland security, and we need to acknowledge what we have accomplished, and while we are making great strides, there is still more left to do. The terrorists we are dealing with are not going to cease planning attacks against our country, which is why we are working hard to continually improve the national security of the United States. The fact that there has not been another terrorist attack on domestic soil since September 11, 2001, shows that we have been successful to this point.

To date, we have implemented 37 of the 39 9/11 Commission findings. We have enacted 71 laws on homeland security. We have increased the terrorist watch list to 400,000 persons. We have disrupted at least 15 major terrorist plots or potential plots against America. We have required that every visa holder be fingerprinted before entering the United States. We have frozen nearly \$1.5 billion in terrorist assets. We have convicted 261 accused defendants in terrorism-related cases, and we have killed or taken prisoner a number of al-Qaida leaders around the world, particularly in Iraq, including Al Zarqawi, who was the No. 1 al-Qaida leader in Iraq; including Khalid Sheikh Mohammed, whom we have captured and from whom we have received very valuable information. We have to remember that he was the mastermind of the 9/11 plot.

In the area of port security, Georgia has three ports and is one of the top five States in the handling of some 11 million containers that reach our Nation's shores every year. Georgia plays an important role in the commerce of this country, and that is why I am pleased that Congress has completed a comprehensive port security conference report, which will continue to improve the security of our seaports all around America.

This bill improves a layered security approach to cargo screening and scanning. In Georgia, we will begin augmenting the existing cargo security detection equipment with radiation portal monitors next month to ensure the screening of high-risk containers to stop the illicit import of nuclear and radiological materials. This important

piece of legislation also provides for the development of a plan to ensure the successful resumption of shipping in the event of a terrorist attack. In addition, it mandates a plan to determine when it is feasible to scan containers prior to their reaching the United States. With our national security at stake, we will continue the necessary steps to protect our citizens and, at the same time, balance the flow of commerce.

In the closing weeks of this session, I think it is especially important to ensure that we have the opportunity to take final action on the Defense appropriations bill and the Defense authorization conference report. These vital pieces of legislation will continue to ensure that our military personnel involved in the global war on terrorism, as well as our National Guard personnel at home, have the necessary equipment and resources to do their jobs. We need to ensure that our Guard personnel stationed on the U.S. border can continue in their homeland security and defense roles, enhance the efforts of Border Patrol agents, and be available to support Governors in the case of any natural disaster that may arise.

The Defense appropriations conference report which we will be considering later this week provides \$86 billion for military personnel, \$120 billion for operations and maintenance, \$80 billion for procurement, and \$75 billion for research and development, all to ensure that our Nation's military has the resources they need to carry out the responsibilities that we as a nation have asked of them.

I would also like to ask the leadership in both the House and the Senate to make every effort to take final action on the national Defense authorization conference report this week. It would be a shame on our part not to provide these urgent policies and funding for our troops who so valiantly are defending our Nation today.

In closing, I would like to remind my colleagues what is at stake as we consider these bills and urge them to work to pass legislation this week in support of our Armed Forces. In Iraq, the combined coalition on Iraqi operations continues to target and eliminate al-Qaida operations. Since August 30, over 150 operations have been conducted, resulting in 66 terrorists being killed and over 830 suspected terrorists being detained. On September 12 alone, there was a series of 25 raids in and around Baghdad targeting al-Qaida and Iraqi activities. These raids resulted in the capture of over 70 suspected terrorists, including an associate of Abu Ayyub al-Masri, the new head of al-Qaida in Iraq. The associate was a leader of assassination, kidnapping, and I.E.D cells in Baghdad. Iraqi and coalition forces continue to make tremendous progress in clearing suspect buildings, seizing weapons, moving trash out of neighborhoods, improving electricity, wastewater disposal, and educational opportunities for the Iraqi people.

On the military front, by the end of this month the Iraqi Ground Forces Command, which recently became operational, will assume control of a second Iraqi Army division. And later this month, the Government of Iraq plans to assume control of the Dhi Qar Province. These are the activities that we are funding and supporting by doing our job in the Senate. I commend the work of our military personnel, the Appropriations Committee, and the Armed Services Committee for completing these bills, and I urge my colleagues to adopt them expeditiously.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

HOMELAND SECURITY APPROPRIATIONS

Mr. GREGG. Mr. President, first I want to commend the Senator from Georgia for his excellent statement and discussion on what we are doing on the border and what we are doing generally in the area of fighting terrorism. I simply wanted to bring the Senate up to speed, and to the extent people are observing the Senate operations, the country up to speed—the listeners, anyway, up to speed on what we are doing on the border.

Last night we completed the conference between the House and the Senate on the Homeland Security bill, with Congressman ROGERS chairing the committee for the House and myself chairing it for the Senate. This is a bipartisan bill. It is a bill that passed the Senate 100 to nothing. It is a continuum of a lot of effort that we have made as a Congress to try to upgrade and significantly improve and make much more robust our efforts in order to secure our borders.

I think we all understand that the threat to America comes from many different directions. But as we prioritize threats, the No. 1 issue we have to worry about is someone coming into this country with a weapon of mass destruction.

The No. 2 thing we need to worry about is who is coming into the country and what products are coming into the country. What do those people intend? Hopefully, they are coming in legally. And what are the purposes of the products coming in? Hopefully, the purpose of the products is general commerce. But it is, first, to protect yourself from weapons of mass destruction and, second, to make sure our borders are secure.

In order to accomplish both of those goals, we need to put significant resources into those agencies and efforts which are responsible for addressing those two major issues. This bill, the Homeland Security bill, does exactly that. It puts significant new energy and dollars into detecting and being able to manage a potential weapon of mass destruction that will come into this country. Equally important, it

continues a 2-year effort that began in 2005 when we reorganized the flow of dollars within the Department of Homeland Security. It continues an effort to dramatically increase the boots on the ground and the physical and capital support efforts necessary to support the individuals who are protecting our borders and managing our borders.

This chart reflects the dramatic increase, using a baseline of when President Clinton left office to today. In the area of border agents specifically, over 6,000 agents have been added, 4,000 just in the last 2 years. That is a 40-percent increase in border agents in the last 2 years.

In addition, the bill we passed last night, while continuing the effort in the area of adding border agents, continues an aggressive effort to add detention beds. We understand, if you have agents on the ground who are hopefully catching people who are coming across our borders illegally, it does no good to catch those people unless you have some way to hold them. Up until this month, in fact, we had a policy known as catch and release because we simply did not have enough holding space for people who came into this country illegally.

This bill continues the effort in the area of adding detention beds. Over the last 2 years, we will have added over 9,000 beds, almost 10,000 beds. The practical effect of this is we are getting real results. Beginning next month, the Department of Homeland Security will no longer have a policy of catch and release. They will be able to hold the people they catch and detain them, which is exactly what should be happening. In addition, we have dramatically increased the number of Customs agents, we have increased the number of detention personnel, and we have significantly increased our commitment to fencing along the border.

This bill, as it was worked out last night, has \$1.2 billion in it for putting up either physical fencing, vehicle barriers, or what is known as a virtual fence, which is the Secure Border Initiative where in some parts of the southwest border, where a physical fence doesn't make any sense, there will be significant electronic monitoring of the border, which will allow us to see who is coming across the border. Once they come across the border, because we have added all these new border security personnel—the totals of which are here, 14,000 border security personnel, almost 15,000—we will be able to catch them if they are coming across illegally.

In addition, we have dramatically increased our efforts to recapitalize and support the Coast Guard. I think everyone understands the Coast Guard is one of the premier agencies in our Government. Their efforts during Katrina were exemplary. They have the primary responsibility for making sure people coming toward the United States over the seas are coming here as

part of reasonable commerce or simply as tourists and are not coming here to harm us. In order to accomplish that, they have dramatically increased the review of shipping as it comes toward the United States at the port of embarkation—whether that is in Asia or somewhere else—and they have increased their interdiction capabilities should there be a suspicious cargo on a ship headed toward the United States. To accomplish this, we have significantly increased the commitment to the Coast Guard in the area of purchasing more cutters, fast boats, arming their helicopters, and just generally upgrading their capacity to do their job well, as they do it well. Over \$7.5 billion has been put into the Coast Guard as a result of this effort.

The practical result of all this new funding, all these new agents, new commitment to detention beds, is that we are moving toward a secure border. In the very foreseeable future, short term rather than long term, we will be able to manage this border in a way that is appropriate, making sure people do not cross it illegally. We will also manage our ports, making sure they are secure. We have a way to go there, but we are making significant progress.

At the same time, in this bill we have made a commitment to reorganize the Department in some areas where it has not been functioning all that well, specifically in FEMA. I congratulate Senator COLLINS for her leadership. She orchestrated a bipartisan, bicameral effort to reach an agreement on how FEMA should be reorganized. The language of that reorganization is in this bill.

In addition, we have put in this bill significant language in the area of chemical plant security. The Department of Homeland Security today does not have adequate authority to secure our chemical plants. It simply cannot do it because it doesn't have the legal authority necessary to force our chemical plants to undertake policies which will secure them. With this new language—again, this language was brokered by Senator COLLINS working with Congressman BARTON and Congressman KING—we have put in place a regime which will allow the Homeland Security agency to monitor and to require that high-risk chemical plants now have a decent security plan in place.

There are other ideas out there for chemical security, some good ones. Senator BYRD has a significant number of good ideas in this area. Therefore, Senator COLLINS looked on this language, basically, more as a stop-gap language, to get things going, to make sure there was at least some initial authority for the Homeland Security Department, and thus this language sunsets in 3 years, so the Congress will have to reauthorize, and other thoughts and ideas in the area of chemical security can be pursued.

This bill is a comprehensive, broad, and extraordinarily robust effort to

tightening up and making a stronger commitment to securing our country and especially our borders and to make sure we have a Department of Homeland Security which has the resources it needs in order to accomplish that goal. There is a dramatic increase in the number of agents, dramatic increase in the number of detention beds, dramatic increase in the commitment to the Coast Guard, dramatic increase in the commitment to the monitoring and the capacity to handle a nuclear threat, and a dramatic increase to the issue of building a fence along the southwest border.

We still have a long way to go. Nobody is going to argue about that. But in this debate, while we constantly hear this constant rumbling of negativism out there about border security—we aren't doing this, we aren't doing that—it should be acknowledged that significant progress is being made and a dramatic amount of resources is being focused on this effort by this administration and this Congress.

In addition, as an aside, this bill had one item I would like to point out which I think is important, especially to people who live along the northern border. There is language in this bill which was worked out between myself and Congressman ROGERS but primarily between Congresswoman EMERSON and Senator VITTER. The purpose of this language will be to allow American citizens to cross into Canada and purchase drugs at a Canadian drugstore—Senator DEMINT was also involved in this—purchase drugs at a Canadian pharmacy and bring them back to the United States without being subject to legal prosecution.

There are a lot of people who believe they can go into Canada and buy American-made drugs which are being sold through Canada at a much higher discount than they can get those drugs in America. It may not be the case any longer because of what Wal-Mart is doing because Wal-Mart is putting in place a very robust, low-cost drug program. In any event, if Wal-Mart doesn't underprice Canada, people will be able now to go to Canada and purchase those drugs. I see Senator DORGAN here, and he has been a major player in this effort, also. They can purchase those drugs and not be subject to prosecution.

This language took a long time to work out. It has the safeguards in it that I believe always were necessary before we could take this language and move it forward, and I am glad we were finally able to resolve this part of that puzzle. It is a bigger issue, but at least relative to people crossing the borders and purchasing drugs, which happens fairly regularly in New Hampshire and I know North Dakota and other places along the northern border, this is a step in the right direction. I congratulate all the people who have worked so hard to make this come to fruition.

On balance, this is a truly excellent bill. We will be voting on it here, hopefully before the week is over. Absolutely I hope that is the case. It is very important we get these funds in place. As a result of that, we will continue this rather significant—I would call it dramatic—progress toward putting in place the capital, the resources, and the people necessary to secure our borders.

But I would point out this caveat. No matter how many people we put on the border and no matter how much capital resources we put behind this—and we are going to do whatever it takes on those two counts—you still have the issue of human nature to deal with, which is, if a Mexican is making \$5 a day and he can come to the United States and make \$50 a day and he has a family to support, he is going to come to the United States. We have to figure out a comprehensive approach which will allow somebody to come to the United States, work a job that Americans are not willing to work or we don't have enough Americans to work, and be able to do that under a guest worker program that is responsible and allow employers the capacity to be able to verify that the individual is in this country legally. That is a critical element to securing our borders and making sure we do this right.

So comprehensive reform should not be ignored. It has to be part of this whole package. But pending comprehensive reform, this bill, which we will vote on, the Homeland Security appropriations bill, is a significant, robust—actually, you could even call it dramatic—step forward in making sure our borders are secure.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. LOTT. Mr. President, how much time do we have remaining on our side of the aisle in morning business?

The ACTING PRESIDENT pro tempore. The majority has 9½ minutes.

HELPING THE AMERICAN PEOPLE

Mr. LOTT. Mr. President, I wish to say, while he is still on the Senate floor, what an outstanding job the Senator from New Hampshire, Mr. GREGG, has done in this area of homeland security and border security. I doubt there is any other Member of the Congress, House or Senate, who has done more to actually produce results.

There is very little we could be doing in the Congress, now and in the foreseeable future, more important than security for our homeland. It is an integral part of the War on Terror. It is a part of why we have not had another major attack since 9/11.

Once again, the Senator from New Hampshire has shown real leadership. He has produced a bill we have to have this year, to provide the appropriations for this important Department and the agencies within it and to put funding in it for border security. This is a

major achievement. No matter what else we get accomplished this week, this will probably be, overall, the most important. I thank him for it.

I have been very involved in the reform of FEMA because I have seen how FEMA did not always have the authority and didn't have the power, if you will, didn't have the people or the money to do the job after Hurricane Katrina. This reform will help make FEMA stronger, and I believe it will be a benefit to the Department of Homeland Security.

There are a lot of those saying we should be accomplishing more. I am hoping before this week is out we will pass a major border security bill. I am hoping we will pass the Outer Continental Shelf energy package. I believe we will get Defense authorization and Defense appropriations and hopefully several other good bills.

I have never seen a Senate more paralyzed than I have seen over the past few months. There is no doubt in my mind that a conscious decision was made by the Democratic leadership January a year ago to slow-roll, obstruct, delay everything. Every time you take a week or two on a bill that should be done in a day or two, that is that many days you cannot use to do other things which need to be accomplished. But I think, rather than trying to have a list with a whole lot of things on it—little things, in many instances—it is more important to keep a focus on the big issues.

What have we done to really help the American people?

Quite often some people say, please don't pass more laws. Leave me alone; allow the private sector, allow the markets, allow us to do our job, and let the States and localities do their jobs.

I think we overemphasize sheer numbers. But I think it is important that we look at the list of what this Senate has passed this year. When you add to that the other things which we hope we will complete this week—the most effective week of a session is always right before the end of the year. I remember one night when we passed something like 67 bills after almost everybody had gone home. The Democratic and Republican leadership had a blast. We passed a lot of good legislation.

Look at what we have already done. The Patriot Act. Under the title of Homeland Security, we have taken major actions and they have made a difference in securing our country and have been a critical part of the War on Terrorism. The Patriot Act, border security, and we have funded the war on terror.

On taxes and in the budget area, once again Senator JUDD GREGG did a great job as chairman of the Budget Committee. We cut entitlements somewhat. We cut taxes by \$70 billion. Other than Homeland Security and Defense, we have basically held the line on appropriations. A lot of the credit goes to my colleague from Mississippi, Senator COCHRAN.

We passed a comprehensive energy policy bill last week. It is having a positive effect. It takes time for legislation in that area to have an effect.

We passed the Pell grants in the area of math and science competitiveness in education.

We passed lawsuit abuse reform.

In the area of health for the benefit of Americans, health information technology, it sounds as though it wouldn't make that much difference, but it is going to control costs and make information more available to the patients so they can make the right decisions for their health needs.

We have tremendous fights over judges. We have confirmed two Supreme Court judges—outstanding judges. We have confirmed 14 circuit court judges and 34 district court judges. Hopefully, we will confirm more this week. But there again, the Democrats chose to filibuster on judges—in my opinion, clearly unconstitutional. In fact, the majority leader now on almost every bill has to file cloture. Why? Because otherwise you can't get to the substance of a bill.

When you spend 30 hours on a motion to proceed to a bill which has major consequences for border security, then you know there is something wrong with the institution. Instead of us finding ways to work together, we find ways to expound and put out more hot air instead of taking action.

We have done some other things in protecting families, and also moving toward sound government.

We passed the Voting Rights Act.

I am here today for some reasons and for efforts that are not listed on this board. One year ago, I was standing on this floor pleading with my colleagues to help us in dealing with the aftermath of the biggest natural disaster to ever hit this country. We tend to forget about it. But most of last fall we spent on passing in a bipartisan, bicameral way Katrina relief legislation. We passed major appropriations. I am not talking about a few millions. I am talking about well over \$100 billion.

When we came back from the August recess, instead of going to some of the things that were scheduled—such as repeal of the death tax—we went immediately to Katrina legislation. But in providing appropriations, in providing tax incentives for businesses and industries to rebuild, to stay in the area, or come to the area to help us recover, we did that.

Medicaid changes—we allowed the States of Louisiana and Mississippi to cope with the great increase in the number of people who needed Medicaid assistance; assistance through that bill to help many of our hospitals that were primary care hospitals. They treated everybody who showed up. It ran into hundreds of millions of dollars.

And right across the board, we have Stafford Act changes in the law, help for our schools and colleges. All of our schools in Mississippi were back and

open by November 7. In many instances, they were in pretty dilapidated facilities, without air conditioning, or temporary buildings. But every one of them opened by November 7, partially because Congress made a commitment to help them with the costs of what they had lost, to deal with the gap between what their insurance provided and what they were going to need to recover.

I am here to thank the Congress for helping us.

Have we had continued problems? Yes. Have we been disappointed in FEMA and the Department of Homeland Security and the Corps of Engineers? Yes, even though a lot of good people have done good work.

I have to admit that at the State level and the local level, we have had problems sometimes in making decisions dealing with elevation requirements, dealing with national flood insurance, and actually even distributing the money.

When you are trying to distribute \$3 billion to 17,000 people, you do not throw it out the window. You have to have a process to make sure these people actually lost their homes, or had damaged homes, and that they are going to deal fairly with their mortgage holders, that they would have a way to get their homes back in place. That process is still underway. It has been a very difficult one.

So you can be critical of what happened after Katrina, but there are a few places where a lot of credit should be given and it has not been adequately done.

The Congress did the job after Hurricane Katrina. Every committee chairman and ranking member came to our aid. The Mississippians, the Louisianians, the Texans, the Alabamians told you what our problems were. We poured our hearts out, and the Senate did its job.

Senator COCHRAN, my colleague from Mississippi, deserves enormous credit for the very calm, cool, and determined way he handled that legislation.

I am here to say thank you. When you make this list of Senate accomplishments, you must add to this list the things we did after Hurricane Katrina. The system worked. Congress did its part. For that I will be eternally grateful.

By the way, we ate up the major part of 3 months trying to make sure we were doing it right, appropriately, to help the people who needed it and to make sure it was done in an honest way.

Sure, I complained we didn't do more. I complain about the way we do things. I don't like the totally partisan political seasons we get into. We all do it and I do it. But I think that while we are doing that, we ought to take a little credit for what we did do and what we did right.

I wanted to make that point this morning.

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

The ACTING PRESIDENT pro tempore. The minority controls 30 minutes.

THE 109TH CONGRESS

Mr. DORGAN. Mr. President, this is an interesting time as we end the 109th Congress, at least in that portion that will start with the recess apparently this weekend, according to the majority leader and the Speaker of the House, only to return and reconvene sometime in November to do a lot of work that was not done earlier this year. Most of the appropriations bills have not been passed, and perhaps one, maybe two, will be done this week, but the rest will be done after the election.

I know my colleague who just spoke—and others will come to the floor of the Senate and talk about how fruitful and how productive the 109th Congress has been. I wish I could say the same. I serve in this Congress. I am a Member of this Congress and I hope and wish we could end a year and say we did an unbelievably good job for the American people; that we addressed the things that needed to be addressed; that we strengthened this country; and that we helped people in many ways. I wish I could say that. But as Peggy Lee's song says, Is that all there is? Is that an appropriate response to the chart that we see trumpeting the 109th Congress accomplishments? Is that all there is? Yes, that is all there is.

Let me describe a few of the things we ought to be dealing with and especially describe the things we are not dealing with.

On health care and the issues related to health care, every business in this country and virtually every family in this country—and especially our Government—bears the cost of these dramatically increasing prices in health care. No one seems to be addressing it very much. We passed a prescription drug plan a while back for senior citizens on Medicare, and that actually had a little provision in it which prevents the negotiation of lower prices on prescription drugs. That is almost unbelievable to me. Health care costs are on the rise, led, incidentally, by prescription drug prices. This Congress seems to stand with the pharmaceutical industry. It wants to prevent the negotiation for lower prices.

I have stood on the floor of the Senate holding up two identical bottles of the same pill made by the same company, both FDA approved, one sent to Canada, one sent to the United States. The difference is the one sent to Canada is half the price of the one sent to the United States.

My colleague said there is a provision in Homeland Security—and indeed there is—dealing with prescription drug reimportation. It is much to do about nothing, I regret to tell you, because it will allow people to bring a 90-day supply as they cross over the Canadian border and come back. Very few Americans have the capability of driv-

ing to the Canadian border to access that lower cost FDA-approved drug. We are charged the highest prices in the world for FDA-approved prescription drugs. That is unfair to the American people.

The provision in Homeland Security is going to do very little. In fact, we have almost always allowed exactly what that provision says we should allow. We have always allowed a personal supply of 90 days to come across the border from Canada when American consumers buy that prescription drug. This is nothing new. It doesn't address the issue.

We have been blocked on the floor of this Senate for 2 years now with a bipartisan piece of legislation cosponsored by over 30—myself, Senators SNOWE, MCCAIN, KENNEDY, and many others—a big bipartisan bill. We have been blocked from getting a vote on the floor for this legislation which would allow the reimportation of lower cost, FDA-approved prescription drugs.

Why is that the case? Because on this subject the pharmaceutical industry has more influence here, regrettably, than the American people do.

We are not addressing the health care costs, and we are not addressing the issue of prescription drug costs—and we should.

Trade and jobs, think of that. Are we addressing trade issues? The only thing we are doing on trade issues is to pass more incompetent trade agreements. We just did the Oman Trade Agreement, a country that by sultan decree has said there will not be an organization of workers; it is illegal to form a labor union in the country of Oman by sultan decree. We do a trade agreement with a country that basically prohibits organized workers.

We have a \$68 billion a month trade deficit, \$800 billion a year. We are choking on red ink in international trade. Nearly 4 million jobs have been shipped from this country overseas in search of cheap labor, in search of 20-cent and 30-cent-an-hour workers working 7 days a week, 12 to 14 hours a day. Does anybody care much about that?

We not only have this running up and dramatic increase in the trade deficit, but we see the potential loss of another 40 million to 50 million American jobs, according to some leading economists. And even those that do not leave are tradeable or outsourceable jobs and competing with others in the world who are willing to work for much less, causing downward pressure on wages in this country.

Some say we see the world as it is, that it is a global economy, and there is nothing we can do about it. I see the world as it is and decide we ought to change it to what it should be—standing up for good jobs in this country, for American workers. Yet this Congress doesn't do that.

As to deficits and fiscal policy, the President made great fanfare in talking about the fact that the deficit is reduced. Interestingly enough, take a

look at what we are going to borrow in the next year—close to \$600 billion in the next fiscal year. That is the off-the-rail fiscal policy of red ink, up to \$600 billion in budget borrowing, and \$800 billion in trade deficits. That is \$1.4 trillion in red ink on a \$13 trillion economy. That won't last very long.

We are going to bring additional war spending to the floor of the Senate. We are all going to vote for additional war spending. Some of us believe we ought to pay for it. This will make it, I think, somewhere around \$400 billion in total—none of it paid for, not a penny paid for, all added to the debt.

We send our soldiers to Afghanistan and Iraq and say, Please serve your country, fight for your country, risk your lives, and when you come back, by the way, we will have this debt waiting for you because we have chosen not to be involved in fighting to pay our bills.

That doesn't make any sense to me. That can't seriously be called an accomplishment.

We have been holding some hearings on oversight with respect to contractors. It is controversial. I see in the newspaper today a member of the majority said, well, we may take the rooms away so they cannot hold hearings. That is an interesting response to the question of oversight. The reason we have held oversight hearings in the policy committee room is because the majority party decided not to hold serious oversight hearings.

The highest ranking civilian official in the Corps of Engineers at the Pentagon in charge of major contracts, the sole-source, no-bid contracts to Halliburton and KBR that were given, has said this is the most blatant abuse of contracting authority she has witnessed in all of her career. This is a woman who is viewed as a top contracting official in this country in the Pentagon for these contracts. She said it is the most blatant abuse she has ever seen. Guess what happened to her for being honest. She was demoted.

I had her twice testify. Was there any other committee in Congress interested in her testimony to find out how the tens of billions of dollars were contracted? Nobody.

Yesterday we had an oversight hearing on the conduct of the war. We had a couple of generals and a colonel, all three of whom were distinguished folks who served in Iraq, served a combined 90 years for this country. General Batiste started by saying, I am a Republican, a lifelong Republican. It was not partisan. We invited Republicans to come to the hearing to talk about the conduct of the war. There have been no oversight hearings on that.

All of us want the same thing, it seems to me. We want us to prevail and do well. We want to protect our country. We want to defeat terrorism. All of us want those things. But it seems to me we are moving in the wrong direction in some of these areas. Incidentally, much of the information that

ought to be available is classified in order not to embarrass anybody.

Let me mention that General Batiste and others who testified yesterday said this country is not mobilized. We send our men and women to war, but the country is not mobilized. They made a point I thought was very interesting. I read a book that was written a long while ago, a brilliant book called "The Glory and The Dream," written by Manchester. He described in the Second World War what this country did to mobilize. This country mobilized to beat back the oppressive armies of Hitler, the Germans and the Japanese. We mobilized. Manchester, in "The Glory and The Dream," described what happened with American manufacturing capacity and what they did. At the end of the war we were building 50,000 airplanes a year to fight that war.

Colonel Hammes yesterday testified there is a new armored vehicle to carry personnel that is much safer than the humvee. Are we producing those? Are we mobilizing to produce those to provide them to our troops? No. We built 50,000 airplanes a year at the end of the Second World War. This war has now lasted longer than the Second World War. Yet we have built a total of 1,000 of these stronger, better armored security vehicles in which to haul American troops. Why? Because we are not mobilized.

The majority says to the American people, not only don't you have to pay for this war, we want you to have a big tax cut—not to everyone, just a few, at the top. We want to repeal the death tax. At a time when we are at war and we are borrowing money to prosecute that war—\$400 billion—not a penny of which has been paid for, the majority says our highest priority is to repeal the so-called death tax, which does not exist? No, there is no tax on death. That may come as news to some in this Chamber because they have used the moniker often. There is no tax on death. When someone dies, their spouse, if they are married, owns everything taxfree. There is a 100-percent spousal exemption. So there is no tax on death.

There is, in fact, a tax on inherited wealth and the majority party is intent on relieving the tax burden of the wealthiest Americans at a time when we are at war. We are at war, we are spending hundreds of billions of dollars and we are not paying for any of it. It is, in my judgment, a Byzantine set of priorities.

No, when people say they have a chart that shows the accomplishments of the 109th Congress, they might listen to what Harry Truman said to Steven Douglas in one of their debates. He described the Douglas argument:

As thin as the homeopathic soup made by boiling a shadow of a pigeon that had been starved to death.

Bring those charts out with the accomplishments of the 109th Congress. Those accomplishments are as thin as the homeopathic soup made by boiling

the shadow of a pigeon that has been starved to death.

I wish it weren't so. I wish we could stand here and describe a set of accomplishments that makes all of us proud, but the priorities here can hardly be called accomplishments for the American people. The American people deserve, finally, to be getting what both political parties have to offer. Instead of getting the best of both, we are getting the worst of each.

This Congress needs to come together to address these issues. We do not control the Congress. The majority party does. It is the way it works. The majority party describes what the issues are that will be brought to the floor of the Senate.

Go almost any place around the world, the President says and others say, we will go and help. But they forget at home when people are in difficulty. Somehow we do not seem to find ways to say, let us help our citizens at home—health care costs, prescription drug prices.

I have not mentioned energy. Energy obviously is a very important issue. In the year 2004, the average price of oil was \$40 a barrel. At that price, the largest integrated oil companies had the highest profits in their entire history. Now the price of oil has gone from that level to \$70, \$75 a barrel. Now it is down to \$60 and just under, and everyone thinks, Isn't that wonderful? The fact is, it is still 50 percent higher than it was at which point the major integrated companies had the highest profits in history. As the money is shoveled into their company, it is taken from the consumers, from the farmer who loads the fuel, the people paying at the gas pump.

We need to deal with energy prices. It will not last for this country to be a country that consumes a quarter of the oil every single day. We have this little planet of ours and we stick straws in this Earth; from those straws we suck out the oil. We suck out 84 million barrels a day from this Earth, and 21 million barrels a day is used in this spot of the planet called the United States of America.

We use it predominantly for transportation, among other things. We have done nothing to change the basis of fuel use in transportation in nearly 100 years. We put gasoline in a 2006 Ford the same way we put gasoline in a 1924 Model T. I know that because I restored an old Model T when I was a kid. Nothing has changed. Everything else has changed. There is more computing power on a new car than there was on the lunar lander that landed Neil Armstrong and Buzz Aldrin on the Moon. Everything has changed about automobiles, except we have never changed how we fuel or power that car; just drive to the pump, stick a hose in and pump some gasoline.

We need to move aggressively toward a different future—renewables, wind energy, biofuels, especially hydrogen and fuel cells. There are so many opportunities, yet so little time, and

seemingly so little appetite on the part of this Senate and others to do something meaningful for the long term.

I wish I were part of a Congress I could say has been an enormously productive Congress for the country. We are not. We need to get busy and find a way to solve this. This President, this Congress, chart the agenda. They describe what is going to come to the Senate floor. We need to begin zeroing in on things that are important.

First, we need to win this war in Iraq in a way that satisfies our objectives. We need to fight the war on terrorism in a manner that allows us to prevail. Incidentally, this issue of cutting and running, we are going to leave Iraq at some point. That is not the issue. This country is going to leave Iraq. Our military is going to be withdrawn. The question is, When? When and under what conditions? It is appropriate to say at some point to the Iraqi people, this is your country, not ours. This country belongs to you, not to us. Saddam Hussein was found in a rat hole. He is on trial. He is not part of the government. Iraqis have their own government. And the question for those in Iraq is, do you want your country back? If so, you have to provide for your security. We are attempting to train and provide security at this point, but we are not going to provide security forever in the country of Iraq. We cannot do that. We must expect the Iraqi people to decide to take back their country, at which point we will be able to bring the American troops home. That, I hope, is sooner rather than later.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be allowed to speak for 20 minutes.

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

HOMELAND SECURITY AND HEALTH CARE

Mr. BINGAMAN. Mr. President, I want to speak on three issues this morning. First, I will talk about two amendments I have filed to the Secure Fence Act which is the legislation the Senate is debating once we get through morning business. I will talk about the merits of those amendments and the reasons I believe Senators should support those amendments, that we should be allowed an opportunity to offer those amendments. There is some question as to whether we will be allowed that opportunity. After that, I will say

a few words about health care and health care issues in this 109th Congress.

First, as to the Secure Fence Act, H.R. 6061, I represent, as all of my colleagues know, a border State. I understand the frustration communities are facing due to the inability of the Federal Government to secure our Nation's borders. Illegal immigration is a serious problem, and we do need to do a much better job in addressing this problem. The Senate has passed a comprehensive immigration bill. It is not a perfect bill by any means, but it is aimed at improving security along our borders and at also reforming our immigration laws. I believe that the bill passed through the Senate was a step in the right direction. I was disappointed that the leadership of the House of Representatives refused to appoint conferees to meet with Senate conferees and instead decided to hold hearings around the country to concentrate on differences of opinion and to stir up discontent rather than to seek some common solutions to our substantial immigration problems. The Senate has passed a bipartisan bill. The House passed what I would characterize as a different bill. We should have convened a conference committee. We should have tried to work out differences between those bills. The failure to at least have made a good faith effort in that regard I think is very unfortunate.

Mr. President, with regard to the specifics of this Secure Fence Act—and the Secure Fence Act is a piece of the House-passed immigration bill from about a year ago—I do believe there are locations along our border where fencing makes sense and additional fencing is required. However, we need to be smart about our security. Walls may make good sound bites in political ads, but the reality is that individuals charged with securing our borders have consistently stated that walls and fences are only part of the solution and that there are better and more cost-effective ways to provide for greater border security.

Ralph Basham, who is the Commissioner of Customs and Border Protection, stated earlier this year in response to a question about the proposal to build 700 miles of double-layered fencing:

It doesn't make sense, it's not practical.

He went on to say that what we need is an appropriate mix of technology and infrastructure and additional personnel.

Let me take a moment to also read some remarks delivered by Secretary Chertoff, the Secretary of Homeland Security. These were delivered on March 20 of this year in a speech he gave at the Heritage Foundation. In describing the Secure Border Initiative, also known as SBInet, Secretary Chertoff stated:

We are going to build ourselves what I call a virtual fence, not a fence of barbed wire and bricks and mortar, which I will tell you

simply doesn't work, because people can go over that kind of fence but rather a smart fence, a fence that makes use of physical tools but also tools about information sharing and information management that let us identify people coming across the border and let us plan the interception and apprehension in a way that serves our purposes and maximizes our resources thereby giving our border patrol the best leverage they can have in order to make sure that they are apprehending the most people.

This week, the Department of Homeland Security selected Boeing as its contractor for this Secure Border Initiative. Under Boeing's proposal, it will build a network of approximately 1,800 towers along the southern border. It is unclear how mandating 700 miles of fencing as is proposed in this pending bill will fit into the proposal which Boeing has made and which has been selected by the Department of Homeland Security and whether the two together make sense. Unfortunately, the bill as currently drafted does not provide the Department of Homeland Security with the discretion that Department needs in order to determine the most appropriate means to secure the border. It also ties their hands with regard to the use and the placement of fencing. I do not think we should be mandating over 700 miles of fencing at specific locations. I do not think this Senate and those of us here in the Congress have enough detailed knowledge of the various areas along the border to be making the decision as to the specific areas where fencing needs to be built.

It is also clear that the cost per mile is something we do not have a good handle on at this time in our debate. According to the Department of Homeland Security, it costs approximately \$4.4 million for a single layer of fencing per mile. The bill we are debating today mandates double-layer fencing, which would add up to about \$6.6 billion for the 730 miles of fencing required under this bill.

In discussions with local law enforcement, local, State, and Federal law enforcement along the border in the southern part of New Mexico, we have meetings with what we call the Southwest New Mexico Border Security Task Force, and at some of those meetings I have attended the point has been raised by local security officials that the location of the proposed double-layer fencing in this bill is, in their view, at least, at the wrong place.

The bill also mandates fencing in some areas where we just spent millions of dollars per mile to build vehicle barriers rather than fencing because it was the judgment of the Border Patrol that vehicle barriers were more appropriate in those areas.

If we are going to spend billions of dollars to place a fence along over one-third of our southern border, we should at least ensure that it is in the right location and that the Department of Homeland Security can make necessary adjustments in the interest of securing our borders. To this end, I

hope to offer an amendment that would ensure that the Secretary of Homeland Security has the ability to modify the placement and the use of fencing that is mandated in this bill; that is, he has that discretion to make those modifications if the Secretary determines that such use or placement of the fencing is not the best way to achieve and to maintain operational control of the border. I believe this is a reasonable amendment. I believe it will help ensure that DHS has the flexibility it needs to alter this proposal if the proposal is determined not to advance our overall security strategy.

I hope that the majority party will allow a vote on this important measure and that they will support this important measure. Let me be clear. I believe we need to do whatever it takes to secure our borders. You cannot have a nation without secure borders. I have consistently worked to secure increased funding for vehicle barriers, for surveillance equipment, and for additional Border Patrol agents, but I also believe we need to pursue that secure border in the most effective way both from a security standpoint and in terms of the overall cost of the security.

Mr. President, that is my description of the first amendment I do hope to offer. Let me also speak briefly about an amendment I hope to offer to this legislation. This is regarding the Border Law Enforcement Relief Act of 2006. This is an amendment which is cosponsored by Senator DOMENICI of my State. It will provide local law enforcement in border communities with much needed assistance in combating border-related criminal activity.

During our debate on the immigration bill, this legislation was adopted by a vote of 84 to 6. It was also adopted by unanimous consent as part of the Senate's Homeland Security appropriations bill.

For far too long, law enforcement agencies operating along the border have had to incur significant costs due to the inability of the Federal Government to provide adequate security of the border. It is time that the Federal Government recognize that border communities should not have to bear that burden alone. This amendment would establish a competitive grant program within the Department of Homeland Security. These grants would help local law enforcement situated along the border to cover some of the costs they incur as a result of dealing with illegal immigration, with drug trafficking, with stolen vehicles, and with other border-related crimes.

The amendment authorizes \$50 million a year to enable law enforcement within 100 miles of the border to hire additional personnel, to obtain necessary equipment, to cover the cost of overtime, and to cover additional transportation costs. Law enforcement outside of this 100-mile geographical limit would be eligible if the Secretary of Homeland Security certified that

they are located in what we call a high-impact area.

The United States shares 5,525 miles of border with Canada and 1,989 miles of border with Mexico. Many of the local law enforcement agencies that are located along the border are small rural departments charged with patrolling very large areas of land with very few officers and with very limited resources. According to a 2001 study by the United States-Mexico Border Counties Coalition, criminal justice costs associated with illegal immigration exceeded \$89 million in each and every year. Counties along the southwest border are some of the poorest in our country, and they are not in a good position to cover these initial costs. The States of Arizona and New Mexico have declared states of emergency in order to provide local law enforcement with immediate assistance in addressing criminal activity along the border, and it is time that the Federal Government step up and share some of this burden.

I urge my colleagues to support this amendment again as they have in the past. Let me make it clear to my colleagues I am offering this because, although it was adopted as part of the immigration bill, we need to once again adopt this amendment and attach it to this bill if this bill in fact winds up going to the President for signature.

Mr. President, let me now change subjects once more and speak not about the Secure Fence Act, which is the legislation the Senate is dealing with today, but to speak about a subject that has been given very short shrift here on the Senate floor in recent weeks and months; that is, Congress's failure to enact any serious legislation with respect to the major health care problems facing our Nation. While problems such as the fact that 47 million uninsured Americans continue to be ignored by this Congress, by this administration, what is equally disappointing to me is that there are a number of Federal health programs that we are failing to reauthorize each year, and that number continues to grow. These are programs which are public, they are well-known, and I believe the failure of the Congress to reauthorize these is a major neglect of our responsibilities.

Although the Appropriations Committee continues to provide resources for a number of these expired Federal programs, Congress has increasingly failed to provide the roadmap to the executive branch for how these funds are expected to be spent. In fact, in each of the last several years, the Congress has ceded more of its legislative and its oversight roles in regard to health care to the executive branch in what one head of a national physician organization referred to as "inexcusable inaction." The result is that Congress is increasingly acting more like a trade association in trying to lobby the executive branch of Government to do things related to health care than it is

acting as a legislative branch actually considering and passing legislation on these important issues.

I find myself being asked by colleagues to cosign letters to the administration urging them to use their discretion, their administrative discretion, their administrative authority to essentially sidestep the law, ignore the law, take unilateral action to address some of these health care issues that we in the Congress seem unable or unwilling to deal with in legislation.

That is, I fear, the sad legacy of this 109th Congress on health care policy. When the question is raised: What did the 109th Congress do to improve health care for Americans, I think the answer almost certainly will be very little, if anything.

First, let's take the Medicare physician payment formula. As part of the Balanced Budget Act of 1997, Congress enacted a provision that attempted to save Medicare money, and it did so by placing physician payments on an automatically adjusting formula called the sustainable growth rate or SGR. During the economic boom of the 1990s, this SGR formula worked well for physicians, and physicians did receive positive updates year after year during that period.

Without getting into great details about the formula that we enacted back in 1997, there are four factors that have caused the formula to result in cuts in payments to physicians in recent years. Let me mention those four factors: First was the economic downturn in the first term of the Bush administration; second, the changes in the composition of managed-care enrollment; third, the addition of more preventive care services; and, fourth, the inclusion of prescription drugs in the calculation of the formula.

Congress created a mess with a poorly devised formula and, in 2001, more than two-thirds of the Members of Congress—both Democrats and Republicans—cosponsored legislation to halt the cuts and to change the manner in which this SGR formula was to be calculated. That legislation, unfortunately, died when the congressional leadership declined to schedule a vote. As a result, physician payments were cut by 5.4 percent in 2002.

In 2002, there were more than 80 percent of the Congress who signed on to cosponsor legislation to fix the physician payment formula, but some deal was brokered that year, 2002, by one of the committee chairs and one physician group to impose a freeze in the payment and backloading the cuts in a budget-neutral manner in later years.

So rather than fixing the problem, that has become the new mode in Congress: we go for year after year patchwork. Physician groups face an impending cut year after year. Congress pushes back the need to truly fix the problem, and the problem grows bigger and bigger, to a point where some would argue it is virtually unfixable at this point.

What do I mean by “virtually unfixable”? According to a new Congressional Budget Office analysis of the Medicare physician payment formula, one solution to fix the problem would cost \$200 billion over the next 10 years. The sham of these annual 1-year adjustments to the Medicare physician payment formula masks the true size of our Nation’s budget deficit, as we all know very well that the Congress is not going to allow scheduled cuts to physician payment rates of more than 40 percent in the coming years, as is provided for in the law that is now built into the Congressional Budget Office baseline projections.

So this SGR formula is clearly broken, but the hole that has been created is so deep that the problem is largely unsolvable at this point. The problem is made worse, of course, by the very fact that Congress has failed to pass a budget this year. In its next budget—hopefully, next year—Congress needs to enact, in my view, a “truth in budgeting” amendment for Medicare physician payments so that we can admit the true level of our Nation’s deficit by revising the payment formula baseline, and through that device address the problem with the SGR formula in a forthright manner.

It is, sadly, too late to hope that we can solve all of this problem this year in this 109th Congress. I urge congressional leadership and organizations that represent physicians groups to push to resolve this annual crisis in the next Congress—early in the next Congress—in what would be a far more honest and open manner that would lead to a permanent fix with respect to this physician payment formula.

Unfortunately, the Medicare physician payment formula is just one example of the much larger institutional problem facing the Congress in coming to grips with health care issues. Just a year ago Congress failed to restore more than \$1 billion in expiring funding for the State Children’s Health Insurance Program, or SCHIP. While there is not a single Member of Congress who would admit to not supporting the State Children’s Health Insurance Program, congressional leadership has failed to find a way to ensure that \$1 billion in dedicated resources to SCHIP was actually available to spend on the program.

Now SCHIP faces a larger problem because the States are estimating a \$900 million shortfall in fiscal year 2007 in order to provide current levels of health insurance coverage for children. According to the American Academy of Pediatrics and 85 other national organizations in a letter to Congress dated September 18:

Without additional federal funding to avert these shortfalls, states may have to reduce their SCHIP enrollment, placing health care insurance coverage for over 500,000 low-income children at risk. States may also be forced to enact harmful changes to their SCHIP programs, such as curtailing benefits, increasing beneficiary cost-sharing or reducing provider payments.

Just a few years ago, Congress and the administration provided what is now estimated to be a \$700 billion Medicare prescription drug benefit to our Nation’s seniors. Yet somehow we cannot find our way to provide 1 percent of that amount for our Nation’s children to avert a shortfall in funding in order to ensure that not only prescription drugs but comprehensive health care is provided to those low-income children.

Four days before that, the Institute of Medicine issued a report noting that despite a profound epidemic confronting our Nation with respect to childhood obesity, the Federal Government, the food industry, schools, and others have made little progress in stemming this growing tide of childhood obesity.

In 2 straight years, the Senate has passed amendments to the Agriculture appropriations bill by overwhelming majorities to increase funding for programs such as TEAM Nutrition, only to see that money disappear once we got into conference with the House. What is needed, in my view, is national leadership, both by the administration and by the Congress. We have failed to deal with this extremely important issue affecting the long-term health of many of our children.

In addition to confronting expiring provisions with programs such as Medicare and SCHIP and major problems through the appropriations process in getting adequate funds to deal with childhood obesity, I also want to raise the issue of Congress’ failure to enact reauthorizations of numerous Federal programs. According to the Congressional Budget Office, in its annual report entitled “Unauthorized Appropriations and Expiring Authorizations”:

The Congress has appropriated about \$159 billion for fiscal year 2006 for programs and activities whose authorizations of appropriations have expired.

Some of the major health care programs whose authorizations have expired include the National Institutes of Health, the Ryan White CARE grant programs, the veterans’ medical care, the Indian Health Service, and the Administration on Aging.

Considering all the Congress must consider on an annual basis, it is not surprising that some programs are not reauthorized in a timely fashion. What has become disappointing is that there appears to be a lack of effort in some instances to even try or to bring these issues to closure despite the vast need.

For example, the Indian Health Care Improvement Act expired in 2001, and for 6 long years American Indians and Alaska Natives have tried repeatedly to reauthorize the programs administered by the Indian Health Service. Moreover, the U.S. Commission on Civil Rights issued a report in 2003 entitled, “A Quite Crisis: Federal Funding and Unmet Need in Indian Country,” that called for immediate passage of the Indian Health Care Improvement Act and for the Federal Government to

“act immediately to reverse this shameful and unjust treatment” that is the Indian health care system and funding levels.

And yet, here we are 3 years later and the Committee on Indian Affairs has reported a reauthorization bill to the Senate floor over 6 months ago, but this bill has not yet been bought up for debate.

Failure with respect to the Medicare physician payment formula, the State Children’s Health Insurance Program shortfalls, childhood obesity, and the Indian Health Service are just examples of a larger problem that has grown over the years.

Other programs, such as the Health Professions Act, so desperately need to be reauthorized and improved that both the administration and Appropriations Committee recognize are not working well, so they continue to get dramatically cut or even zeroed out. Meanwhile, as a Nation, there are areas in the country with terrible health profession shortages, and we are now importing 25 percent of our physician workforce from foreign nations, which is not a good result either for our Nation or for the country from which we have taken their doctors.

Mr. President, our Nation’s health care system is in a mess, and yet the Congress is not addressing rather critical and fundamental issues due to inaction, neglect, or inattention.

In the coming days and during the lameduck session, I urge the leadership of the Congress to begin the work of addressing these important health care problems facing our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from South Carolina.

Is the Senator seeking consent to proceed in morning business?

Mr. DEMINT. Mr. President, I ask unanimous consent to speak for 30 minutes in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

FAMILY PROSPERITY ACT

Mr. DEMINT. Mr. President, earlier this year Republicans put together one of the most important bills we have considered, and Republicans asked for a vote on that important bill we call the Family Prosperity Act. Indeed, it does deal with the prosperity, the economic well-being, the cost of living for every American family. It contains three very important measures and all enjoy majority support in the Senate. One was permanent death tax relief, another was the extension of very important expiring tax provisions, and a minimum wage increase of more than 40 percent.

The bill represents a true bipartisan compromise. Yet it met unified Democratic obstruction that prevented it from receiving an up-or-down vote. I do not think I have ever seen a vote that

has so clearly demonstrated Democrats' willingness to turn their backs on American families in order to score political points. I believe Americans understand that Republicans worked hard to reach a true compromise that would raise the standard of living for all American families. I think they will remember that after years of rhetoric, Democrats proved they were all talk and no action.

For years Republicans, along with many Democrats, have worked for permanent death tax relief because it is an immoral double-tax that punishes death and savings. As the Senator from New York, Mrs. CLINTON, said when she was running for office in the year 2000:

[Y]ou ought to be able to leave your land and the bulk of your fortunes to your children and not the government.

Other Democrats have supported death tax relief in the past, including Senators WYDEN, BAYH, PRYOR, LANDRIEU, and CANTWELL. Even the minority leader, Senator REID, has said he is for "fixing the estate tax." Yet when it came time to vote, they joined their fellow Democrats to block death tax relief.

The Family Prosperity Act also extends several important tax relief provisions that are set to expire in October to extend several critical relief measures, including State and local sales tax deductions, research and development tax credits, college tuition deductions, work opportunity tax credits, welfare-to-work tax credit, depreciation for restaurants, timber capital gains, teacher classroom expense deductions.

These tax relief provisions enjoyed broad bipartisan support and need to be renewed to keep our economy growing. Instead, in August, Democrats obstructed these items and essentially voted to raise the cost of living for American families.

Additionally, the Family Prosperity Act contained a longtime priority for Senate Democrats, a 40-percent increase in the minimum wage.

I must make it clear that I personally oppose a minimum wage increase, as do many of my Republican colleagues. Economists agree that raising the minimum wage prices people with low skills out of the job market and keeps them from getting a job that ultimately pays higher wages. Yet Republicans such as myself are willing to vote for this true compromise bill. Unfortunately, Democrats chose election-year partisan obstruction instead of lowering the cost of living for American families.

However, today we can change this. We are nearing the end of the 109th Congress, and we have debated these issues over and over. We now have one final opportunity to get this right and pass this bill to secure America's prosperity. In fact, I understand that some Democrats just gave a press conference earlier today urging the passage of the tax relief extensions in this Family Prosperity Act. Well, they are about to

have their chance. The Democrats now have one final opportunity to either do what is right for American families and lower the cost of living or they can choose to continue their partisan political games of blocking American priorities so they can try to blame Republicans as a do-nothing Congress.

Mr. CORNYN. Will the Senator yield for a question?

Mr. DEMINT. Yes.

Mr. CORNYN. Mr. President, I would inquire of the distinguished Senator from South Carolina—he has just described the blocking of the Family Prosperity Act, which, as I recall, combines the death tax, an increase in the minimum wage, and so-called extension of the tax relief, including the teacher classroom deduction, the State and local tax deduction, and the R&D—research and development—tax credit. But I believe he also referenced a press conference that was held at 10 o'clock this morning here at the Capitol where Republicans were charged with raising taxes against the middle class for failing to extend the very tax extenders that they blocked just in August. Is that the Senator's understanding?

Mr. DEMINT. The Senator from Texas knows as well as I do that this has become the pattern of our Democratic colleagues: to purposely block important legislation and then attempt to come down and blame Republicans or blame the President when it doesn't actually get done.

I am excited, as the election nears, that the American people are much smarter than that. They are going to clearly see through those attempts. These important things which need to be done, many of which we have been able to accomplish despite Democratic obstruction, are still being blocked by our Democratic colleagues.

Mr. CORNYN. Mr. President, will the Senator yield for an additional question?

Mr. DEMINT. Yes.

Mr. CORNYN. Is the Senator aware that in addition to blocking the Family Prosperity Act, which would have achieved the No. 1 item on the Democratic agenda, which is raising the minimum wage, in addition to reducing the death tax and providing additional tax relief, which we discussed, that there have been other efforts to block and then blame Republicans for being a do-nothing Congress?

I would just like to read a short list—I know the Senator has some other prepared remarks he is going to focus on—just to cover sort of a survey of the field, of areas which our friends on the other side of the aisle have sought to block and blame the majority while, at the same time, being the ones responsible for blocking important legislation.

For example, is the Senator aware that there is now an attempt on the Democratic side to block the Child Custody Protection Act—and we mentioned the estate tax and Extension of Tax Relief Act, the Gulf of Mexico En-

ergy Security Act, which would help us become less dependent on imported energy and oil, the Arctic Coastal Plain Domestic Energy Security Act, the Health Insurance Marketplace Modernization and Affordability Act, the Legislative Line Item Veto Act, the Federal Election Integrity Act, and the Social Security Guarantee Act? Is the Senator aware that in each of those instances, but for blocking by our friends on the other side of the aisle, we would actually be able to make bipartisan reforms and actually advance the agenda of the American people in very positive and constructive ways?

Mr. DEMINT. Yes, I am aware. And I am aware that all of the bills and legislation that my colleague mentioned have majority support in the Senate. But by using procedural blocking techniques, the Democrats have kept these from coming to a vote, or even debated in some cases. But, again, I am confident the American people, as they focus on what we have been doing—and I realize our Democratic colleagues produced their commercials to call us a do-nothing Congress several months ago, so it has become very important for them in the last days of this Congress to block everything that they can. But we have several important pieces of legislation this week related to the security of this country that we need to pass, and we are going to have the opportunity in a few minutes to hopefully get unanimous consent to pass the Family Prosperity Act, to give people a raise in the minimum wage, to pass these tax extenders, and to create a compromise on this death tax, which is so immoral and hurts so many families.

Mr. CORNYN. Mr. President, if the Senator would yield for one last question.

Mr. DEMINT. Yes.

Mr. CORNYN. Mr. President, I know the Senator's focus is on the Family Prosperity Act. But one of the bills that I mentioned, just as a final example of this tactic of blocking and then blaming the majority for being a do-nothing Congress, is the Health Insurance Marketplace Modernization and Affordability Act. As I recall, this is sometimes called the small business health insurance bill, which would be designed to allow small businesses and other associations to pool together to buy health insurance for their employees at about 12 percent lower rates than are otherwise available.

Is the Senator aware that while we attempted to close off debate, 55 Senators voted to be able to close off debate and go to that important small business health reform legislation, and 43 Senators voted against closing off debate, thus preventing us—again, blocking us—from passing this important health care legislation which appears to otherwise have broad bipartisan support?

Mr. DEMINT. I am glad the Senator from Texas brought that up because this morning our distinguished colleague from New Mexico was talking

about how Republicans have done nothing significant to lower health insurance costs when, in fact, the small business health plan would have done just that. I was a small businessman for many years. Health care is one of the highest expenses we had. The chance to pool together with small businesses all over the country to buy insurance, just like large companies can do, is a commonsense measure that should have been passed in the Senate, yet was blocked by our colleagues.

Mr. CORNYN. I thank the Senator.

UNANIMOUS CONSENT—H.R. 5970

Mr. DEMINT. Mr. President, we have the opportunity to correct a wrong. An important bill was blocked. I would like, as we consider this Family Prosperity Act this morning, to ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 562, H.R. 5970, which is the Death Tax Repeal Act, which we call the Family Prosperity Act. I ask unanimous consent that the bill be read the third time and passed, and a motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection?

Mr. BINGAMAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. Mr. President, we see again a bill that has been debated and considered for many months, a bill on which a press conference was held this very day saying we need to pass a major portion of it. Yet at every turn there is blocking.

I would like to take a few minutes—and if the Presiding Officer would let me know when I have 5 minutes left—to talk about one of the provisions of the Family Prosperity Act. My friends on the other side of the aisle are holding up legislation that would prevent an enormous increase in the death tax on everyday Americans. I will talk more about this chart, but Democrats widely claim that the death tax impacts only a few of the wealthiest Americans. The truth is, the only reason the death tax doesn't affect more hard-working Americans today is that it currently—the Republicans have passed temporary legislation that is phasing out the death tax, as we can see on this chart through 2010. And we have done this despite Democratic obstruction. But as you can see from this chart, if the Democrats have their way, a huge number of American families will be in the death tax death grip in 2011.

Minority Whip DURBIN, my colleague from Illinois, said this about the death tax:

How many families will benefit if the estate tax is repealed? Each year in America, a Nation of 300 million: only 8,200 families. You have to search long and hard to find them. These families are so well off, who have done so well in this great Nation, who have benefited from this democracy and the blessings of liberty, who have enjoyed a comfortable life because of their prosperity, who now have taken millions of dollars to hire

the most effective lobbyists in Washington, DC to push this outrageous special interest legislation, the fattest of cats in America will get a great bowl of tax cuts, tax cuts on the estate tax.

Senator DURBIN argues against full repeal of the death tax, but we are not arguing for full repeal of the death tax. Our legislation would simply prevent an enormous increase in the death tax, while Senator DURBIN is arguing that we should let the death tax increase in 2011 to a top rate of 60 percent. That is not taxing, it is taking. No, in fact, it is stealing.

Senator DURBIN also argues that the death tax only affects 8,200 families. The truth is, the death tax doesn't affect 8,200 family members who may die; it affects millions of family members still living who are left to deal with Uncle Sam's sticky fingers.

Let's take a look for a minute at homes in Senator DURBIN's State. Keep in mind, in 2011, if Senator DURBIN has his way, all estates of \$1 million or more will be taxed at a very high rate.

He says: You will have to search long and hard for these families.

But look at these homes in Chicago that he says are owned by the fattest cats. These are very modest and some would consider lower scale homes, all valued at over \$1 million today. Are these the wealthiest Americans? If you look at Chicago, right now over 36,000 homes in urban areas would be affected by the 2011 death tax. But if you move ahead to 2011 and look at the number of homes in the Chicago area that will be affected by the death tax, the Democratic death tax increase, you are looking at more than 143,000 homes. You don't have to look long and hard to find that many houses.

What about other cities? By 2011, when the death tax is raised to the Democrats' level that they want, if you look around the country, over 500,000 in New York City, over 200,000 in Boston, over 250,000 in Newark. If you go to Atlanta, 26,000; Chicago, as I said, 143,000; San Francisco, over a quarter of a million; Los Angeles, 812,000. You don't have to look long and hard to find these homes.

The Census reports that just over 1 million homes in 2004 were subject to the death tax at the Democrats' level of 2011. In 2005, that number reached 1.4 million, over a 40-percent increase. As properties continue to appreciate, that number will continue to increase year after year, subjecting more and more Americans to the Democratic death tax. If you look at 2005, under the levels that will happen in 2011, there has been a 143-percent increase in the number of homes that will be affected, just in 2 years, based on the Democratic death tax.

Let's talk about some farms. Let's look at who these families are who Senator DURBIN claims have enjoyed a comfortable life—the “fat cats” as he calls them. There are nearly 30,000 farms in Illinois alone, many of them owned by families whose comfortable

life has made them a target of Senator DURBIN's death tax should we not vote to block the impending tax increase. Based on 2002 Illinois Farm Bureau figures, over one-fourth—26.7 percent—of all Illinois farms would currently be subject to the death tax at Senator DURBIN's rate of taxes in 2011. In 2011, you will have about 30,000 Illinois farms, or over 40 percent of all farms will likely be subject to the death tax. When we fail to prevent the 2011 Durbin death tax increase, it will not be hard to find almost one-half of Illinois' farms. If you take the USDA figures, the Department of Agriculture, they say that over half of the farms in Illinois will be subject to the death tax in 2011 if Senator DURBIN gets his way.

How many farms will be eligible if hit by the Democratic death tax increase in 2011? Well, again, the fat cats we are talking about, if you look at Arkansas, you have nearly 5,000; Missouri, 9,200; Iowa, nearly 20,000 farms; South Dakota, 5,500; in California, 20,000. Lots of family farms are going to be affected by the Democratic tax increase.

Let's talk about small businesses, really the backbone of the American economy. Who are these—to quote Senator DURBIN—“the fattest of cats who have taken millions of dollars to hire the most effective lobbyists in Washington, DC to push this”—as he calls it—“outrageous special interest legislation.”

Again, his numbers are somewhat questionable. The National Federation of Independent Business reports that 1.4 million small businesses would currently be subject to DURBIN's tax increase in 2011 if the Democrats get their way. And by 2011, an additional 1.2 million will be eligible for the tax. A vote against the Republican legislation to reform the death tax is a vote to increase the death tax on 2.6 million small businesses.

Are these 2.6 million hard-working small business owners and employers the fattest of cats? Small businesses that we all use every day will be affected.

Let's take a closer look at some of the specific examples of these family farms, family homes, and family-owned businesses if the death tax is implemented the way the Democrats want. I will use one. The Greens, the Green family—Greens Printers. For 97 years, Janet Green and her family have owned and operated Greens Printers, Inc., in Long Beach, CA. Her company operates a sheet-fed, four-color printing plant with full bindery and electronic capabilities. The family wants to remain in business for many years to come. The fact that they have to pay a ridiculous insurance premium for the sole purpose of paying a tax when they die is not only absurd, it is antibusiness. However, the future of Greens Printers is being threatened by the death tax. Janet's company cannot afford to pay an enormous life insurance cost that would help pay for the death tax when

her parents need to pass on the business.

Janet says:

Because we are a third generation printing facility, we have already paid the estate tax in the early 1970's. Both of my parents are well into their seventies and not insurable because of ill health and the astronomical cost associated to do so. At roughly \$100,000 a year [for this insurance policy], we cannot afford it.

She says:

Let my employees keep their jobs and let us maintain the risk of owning the business to keep them employed.

She is reminding us it is not just the family that is affected, but it is everyone who works for these businesses who are ruined by this death tax.

Over the years, Green has tried not only to be successful in generating profits, but also successful at being a good neighbor. She does this by supplying 20 people in the community with good jobs and benefits, and by building lasting relationships with employees that allow the company to plan for future growth and the workers to enjoy a stable income and fulfilling livelihood.

Her family wants to keep Greens Printers even after she is gone.

We have 16 grandchildren who would love to take over the company and see it grow someday.

She asked us in Congress:

Does Congress really think that we small, family-owned businesses out here have hundreds of thousands of dollars tucked away for estate taxes? Any money we make we put right back into the business by purchasing new equipment and hiring more employees.

Let's look at another business, the Barthle Brothers Ranch, in Florida. These are some more fat cats, as Senator DURBIN would call them. Larry, Mark, and Randy Barthle are brothers who share a similar story with many ranchers around the country. They are trying to maintain the family ranch their father built in the early 1930s so they can pass it on to future generations.

The ranch has received national recognition for its environmental stewardship practices that protect and promote the environment and wildlife. The family is dedicated to youth development to encourage future generations of ranchers to care for resources responsibly.

Larry Barthle says:

Our family was first struck by the Death Tax in the early 1970s when both my grandfather and uncle passed away within a short period of each other. We had to sell 1,200 acres of the ranch. Every penny went to pay taxes assessed to us and we still had to take out a loan for the balance. Not one cent was used for anything except taxes. After such a devastating blow, it was my father's lifelong goal to be able to pass along the ranch to his kids without being hit by the Death Tax. He was successful at the time of his death because he was able to make the transfers to my mother. We currently have our ranch set up [in all kinds of legal frameworks in order to try to get it through the death of another owner.]

This is not fair to American families and businesses.

Just one more quick example here, Mt. Pulaski Products. Scott and Kathryn Steinfort operate the family-owned Mt. Pulaski Products, Inc., in a small town in Illinois that bears the company name. It has been in business since 1951. They sell products that are absorbents and abrasives. For decades, the family has worked to build a successful business, which employs over 44 citizens there in Mt. Pulaski.

The Steinforts also are known for their community service, dedicated to serving the community. They have two sons. Both are serving in Iraq, both with engineering degrees. While many other engineering graduates are making big salaries, they serve our country. Someday they would like to join the company business, but the death tax looms over the family business. Without wealth, the Steinforts may be forced to sell the business to pay for the death tax, not only taking from future generations but possibly putting 40 families out of work. They say:

My wife and I have life insurance to cover these taxes, but as we age our premiums are marching steadily higher. Combined with not knowing how much we need to plan for in taxes and fees, the potential costs ultimately point to only one path: sale or liquidation of our plants to pay our tax burdens.

I have a lot more here that we could talk about, but I will put up one more chart. The Senator from Illinois, Senator DURBIN, has told the American people that only 8,200 American families are affected by the death tax. The only reason that is today is because the Republicans have overcome Democratic obstruction and at least temporarily reduced the death tax. If the Democrats get their way, the tax on the American family will reach over 3.3 million children and grandchildren of those who die in the 10 years after 2011. Over the next generation, millions of children and grandchildren and workers in small businesses and farms will be affected.

I ask all my colleagues, what is the difference between these numbers? The difference is the truth. We have been misled, that this tax is about the wealthiest of Americans. Whereas, as we have seen today, in the homes and the farms, the small businesses, this tax is immoral. It steals from the American people, the hard-working families who put together some savings to pass along to the next generation. It is not to the fat cats and their lobbyists. It is to the average Americans, who are doing what we expect them to do, and that is to work and to save and to build a better future.

Today we have seen again that the opportunity to compromise and at least reduce these taxes was blocked again by our Democratic colleagues. Yet they come to this floor every day and ask why we are not doing something for the cost of living of the American people, to help improve their future. I think the reason for this is obvious. Senator CORNYN brought it up a

minute ago. The Democratic strategy is to block what needs to be done and then try to blame someone else when it does not get done. The American people are smarter than that and they will see the difference.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak up to 15 minutes as in morning business.

The PRESIDING OFFICER. Is there objection? The Senator from Louisiana.

Mr. HATCH. Will the Senator yield for a unanimous consent request?

Ms. LANDRIEU. Yes.

Mr. HATCH. Mr. President, I ask unanimous consent that I be recognized as soon as the distinguished Senator from Louisiana has finished.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

There is agreement to both requests.

Ms. LANDRIEU. Mr. President, I am sure there is going to be a very vigorous response to the charges that were made by my good friend, the Senator from South Carolina. Those will come later. I am sure that will be a very heated debate as we go on through these next few days and next few months.

The PRESIDING OFFICER. The Senator from Louisiana is recognized as in morning business for up to 15 minutes.

Ms. LANDRIEU. I thank the Chair.

(The remarks of Ms. LANDRIEU pertaining to the submission of S. Res. 585 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

OIL AND GAS DRILLING IN THE GULF OF MEXICO

Ms. LANDRIEU. Mr. President, I would like to turn my attention to one issue we have to resolve before we leave on this Friday or Saturday.

The Senators from Mississippi and Texas and Alabama and Louisiana and the Senators from Florida have stepped forward to come up with a plan that will do more than just talk about the recovery of the gulf coast but will actually put money behind that promise. We will put real money behind that promise.

We have been working for months and months through an extremely difficult negotiation and have come up with a way to open more drilling in the Gulf of Mexico, drilling for oil and drilling for gas—particularly natural gas—as our region struggles to come back, to stay competitive as industries large and small struggle to come back. The price of natural gas remains too high. One way to drive it down is to open more gas reserves in this Nation, to open the supply.

In the last Energy bill we passed, there were any number of ideas and new initiatives for energy conservation. But what we didn't do in the last Energy bill—please hear me—was open

new production. We spent the whole time debating ANWR as if it were the only place in America we could drill. We have debated it for 40 years, and maybe we will continue to debate it, but it ended in a no advance-no retreat status—basically a draw—in the last Energy bill because all the energy was spent in a discussion of ANWR, which is a very important subject, but it is not the only place that has oil and has gas. We have a lot of it in the gulf. We are willing to drill.

This is the extraordinary find just off the coast of Louisiana—actually an outside distance of over 200 miles—most extraordinarily, 28,000 feet deep, 20,000 feet of water and 8,000 feet below the floor. This well in this small, little square will double the size of the reserves in the entire Gulf of Mexico. There is plenty of oil and gas in the gulf, and the great news is that Texas, Louisiana, Mississippi, and Alabama will do the drilling. We will be host for the industry. We respect the rights of other States that might choose other ways. Your State, Mr. President, has chosen a different way, other States look at the Atlantic coast and have chosen a different way, and Florida has chosen a different way. That debate is for another day.

Right now, the American people need this leadership team to act, to open 9 million new acres of land in the Gulf of Mexico. This has been agreed to by Democrats, by Republicans, by Florida, by Alabama, by Mississippi, by Louisiana, and by Texas, by all the Governors, starting with Governor Bush, to Governor Perry, to Governor Blanco, to Governor Riley, to Governor Barbour. You would think we could get this done before we leave.

This is a jack well, one little square. This is lease sale 181 and 181 south, which PETE DOMENICI has led in an extraordinary bipartisan effort with 72 votes on the floor to open this drilling. Many want to say it is not enough. It looks pretty big to me. We don't even know the oil and gas that is there because we haven't even tested it. Trust me, there is a lot of oil and gas. Check the industry, check the Web site about what must be there. And there is no fight about it. The only fight is we can't seem to get this bill passed when most everybody has agreed to it. Some people are holding out to drill off the coast of California or off the coast of New Hampshire or off the coast of New Jersey, which is not going to happen in the next week. It may not happen in the next year or two. But this can happen now. We need to make this happen now. The industry needs the oil and gas.

Why do I keep saying it is America's energy coast? Because this is the pipeline. I didn't make this up. This comes off of the Web site. It is from the Annual Florida Natural Gas Supplemental Gas Supply and Disposition from the Energy Administration. This is not from MARY LANDRIEU's office; this is from the Energy Administration. This

is where the natural gas is. This is where it comes from. The infrastructure is here, and our country desperately needs it.

Here is another chart that shows it in a more colorful fashion. This is the pipeline coverage. You can see the contributions of Texas, Louisiana, and Mississippi. This is the Superdome. It sits right here. There is Mississippi, Louisiana, and Texas. Right here is the heart of America's energy coast. We are proud of it.

There is not a whole lot of drilling going on up here, not a whole lot up here in the northwest, but the infrastructure is here.

We need to open up lease sale 181. The steady stream of revenue to restore this coast and to build these levees—\$8 billion—is produced off of this coast every year, and getting a portion of these revenues back to these States, opening additional reserves, and sharing these revenues to build this coast and to restore this coast is something we can get done.

In the spirit of the leadership and the spirit of the great victory last night, let this team in Washington get this victory for the country before we leave. I yield the floor.

THE PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I certainly enjoyed the remarks of my friend from Louisiana.

MARKING THE 20TH ANNIVERSARY OF THE APPOINTMENT OF SUPREME COURT ASSOCIATE JUSTICE ANTONIN SCALIA

Mr. HATCH. Mr. President, I proudly rise to mark the 20th anniversary of a great event.

Twenty years ago today, Antonin Scalia took the oath of office to become an Associate Justice of the Supreme Court of the United States.

Through his dogged commitment to the fundamental principles of liberty, and the brilliance and passion with which he expresses that commitment, Justice Scalia is having a profoundly positive impact on our nation.

In the time I have this morning, I would like to offer a few general remarks about Justice Scalia's judicial philosophy, his judicial personality, and his judicial impact.

Antonin Scalia was born on March 11, 1936, in Trenton, New Jersey, the only child of immigrant parents.

After graduating first in his high school class, summa cum laude and valedictorian from Georgetown, and magna cum laude from Harvard Law School, he embarked on a legal career that would include stints in private practice, government service, the legal academy, and the judiciary.

President Reagan appointed Antonin Scalia in 1982 to the U.S. Court of Appeals for the D.C. Circuit, and then in 1986 to his current post on the Supreme Court.

President Reagan did not choose Justice Scalia simply because he is smart and talented.

With all due respect to the good Justice, there are many smart and talented people around.

No, President Reagan chose Justice Scalia because his smarts and talents are connected to a deeply considered and deliberately framed judicial philosophy rooted in the principles of America's founding.

Indeed, as Pepperdine law professor Douglas Kmiec has said, Justice Scalia "is the justice who works the hardest to construct a coherent theory of constitutional interpretation that does not change from case to case."

When the Judiciary Committee hearing on Justice Scalia's nomination opened on August 5, 1986, I quoted from the Chicago Tribune's evaluation that the nominee before us was "determined to read the law as it has been enacted by the people's representatives rather than to impose his own preference upon it."

Consider for a moment the vital importance of this simple principle.

Since the people and their elected representatives alone have the authority to enact law, the way they have enacted it is the only sense in which the law is the law.

The way they have enacted it, then, is the only legitimate way for judges to read it.

This fundamental principle is at the heart of Justice Scalia's judicial philosophy.

This principle springs directly from the separation of powers, which America's founders said was perhaps the most important principle for limiting government and preserving liberty.

Alexander Hamilton wrote in *The Federalist* No. 78 that there is no liberty if the judiciary's power to interpret the law is not separated from the legislature's power to make the law.

In his dissenting opinion in *Morrison v. Olson*, Justice Scalia highlighted the Massachusetts Constitution of 1780 which, to this day, contains what Justice Scalia called the proud boast of democracy, that this is a government of laws and not of men.

The Massachusetts charter, however, also states what is required for this boast to be realized.

It requires the separation of powers, including that the judiciary shall never exercise the power to make law.

Today, only 42 percent of Americans know the number of branches in the federal government and fewer than 60 percent can name even a single one.

But America's founders insisted that identifying them, defining them, and separating them is essential for liberty itself.

In *Marbury v. Madison*, the great Chief Justice John Marshall wrote that it is the duty of the judicial branch to say what the law is.

Not what the law says, but what the law is.

The law is more than simply ink blots formed into words on a page.

Saying what the law is requires saying what the law means, for that meaning is the essence of the law itself.

But here is the crux of the matter, Mr. President.

The meaning of the words in our laws comes from those who made them, not from those who interpret them.

Those who chose the words in our laws gave them life by giving them meaning, and the judicial task of saying what the law is requires discovering the meaning they provided.

The separation of powers, therefore, excludes from the judiciary the power to change the words or meaning of the law and secures to it the power to interpret and apply that law to decide cases.

As President Reagan put it when swearing in Justice Scalia 20 years ago today, America's founders intended that the judiciary be independent and strong, but also confined within the boundaries of a written Constitution and laws.

No one believes that principle more deeply, and insists on implementing it more consistently, than Justice Scalia.

President Reagan often used the general label judicial restraint for this notion of judges restrained by law they did not make and cannot change.

A speech last year at the Woodrow Wilson International Center for Scholars here in Washington was one of many instances in which Justice Scalia used the more specific label originalism for his judicial philosophy.

When judges interpret the law, he said, they must "give that text the meaning that it bore when it was adopted by the people."

Whether that simple statement elicits growls or cheers today, Justice Scalia was merely echoing America's founders.

James Madison said that the only sense in which the Constitution is legitimate is if it retains the meaning given it by those who alone have the authority to make it law.

This body unanimously confirmed Justice Scalia on September 17, 1986, the 199th anniversary of the Constitution's ratification.

I see that as having more than coincidental significance, for it is Justice Scalia's judicial philosophy that gives the most substance and power to the Constitution.

The Constitution cannot govern government if government defines the Constitution.

That includes the judiciary, which is as much part of the Government as the legislative or executive branch.

To once again cite Chief Justice Marshall from *Marbury v. Madison*, America's Founders intended the Constitution to govern courts as well as legislatures.

It cannot do so if, as Chief Justice Charles Evans Hughes famously claimed, the Constitution is whatever the judges say it is.

If the Constitution is little more than an empty linguistic glass that judges may fill or a checkbook full of blank checks that judges may write, it is not much of anything at all. We all know better.

I am not sure what such a collection of words without meaning might be called, but it is not a Constitution.

Thankfully, Justice Scalia rejects such an anemic and shape-shifting view of the Constitution, insisting that even judges must be the servants rather than the masters of the law.

Justice Scalia insists that judges stick to judging so the Constitution can indeed be the Constitution.

Analyzing Justice Scalia's jurisprudential approach in the *Arkansas Law Review*, one scholar described what he called the justice's meticulous, almost obsessive, attention to language.

Let us remember that the epicenter of the remarkable system of government America's founders crafted is indeed a written Constitution.

They, too, were obsessed with language.

President George Washington warned in his 1796 farewell address against changing the Constitution through what he called usurpation rather than the formal amendment process.

George Mason actually opposed ratification of the Constitution, in part because giving the Supreme Court too much power to construe the laws would let them substitute their own pleasure for the law of the land.

President Thomas Jefferson said that "our peculiar security is in the possession of a written Constitution. Let us not make it a blank paper by construction."

Justice Scalia appears to be in some good obsessive company.

No one should assume that while originalism is relatively straightforward to describe, it is either perfect or easy.

Writing in the *University of Cincinnati Law Review* just a few years into his Supreme Court service, Justice Scalia himself acknowledged that originalism is, in his words, not without its warts.

But it is consistent with, I would say compelled by, the principles underlying our form of Government.

And it is certainly better than the alternative, which puts judges rather than the people in charge of the law's meaning and the nation's values.

Let me emphasize that Justice Scalia's judicial philosophy is about the process of interpreting and applying the law, to whatever ends the law requires.

That process can produce results in individual cases that political conservatives or liberals will support or oppose.

But when the law, and not the judge, decides the outcome of cases, those who do not like the outcome can work to change the law.

When, however, the judge and not the law decides the outcome of cases, the people are nearly always left with no voice at all.

Justice Scalia's critics attack his judicial philosophy for the same reason he embraces it.

Originalism limits a judge's ability to make law.

The famed Senator and Supreme Court orator Daniel Webster once said that "there are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters."

Justice Scalia has often said that judges are no better suited to govern than anyone else, and certainly have no authority to do so.

Unelected judges, no matter how well-intentioned, do not have the power to be our masters.

The temptation and danger of judges making law reminds me of a scene in *The Fellowship of the Ring*, the first installment of the *Lord of the Rings* trilogy.

Gandalf the wizard has discovered that Bilbo's ring is indeed the One Ring of power and Frodo insists that he take it.

Gandalf wisely says: Understand Frodo, I would use this ring from the desire to do good. But through me, it would wield a power too great and terrible to imagine.

In that same spirit, Justice Scalia declines the power to make law.

As Hamilton put it, the great and terrible cost of judges rather than the people making law would be liberty itself.

Thomas Jefferson warned that by playing with the meaning of the Constitution's words, the judiciary would turn the charter into a mere thing of wax that they would twist and shape into any form they chose.

In the last 70 years or so, the judiciary has been doing a lot of twisting and shaping.

One of Justice Scalia's predecessors on the Supreme Court, Justice George Sutherland, was also one of my predecessors as a Senator from Utah.

Justice Sutherland wrote this in 1937:

The judicial function is that of interpretation; it does not include the power of amendment under the guise of interpretation. To miss the point of difference between the two is to . . . convert what was intended as inescapable and enduring mandates into mere moral reflections.

In 1953, Justice Robert Jackson lamented what had become a widely held belief that the Supreme Court decides cases by personal impressions rather than impersonal rules of law.

Many people, conservatives as well as liberals, do not seem to mind this trend so long as it is their moral reflections and their personal impressions that are twisting and shaping the Constitution.

Many people, conservatives as well as liberals, applaud or criticize the Supreme Court when it amends the Constitution, depending on whether they like the Court's amendments.

Yet I ask my fellow citizens, both conservatives and liberals: would you rather have your liberty secured by moral reflections and personal impressions or enduring mandates and impersonal rules of law?

If you cede to judges the power to make law when you support the law they make, what will you say when

judges—and they will—make law you oppose?

Liberty requires separating judges from lawmaking.

Liberty requires that judges take the law as they find it, with the meaning it already has, apply it to decide concrete cases and controversies, and leave the rest to the people.

Professor John Jeffries of the University of Virginia Law School writes that Justice Scalia “is the most nearly consistent of our judges. He cares more about methodology than is usual among judges, worries more about fidelity to the law laid down, feels himself more closely bound by external sources, and is more dedicated to a vision of constitutional law as something distinct and apart from constitutional politics.”

That is precisely the kind of judge America needs on the bench.

The second thing I want briefly to describe, is what has been called Justice Scalia’s judicial personality.

It animates, communicates, and gives practical force to his judicial philosophy.

It turns up the volume, making people sit up and take notice of what, from someone else, might be little more than some quiet ramblings at a seminar somewhere.

One way to describe Justice Scalia’s judicial personality would be simply to read from his opinions.

Even while enjoying his powerful prose, however, this might miss the real point.

Justice Scalia’s piercing logic, witty and provocative writing, verbal jousting in speeches and debates, and aggressive questions in oral argument are but means to an end.

He uses wit, humor, logic, sarcasm, and the rest to expose the premises and implications of arguments, to assert and defend important principles, and to make the necessary application of those principles absolutely inescapable.

Justice Scalia does not suffer fools gladly, nor will he ignore the man behind the jurisprudential curtain.

His judicial personality makes his judicial philosophy more potent and, quite frankly, impossible to ignore.

As a result, the adjectives attached to his name by media, political activists, and commentators seem to be multiplying, as if a single descriptive—or even two or three—just will not do.

Some call him outspoken, provocative, or fiery; others say he is aggressive, engaging, and articulate.

One profile said he is colorful, controversial, and combative; another said he is testy, witty, and sarcastic.

If adjectives are a measure of one’s presence, Justice Scalia is very present indeed.

Justice Scalia is also a funny man.

What is not to like about a judge who uses words such as pizzazzy when talking about constitutional interpretation?

I had no idea how to spell pizzazzy until I read it in one of Justice Scalia’s speeches.

Following our modern penchant for everything statistical, we also have empirical evidence that Justice Scalia is indeed the funniest member of the highest court in the land.

Professor Jay Wexler at Boston University Law School examined transcripts of Supreme Court oral arguments, noting when they identified laughter.

During the October 2004 term, Justice Scalia was way ahead of the laugh pack, good for slightly more than one laugh per session.

Finally, I want to address Justice Scalia’s judicial impact in two respects.

The first is the impact that comes directly from him, from his judicial personality propelling his judicial philosophy.

One biography cites an unnamed Supreme Court observer noting that if the mind were muscle, Justice Scalia would be the Arnold Schwarzenegger of American jurisprudence.

The inherent power of the principles on which Justice Scalia stands, propelled by the way in which he asserts and defends them, force us confront, whether we like it or not, the issues most basic to a system of self-government based on the rule of law.

As a result, Harvard law professor John Manning writes, Justice Scalia has had a palpable effect on the way we talk and think about the issues of judicial power and practice.

In addition to the immediate work of judges, which is to decide cases, Justice Scalia has prompted, poked, and prodded us to grapple more seriously with these fundamental issues.

But he is not simply a judicial provocateur. When he enrages, he also engages. If Justice Scalia had no impact, he would get no attention. Even the commentators that call him a bully, or worse, feel they have to call him something. His harshest critics know they cannot ignore him.

Scholars or political activists can no longer simply describe the political goods they want judges to deliver, they must defend why judges have the authority to deliver those goods.

Justice Scalia has helped lead this transformation by so powerfully and consistently arguing that the political ends do not justify the judicial means.

As a result, the left-wing groups that today fight President Bush’s judicial nominees often use Justice Scalia as the bogey-man, the model they say America must avoid.

To borrow an image from one of Justice Scalia’s many famous dissenting opinions, he is used by some as the proverbial ghoul in the night, used to scare citizens and small children.

Somehow, I think, that is fine with Justice Scalia because, even as a foil, his judicial philosophy must be reckoned with.

He is indeed a happy warrior.

His speech at Harvard in September 2004 was typical.

According to news reports, nearly three times as many sought tickets as

obtained them and he held the rapt attention of a standing-room-only crowd.

Legal scholars from across the political spectrum concede Justice Scalia’s impact.

Professor Michael Dorf of Columbia Law School, for example, says that because of Justice Scalia’s influence, we start more often with text rather than its history when looking at written law.

America’s founders, it seems to me, assumed that judges would always start with the text and be kept in check because the meaning of that text already exists.

This is why America’s founders could call the judiciary the weakest and least dangerous branch.

Putting statutory text ahead of statutory history would be a judicial no-brainer to them.

If Professor Dorf is correct, we should first lament that the courts had gotten so far off course and then cheer Justice Scalia for helping point the way back.

The second, more general, way of looking at Justice Scalia’s impact has a human face.

Like every Federal judge, Justice Scalia each year has the assistance of law clerks, those super-brainy, hyperkinetic workhorses who seem able to leap a courthouse in a single bound after virtually no sleep.

As his Judiciary Committee hearing opened 20 years ago, Justice Scalia introduced his law clerk Patrick Schiltz who had helped him prepare and who would go on to clerk for him on the Supreme Court.

Several months ago, this body confirmed Patrick Schiltz to be a U.S. District Judge in Minnesota.

In 2004, we confirmed Mark Filip, who clerked for Justice Scalia during the October 1993 term, to be a U.S. District Judge in Illinois.

In 2003, we confirmed Jeffrey Sutton, who clerked for Justice Scalia during the October 1991 term, to the U.S. Court of Appeals for the Sixth Circuit.

Justice Scalia must be proud of these former clerks who now sit on the Federal bench, and the many who have argued cases before him, even when he might vote against their position or reverse one of their decisions.

Justice Scalia’s former clerks are now serving in many significant positions throughout the country.

They are partners at the Nation’s leading law firms, on the faculty of the Nation’s leading law schools, and heading legal teams at the Nation’s major corporations.

Some, such as Solicitor General Paul Clement, serve in the top tier of the executive branch.

Ed Whelan, who clerked for Justice Scalia during the October 1991 term, served as my counsel when I chaired the Judiciary Committee and is now president of the Ethics and Public Policy Center here in Washington.

Through these talented and dedicated men and women who have served in his

chambers, Justice Scalia's impact extends far beyond the halls of the Supreme Court.

Mr. President, I have received letters from some of Justice Scalia's former law clerks offering their own thoughts, reflections, and congratulations on this important anniversary.

I ask unanimous consent that they be made part of the record at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HATCH. While I have just scratched surface, my time is almost gone.

Justice Antonin Scalia is the kind of judge America needs and the kind of man Americans would want living next door.

He considers aggressively and defends passionately the principles responsible for the ordered liberty that makes America the envy of the world.

He refuses to let politics supplant principle and with a confident humility, or perhaps a humble confidence, submits himself to the rule of law and the collective judgment of his fellow citizens.

In the process, by the force of the principles in which he believes and the personality with which God has blessed him, Justice Antonin Scalia has made our liberty more secure, our citizenry and leaders more responsible, and given us all plenty to ponder, and chuckle about, along the way.

Mr. President, I have such respect for the Federal judiciary. I have such respect for those who interpret the laws rather than make them. Justice Scalia is at the head of the pack.

Justice Scalia, congratulations on your first 20 years on the Supreme Court. Thank you for all you continue to do for our Nation.

EXHIBIT 1

SEPTEMBER 21, 2006.

Senator ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: I am writing you on the occasion of Justice Antonin Scalia's twentieth anniversary as a member of the United States Supreme Court to reflect on some of the enormous contributions the justice has made to our public life during his service on the Supreme Court. I first met the justice almost twenty-five years ago at the very first Federalist Society conference ever held which was at Yale Law School. I was struck then and am struck now by his vivacious intellectual manner, his tremendous enthusiasm and energy, and by his sharp wit. Justice Scalia is a brilliant man of many talents, and he is in my view the intellectual leader of the Court. I thought I would write you this letter to describe some of the many ways in which Justice Scalia has distinguished himself on the Supreme Court.

First, the justice is one of the most gifted writers ever to serve on the Supreme Court of the United States. Not since Justice Robert Jackson has anyone served on the Court with such a gift and flair for writing. Since his appointment to the Court on September 26, 1986, Justice Scalia has emerged as a brilliant, outgoing, and very outspoken Justice.

His sharp and pointed opinions, which all too often are dissents, include many memorable lines. From the beginning, Justice Scalia has also been a very active participant in the Court's oral arguments where he asks probing and effective questions.

While serving on the Supreme Court, Justice Scalia became the most active proponent of originalism among the justices, and it is fair to say he is the leading proponent of originalism in American law today. Originalism is, of course, the theory that constitutional language should be interpreted according to the original meaning the relevant words had when they were enacted into law. Justice Scalia defended this theory in an important public lecture which was published under the title *Originalism: The Lesser Evil* and then in a book called *A Matter of Interpretation: Federal Courts and the Law*. Justice Scalia's originalism is evident in many of the most important decisions he has written or joined including his opinions rejecting the use of substantive due process in abortion, homosexual rights, or assisted suicide cases. On criminal law and procedure cases, Justice Scalia's originalism has sometimes led him to favor criminal defendants claims with respect to issues such as the right to jury trial in sentencing, in determining the scope of the Confrontation Clause, and in evaluating whether the President has power to detain citizens who are enemy combatants without a court hearing.

Justice Scalia has qualified his support for originalism in two important ways which illustrate his intellectual depth and contribution to legal theory. First, he has made it clear in constitutional cases that it is the original meaning of the text which controls and not the original intentions of those who wrote the text. Justice Scalia applies this approach as well in statutory interpretation cases where he has led a campaign for formalism and against any reliance on legislative history. Justice Scalia's formalism has had a big effect on the Court, and the justices make much less use now of legislative history than they did when Justice Scalia was first appointed. The revival of formalism is thus another major accomplishment of the Justice's during his twenty year tenure on the Supreme Court.

Second, Justice Scalia has also argued that when the original meaning of the constitutional text would enmesh judges in balancing judges ought in those cases to announce a minimalist rule to further judicial restraint. As a result, Justice Scalia rejects on judicial restraint grounds allowing judges to assess the proportionality of punishments under the Eighth Amendment or the necessity of federal laws under the Necessary and Proper Clause or the unconstitutionality of broad delegations of power to the executive under the non-delegation doctrine. Justice Scalia has defended his approach in an important law review article called *The Rule of Law as a Law of Rules*. In this article, Justice Scalia makes it clear that when the original meaning of the text would enmesh judges in balancing he thinks they should abstain from acting instead. This too is a major contribution to the theory of judicial restraint in judging.

Justice Scalia's most important opinions on the Court include: his dissent in *Planned Parenthood of Pennsylvania v. Casey*, where the Court reaffirmed *Roe v. Wade* and his dissent in *Morrison v. Olsen*, where the court upheld the constitutionality of court appointed special prosecutors. The Morrison dissent amusingly came to be hailed by liberals as prophetic during the Clinton impeachment proceedings, and it helped lead to a situation where the political branches jointly decided to junk the special prosecutor law in 1999. Other very important

Scalia opinions include: his majority opinion in *Printz v. United States*; his concurrence in *Bush v. Gore*; and his dissents in *Romer v. Evans* and in *Lawrence v. Texas*. Justice Scalia was also a critical fifth member of the majority which found that flag burning was protected speech under the first Amendment. In recent years, Justice Scalia has led a campaign to preclude the Court from relying on foreign law in many constitutional cases. But most important of all, no other justice who has served on the Court since Justice Scalia's appointment in 1986 has ever been able to match him in his intellectual leadership of the Court or in writing ability. A brilliant mind and a sharp pen have guaranteed Justice Scalia a place in American history as one of our most influential justices.

Best wishes,

STEVEN G. CALABRESI,
Professor of Law.

NEW YORK UNIVERSITY
SCHOOL OF LAW,
New York, NY, September 24, 2006.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: I am pleased to join the celebration of the 20th anniversary of Justice Scalia's swearing in as a Supreme Court Justice by submitting this letter to the Congressional Record. Although it is somewhat ironic that this tribute to Justice Scalia will be contained in pages of legislative history that he so often derides, I think even he will be convinced that, in this instance, the legislative history is authoritative. After all, if, as he has noted, the use of legislative history is "the equivalent of entering a crowded cocktail party and looking over the heads of the guests for one's friends," he will see many friends and admirers today. I proudly include myself in that group. Justice Scalia has been a valued mentor and serving as his law clerk was an honor I will always treasure.

All of the Justices play a significant role during their time on the Supreme Court by virtue of their votes in the important cases of the day. But most Justices fail to leave a lasting imprint on the law that goes beyond those votes. Justice Scalia's jurisprudence, in contrast, will long outlast his time on the bench. For he has spent his twenty years on the Court not merely voting in important cases; he has been articulating his vision of the Court's place in the constitutional order. Anyone interested in the Supreme Court—from legal scholars to litigants, politicians to pundits—must reckon with his impassioned and intelligent defenses of originalism and textualism. These methodologies have never had a more brilliant advocate on the bench, and generations of law students will wrestle with the arguments he has developed in his opinions. Whether you agree or disagree with Justice Scalia's jurisprudence, there is no denying the brilliance or coherence of his vision of the Supreme Court.

It is important to note that this clarity has not come without costs to the Justice. It takes courage for a judge to stake out a clear position on what methodology he or she will follow in constitutional and statutory cases. For this transparency allows outside observers to assess the judge's performance by a clear metric. It is so much easier for a judge to take each case as it comes without declaring an overarching method or approach. This flexibility allows the judge to change positions from case to case and vote his or her preferences without much constraint. Justice Scalia has not allowed himself that indulgence. Even if we cannot predict his vote in a given case, we know how to judge his performance, for he has told us in

no uncertain terms the values he seeks to uphold and the approach he is committed to follow.

I will let history assess how each of the Justice's votes has measured up to the standards he has set for himself. But two things are clear. First, there are countless examples that prove the Justice's fealty to his methodological commitments. The Justice has not shied away from the consequences of his chosen methodologies, even when it has meant overturning an anti-flag burning law in *Texas v. Johnson*, 491 U.S. 397 (1989), or rejecting the government's attempt to deprive an American citizen accused of terrorism of his procedural rights in *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004). There are numerous other illustrations of his commitment, including a multitude of criminal law cases where the Justice has protected the rights of defendants. These cases demonstrate that the Justice is not merely a great intellect; he has the courage of his convictions.

Second, and more importantly, regardless of how Justice Scalia himself has performed under the standards he has set for himself, we must thank the Justice for articulating those standards brilliantly, cogently, and colorfully for twenty years. His opinions are not only educational, they are engaging. They make us think about the role of the Court in our democracy, the nature of rights, and the balance of power in government. His opinions are also beautifully written; he is a master artisan of the craft of judicial opinion writing. Whether his opinions prompt howls of delight or screams of disgust, they are full of life, just like the Justice himself.

I hope we can look forward to at least twenty more years of Justice Scalia's service. But even if he served not a day more, his place in history is both assured and well-deserved.

Sincerely,

RACHEL E. BARKOW,
Associate Professor of Law.

BOSTON UNIVERSITY
SCHOOL OF LAW,
Boston, MA, September 25, 2006.

Senator ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: One of the greatest privileges of my life was the opportunity to clerk for Justice Antonin Scalia, who has now reached his twentieth year on the Supreme Court. He taught me lessons about law, writing, and life that I will always value. I am particularly fond of two of his favorite sayings that he would trot out when pointing out to law clerks some deep complexity that they had missed: "Nothing is easy" and "It's hard to get it right." Right answers, in law and elsewhere, do not come from slogans, party platforms, or warm feelings. They come from hard work, intellectual rigor and honesty, and a willingness to check premises and follow arguments where they lead. Justice Scalia's example in this regard was, and still is, inspiring.

I also recall—more fondly with distance—Justice Scalia's practice of checking every citation that his clerks put into a draft. Justice Scalia's meticulous concern for accuracy is truly remarkable, and the world would be a better place if more people shared it.

It has been a pleasure and an honor for me to watch this man and this mind in action. I am grateful for the opportunity to recognize one of the finest people ever to sit on the United States Supreme Court.

Sincerely,

GARY LAWSON,
Professor of Law.

SEPTEMBER 26, 2006.

Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: I write to join you in extending congratulations to Justice Scalia on the occasion of his twentieth anniversary on the Supreme Court of the United States. I had the great privilege to clerk for Justice Scalia during his third term on the Supreme Court, October Term 1988. As a teacher of various separation of powers courses, first at Columbia and now at Harvard Law School, it has been a happy part of my job to follow his career closely. Although it is impossible to capture Justice Scalia's many achievements in a brief tribute, it is worth noting just one of the ways he has managed to change not only the law, but also the way we think about the law.

I refer to the rules of the game by which judges read legislation. When I graduated from law school one year before President Reagan (with the Senate's advice and consent) appointed Justice Scalia to the Court, the question of legitimacy lay deep in the background of the way federal judges approached Congress's handiwork. Although the dominant way of thinking about the law was known as the Legal Process school, little was said about the relationship between the legislative process and its output. The central precept of the time was that judges should be guided by notions of "reasonableness." If legislation was awkward in relation to its apparent purpose, judges should make it more coherent and smooth out its rough edges. Who could be against that? Surely, no one could object to reasonableness in the abstract.

The difficulty is this: Those in your line of work know all too well that in the popularly elected bodies to which our Constitution wisely assigns the task, lawmaking requires compromise. Although sometimes the word "compromise" is used pejoratively as the opposite of "principle," the fact is that compromise represents the way that a society as large and diverse as ours works out the inevitable disagreements that people of good faith have about the way we should solve the most pressing problems that we face. Sometimes compromises—good, socially valuable, even life-saving compromises—are awkward, rough-hewn, and uneven. The Court's former impulse to smooth out the rough edges of legislation—to make it always "reasonable," no matter what the text required—ignored that reality.

No one drove this lesson home more forcefully than Justice Scalia. Twenty years ago, he began to try to persuade his colleagues on the bench and at the bar that the clear import of the enacted text best captures the lines of compromise that legislators work so hard to reach. In the old days, the Court was prone to say that even the clearest text had to yield to some often ill-defined "spirit" or "purpose" that judges perceived to lie behind a statute. See *Holy Trinity Church v. United States*, 143 U.S. 457, 459 (1892). Today, the Court is much more likely to emphasize that "[t]he best evidence of [statutory] purpose is the statutory text adopted by both Houses of Congress and submitted to the President." *West Virginia Univ. Hosps., Inc. v. Casey*, 499 U.S. 83, 98–99 (1991). Or it might explain that judges "are bound, not only by the ultimate purposes Congress has selected, but by the means it has deemed appropriate, and prescribed, for the pursuit of those purposes." *MCI Telecomms. Corp. v. Am. Tel. & Tel. Co.*, 512 U.S. 218, 231 n.4 (1994). In short, the Court now recognizes that the compromises brokered in a complex, untidy, but ultimately democratic process of passing legislation are not for federal courts to second-guess.

That change in judicial practice, I submit, is a healthy one. It is much more respectful

of the kind of democracy our Constitution adopts. It is much more respectful of the wise process by which you and your colleagues make law—a process whose rules of procedure and whose practices quite obviously stress the importance of compromise. Greater judicial respect for that legislative reality has grown during, and because of, Justice Scalia's tenure on the Supreme Court. It is one of the many things for which Justice Scalia—and the Senate, which confirmed him without dissent—have reason to be proud.

Thank you for the opportunity to join you in celebrating Justice Scalia's first twenty years on the Court.

Very truly yours,

JOHN F. MANNING.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. I ask unanimous consent to proceed as in morning business for up to 8 minutes.

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

AMERICA'S SECURITY

Mr. BOND. Mr. President, today we are speaking about security. The major topic of discussion has been, are we safer today? Well, we are safer because of the actions this administration and the Congress have taken, backed up by our brave Americans in the military, intelligence, and law enforcement agencies.

But recently, there has been another politically motivated selected leak of classified information. Regrettably, I am talking about the National Intelligence Estimate, a fraction of which was reported on in the New York Times and, I believe, misinterpreted.

Beside the fact that leaks of this nature, 6 weeks before elections, are clearly politically inspired, these leaks are also illegal and they make the job of our intelligence agency operatives even more difficult. For example, how can intelligence operatives report on the strengths and weaknesses of our allies when those conclusions will be spread on the record? Our policymakers need to know, but what good is it to tell the world what we think about the people we depend upon?

With that said, I have read the NIE in question. It is not what the paper

and some on the other side and the media say it is. Some of our Democratic colleagues would like Americans to believe that the document confirms what the Democrats believe—that the war in Iraq is simply a distraction from and has nothing to do with the war on terror, and that is the reason for the growth of radical Islam. This is simply a pitiful election year misinterpretation of a serious document.

It is clear that critics want Americans to have only a portion of the truth. That is unfortunate, but that is what happens when some people simply see intelligence matters as another tool to aid them in the fall elections.

As I said, I have seen the NIE, which is a lengthy 35-page document. It remains classified, so we cannot discuss its contents, although the President announced that some of it will soon be declassified.

Although it is a shame that dishonorable leakers have put us in this position, I believe declassifying the relevant portions of the document so that the American people will have a more balanced perspective on what the document truly says is necessary.

The fact is the war on Iraq is a central front in the struggle against radical Islamists. Our successes in Afghanistan and Iraq have made us much safer in our homeland. There have been no attacks since 9/11. We have destroyed their safe havens, interrogated detainees, tracked terrorist financing, and listened in on al-Qaida calls in the U.S., followed up by agency, law enforcement, and military personnel.

Iraq is not a distraction from the war on terror; it is now central to the war on terror. You don't have to take my word for it; that is the word of Osama bin Laden's primary deputy, Ayman al-Zawahiri. He wrote this to the late head of al-Qaida in Iraq, Zarqawi. We intercepted that in a raid months ago. So their deputies echoed the sentiments.

They believe the war in Iraq is their best chance in the war on terror, and I believe that once you see more of the NIE, you will see it conveys that message with a warning that if we lose in Iraq, terror threats from radical Islamists will dramatically increase.

There is no greater motivation than success. If the radicals are able to claim success in Iraq, I believe we will see a geometric increase in radical recruitment as we have never seen before.

At first, Democrats argued that Iraq had nothing to do with the global war on terror. Now they are grasping at a selectively leaked portion of an NIE, claiming that Iraq is central to terrorism because of our efforts there. You cannot have it both ways. Does Iraq or does it not have something to do with the war on terror? It is clear it does.

Iraq supported terrorists before the war, and terrorists are there now. Iraq was a state sponsor of terrorism and paid the families of suicide bombers.

Was Iraq the primary backer of al-Qaida? No, but Saddam Hussein supported terrorism, and that is what this is about—all groups who use terror to attack America. And they must be dislodged.

In April, about the same time the NIE was produced, current CIA Director Michael Hayden, then the Deputy Director of National Intelligence, best summarized why Iraq is crucial to winning the global war on terror. In his speech in Texas, he addressed the subject we focus on today. He said that while the war in Iraq may inspire or motivate terrorists now, the failure of the terrorists in Iraq would weaken the movement elsewhere.

He continued saying that, should jihadists leaving Iraq perceive themselves, and be perceived, to have failed, fewer fighters would step forward to carry the fight.

He went on to explain the terrorists' greatest vulnerability—the fact that the terrorists' ultimate goal of establishing an ultraconservative religious state spanning the Muslim world is unpopular with a vast majority of Muslims.

General Hayden stated that the emergence of a Muslim mainstream, such as the one we are building in Iraq, could emerge as the "most powerful weapon in the war on terror."

Whatever one believes about how we got where we are now, one thing is clear: The war in Iraq and the global war on terror are part and parcel of the same thing.

Some on the other side of the aisle, and some in the media, may try to use selected leaks and political spin and half truths to cynically win votes in the election, but their efforts grossly distort reality.

If we win in Iraq, moderate Islam wins and bin Laden and other extremists will have been handed a sound defeat that will have profound repercussions.

The terrorists realize this. That is why they are there, and that is why we are fighting them on their turf before they have the opportunity to regroup and assault us on our turf.

There is no way the United States can afford to let the terrorists have their way in Iraq. That means we cannot cut and run, or establish a politically driven withdrawal date, before Iraq's security forces can control the country. Were we to do that and were the place to fall into chaos, not only would sectarian strife arise, but it would become a training ground and feeding ground for terrorists once again, and they would be emboldened, as they were after we pulled out of Somalia. That sign of weakness would be a sign for terrorists to get mobilized and get working on it.

Success in Iraq is essential. Sure, people are motivated on both sides by the war, but the only answer to that is to win, make sure that we prevail and protect freedom, democracy, and integrity throughout the world.

I yield the floor.

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

Mr. DOMENICI. Mr. President, I ask unanimous consent for 30 minutes, to be equally divided into 10-minute parcels, to the Senator from New Mexico, the junior Senator from New Mexico, and the Senator from Tennessee, Senator ALEXANDER, and that we speak in that order for 10 minutes each.

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

NATIONAL COMPETITIVENESS INVESTMENT ACT

Mr. DOMENICI. Mr. President, while we in the Senate have been busy doing many things and our minds have been all over the world, literally, with the war in Iraq and all kinds of things that have come before us and to us for consideration, we have been confronted with a very exciting opportunity for America and America's future.

We have been listening to and acting on a rather remarkable effort involving three Senate committees, with valuable contributions from a number of other committees and a number of Senators from many committees. All of these Senators and all of these committees have worked to write this legislation and are deeply concerned about maintaining our Nation's ability to compete in the high-tech global marketplace.

Today I join a bipartisan group of Senators in speaking about legislation that will be introduced later tonight by the distinguished majority leader and the minority leader. They will introduce the legislation later this evening. Its name will be the National Competitiveness Investment Act, and its number is S. 3936.

All of us worked on this legislation because we are deeply concerned about America maintaining its ability to compete in the high-tech global marketplace.

One year ago, the National Academy of Sciences released a report that highlighted the urgency of the challenge. It was called "Rising Above the Gathering Storm" report, which was written by a distinguished committee chaired by Norm Augustine, former chairman of Lockheed Martin. His committee included three Nobel laureates, presidents of leading universities, and chief executive officers of multinational corporations.

The charge to Mr. Augustine and his committee was to develop a specific list of policy recommendations to bolster U.S. competitiveness. After an intensive 10 weeks of effort, the committee produced and recommended an impressive report with a list of 20 recommendations.

The recommendations all address a central problem; that is, we are not doing enough to harness and develop our national brainpower. The report recommends significant increases in

our investments in science and mathematics education at all levels—kindergarten through high school, college and graduate school.

The bill that will be introduced later tonight, as I have indicated, contains provisions to address nearly every one of the recommendations of the Augustine report. Many of these provisions were included in the Protecting America's Competitiveness Edge, or PACE, legislation, which I introduced in January along with Senators BINGAMAN, ALEXANDER, MIKULSKI, and an additional 61 cosponsors.

Through this new legislation, we are going to put the Augustine report's recommendations into action. We will authorize a doubling of research dollars to each research agency, including the Department of Energy, Office of Science, National Science Foundation, and the National Institute of Standards and Technology.

As chairman of the Energy and Water Appropriations Committee, I was

pleased I was able to slightly exceed the President's request for a 14-percent increase in the Office of Science in fiscal year 2007, putting it on a track to double in a decade, which is the goal and objective of the Norm Augustine report. The NCIA, which it will be called, also includes provisions that will build on the educational program sponsored by the Department of Energy, by engaging the facilities and scientific workforce of the national laboratories, and these educational programs will help ensure that we are preparing today's young people for the demands of tomorrow's high-tech workplace. The NCIA is a good partner to the President's initiative. I applaud the President for his bold vision which he expressed to us in his State of the Union Address, and which we have built upon in the legislation we are talking about today.

I applaud the President for his bold vision and leadership in the issue of

U.S. competitiveness, which is so serious and about which many of us worry, because we know that without our remaining competitive, America has no chance in a world which is built on competitiveness. We need to take action to support our standard of living and to ensure that we continue to grow and prosper. If we do not, we can expect other nations to rival our global competitiveness and one day to surpass us without a doubt.

I ask unanimous consent to have printed in the RECORD a chart I have prepared which examines and compares side by side the National Competitiveness Investment Act to the Augustine National Academies report and the administration's American Competitive Initiative to show how this bill compares with each of those.

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

BIPARTISAN SENATE, NATIONAL COMPETITIVENESS INVESTMENT ACT, COMPARISON TO THE AUGUSTINE NATIONAL ACADEMIES REPORT AND ADMINISTRATION'S AMERICAN COMPETITIVENESS INITIATIVE, SEPTEMBER 2006

Category	Rising above the gathering storm	National Competitiveness Investment Act	Administration ACI
Increase talent pool by improving K-12 science/math Education.	Recruit 10,000 science & math teachers w/4 year scholarships.	✓ Robert Noyce Scholarship Program to recruit and train math/science teachers \$700 million/5 years.	
	Train 250,000 teachers via summer institutes, masters programs to teach AP/IB.	✓ NSF Teachers Institutes, DOE Lab Teacher Institutes, \$400 million/5 years.	
		✓ Noyce Scholarship Teacher Masters Program (DoEd), \$165 million/5 years.	
		✓ NSF Graduate Research Fellowship, \$180 million/5 years	
	Increase # of students who take AP and IB science and math courses.	✓ AP and IP Grants \$58 million/2 years	"Math Now" \$147 million/year—FY 2007 and 2008.
Strengthen the nation's traditional commitment to research.	Increase Federal investment in fundamental research by 10% a year for 7 years.	✓ DOE/NIST/NSF NASA/NOAA, 9.8%/year over 5 years	8%/year over 10 years DOE/NIST/NSF only.
	Provide \$500K/year over 5 years to each of 200 top early-career researchers.	✓ \$100 K/year	X
	Create Coordination Office to manage \$500m research-infrastructure fund.	X	X
	Allocate 8% of the budgets of Federal research agencies to discretionary funds.	✓	X
	Create within DOE an organization like DARPA	✓	X
	Institute a Presidential Innovation Award program	✓	X
Increase talent pool by improving higher education	Provide 25,000, 4-year competitive undergraduate scholarships.	X	
	Fund 5,000 graduate fellowships for U.S. citizens in "areas of national need".	✓ PACE Fellows, \$98 million/5 years	
		✓ Fellows + IGERT, \$91 million/year	
	Provide tax credit to employers for employee S&T continuing education.	Not Applicable, Finance Committee jurisdiction	
	Continue improving visa processing for international students and scholars.	Passed as part of Senate Immigration Bill	
	Extend stay of intl. students with PhDs in science/math to remain and seek employment.	Passed as part of Senate Immigration Bill	
	Institute a new skills-based, preferential immigration option.	Passed as part of Senate Immigration Bill	
	Reform current system of "deemed exports" so foreign researchers have same access as non-cleared U.S. citizens.	Issue has been resolved through administrative procedures in consultation with Committees.	
Improve incentives and infrastructure for innovation	Enhance and reform intellectual-property protection system.	X	
	Enact a stronger R&D tax credit	Not Applicable, Finance Committee jurisdiction	
	Provide tax incentives for U.S. based-innovation	Not Applicable, Finance Committee jurisdiction	
	Ensure ubiquitous broadband Internet access	X	
Five Total Authorizations		\$72.8 billion	\$71.4 billion ²
Five Year Net additional authorizations		\$20.3 billion ³	NA

¹ Unofficial CBO draft bill estimate, September 15, 2006.

² OMB "Comparison of PACE Administration's Budget," July 2006.

³ Majority Staff estimate—assumes no inflation adjustment to FY 2007 authorizations.

Mr. DOMENICI. Mr. President, I think it is good to summarize by saying that S. 3936 contains all but one of the provisions that are contained in the 20 suggestions made to us by the Augustine report, which has been heralded by so many to be such a vital piece of legislation which we ought to adopt and implement so as to keep our country free and competitive in a very changing world.

Mr. President, I yield the floor to Senator BINGAMAN.

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

Mr. BINGAMAN. Mr. President, I thank my colleague, Senator DOMENICI, for his comments, and I join him and Senator ALEXANDER and many other colleagues who have cosponsored this legislation and congratulate our majority leader, Senator FRIST, and our minority leader, Senator REID, for their leadership in getting this issue introduced into the Senate. I hope very much this bipartisan effort can succeed and that before the end of the 109th

Congress, we can see this legislation on the President's desk for signature.

This bill is the result, as Senator DOMENICI said, of a close, cooperative effort by three of our Senate committees: the Energy and Natural Resources Committee, which Senator DOMENICI chairs and of which I am the ranking member, and Senator ALEXANDER is on that committee as well; the Commerce, Science, and Transportation Committee; and the Health, Education, Labor, and Pensions Committee. I commend the staffs of those committees

for their hard work in producing this legislation, as well as the personal staffs of all Senators involved.

As Senator DOMENICI pointed out, this is a major piece of legislation which arises out of the good work that was done by the National Academies. This report which was done there made a series of recommendations which are clearly specific which will intend to put the country on a track to reverse some of the unfortunate trends we have seen in connection with our ability to compete with other countries in the world.

Senator DOMENICI, Senator ALEXANDER, Senator MIKULSKI, and I introduced three bills in January of this year in order to put into legislative form the recommendations of the National Academies report. Each of these bills went to a different committee.

Since all three of us on the Senate floor today are members of the Energy Committee and since Senator DOMENICI chairs that committee, we were able to move more quickly in the Senate Energy and Natural Resources Committee with the legislation that was assigned to that committee, S. 2197, which authorizes a number of programs to strengthen the Department of Energy's role in promoting stronger math and science education from kindergarten through graduate school. It creates a Director for Math and Science Education in the Department of Energy. The bill strengthens the role of our national laboratories in this K-12 math and science education. It authorizes a program whereby national laboratories adopt a nearby school to increase its math and science proficiency.

The bill goes on and on with other initiatives which are taken directly from the recommendations of the Augustine commission that was referred to earlier. These provisions that are in S. 2197 have remained largely intact in the legislation that is being introduced today. In some cases, we had to reduce the authorization levels so that the increases to particular programs were ramped up over a period of time instead of suddenly doubling existing programs as had been recommended.

In the education area, the National Academies report assigned highest priorities to this need to strengthen K-12 math and science education, and this legislation does so in a variety of ways. Senator DOMENICI elaborated on some of those. I will not go into great detail about them, but they are directly taken from the National Academies report.

We are all aware here in the Senate that we operate on two different tracks: we operate on the track of authorizing legislation and the track of appropriating legislation. The legislation we are talking about today and introducing today is authorizing legislation, so it is only one of the steps needed in order to get action accomplished here in the Congress. But it is an important step, and it is particularly important when you are setting a long-term goal.

That is what this legislation attempts to do: It tries to look long term. It tries to say that we need to ramp up our investment in these critical areas of concern so that 5 years from now, 10 years from now, we will see a change in these trend lines which have so concerned the National Academy of Sciences as well as many of us here in the Congress.

This bill authorizes \$73 billion to be spent over 5 years to maintain our Nation's competitive edge. Of that, about \$20 billion is considered new funding; that is, it is funding above the 2006 level at which we are today. These are only authorizations. It is not an appropriation. It is going to be our job, and it is not an easy job, but it is going to be the job of the Congress not only to appropriate these new moneys we are here authorizing but also to make sure those moneys are not appropriated at the expense of other important programs in the Department of Education or in the National Science Foundation or in the Department of Energy. I think we are all aware that this has to be new money in a genuine sense of that term.

Again, I thank my colleagues for joining in this bipartisan effort. I believe this is a very good piece of legislation. It is an important piece of legislation. Often we allow the urgent to crowd out adequate consideration for the important items that ought to be on our agenda. This is an exception to that. This is a case where we are giving attention to the important issues.

Let me particularly single out for praise Senator ALEXANDER. He has, at every step in this process, been pushing to get this initiative one step closer to the goal line. I compliment him for doing that. I compliment him for the introduction of this legislation today, and I compliment all my other colleagues who have been so cooperative in seeing that happen as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the Senator from New Mexico and the senior Senator from New Mexico for their leadership and their comments. This is important legislation.

It is worth pausing today to notice that this is legislation which will be introduced tonight by the majority leader of the Senate, Senator FRIST, and by the Democratic leader of the Senate, Senator REID. There are not very many things this year in this Congress that have been introduced by our distinguished two leaders. They do that for a reason. They usually don't even cosponsor legislation. But they have decided that in this case, this issue is so important that they wanted to send a signal to our country, to the rest of us in the Senate, to the Members of the House of Representatives, to all of us.

The Presiding Officer and I deeply believe it is urgently important for our country to do what it takes to keep our edge in science and technology so we

can keep our share of good-paying jobs in the United States of America and not see them go overseas to China and India and other places. This is the way to do that, and this is an important beginning. It would not have happened but for Senator DOMENICI and Senator BINGAMAN and a variety of other Senators—so many, it is hard to mention them all. In fact, the reason I think the bill is having such success as it moves through the Senate is that it has so many fathers and mothers, it is not possible to tell who they are because this is a subject matter which many Senators have been working on for a long time.

This bill is about growing our economy, creating as many good new jobs as we can, so that in 20 years we don't wake up and wonder how countries such as China and India passed us by. This is a pro-growth investment. This \$20 billion of new spending over 5 years is as much a pro-growth investment as a tax cut is.

In my experience as a Governor of a State, we had low taxes, and that helped to create new jobs. But we also needed to make investments in centers of excellence and good teaching and distinguished scientists because we knew what most of the world now is learning: most of our good new jobs come from brainpower, from our advantage in science and technology. We are in a constant state of losing jobs every day as most healthy economies are. So the key to our success is how many good new jobs we can create, and the key to that is our brainpower advantage.

We are not the only ones in the world who understand this. We have a Democratic leader who understands it. We have a Republican leader who understands it. We have a President of the United States, President Bush, who understands it and who made it a central part of his State of the Union Address. But let me mention just one other President who understands it.

Just about a month ago, a group of Senators, led by Senator STEVENS and Senator INOUE, traveled to China. We met with the President of China, President Hu Jintao. We also met with the Chairman of the National People's Congress, the No. 2 person in China, Mr. WU. Just 2 months earlier, in July, President Hu went to the Chinese Academy of Sciences and the Chinese Academy of Engineering to outline a new 15-year plan to make China the technology leader in the world. In his speech, the President of China said China must:

Promote a huge leap forward of science and technology; we shall put strengthening independent innovation capability at the core of economic structure adjustment.

His plan included reforming China's universities and massively investing in new research.

The President of China concluded his speech this way:

We all bear the time-honored mission to provide strong scientific support for the construction of a well-off society by improving

our independent innovation capability and building an innovative country. I hope that our scientists and technicians will strive hard to make brilliant achievements and constantly contribute to our country and the people.

Mr. President, I ask unanimous consent that the complete remarks of President Hu to the Chinese Academies of Science and Engineering in July be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. ALEXANDER. We met with President Hu for about an hour, those of us from the Senate. We talked about a variety of issues with him: North Korea, Iran, Iraq. He was more animated about this subject than any other subject, which is why I suppose we had 70 Senators—35 Democrats, 35 Republicans—who cosponsored the Domenici-Bingaman bill that was the Augustine report. We all understand it is very important.

We have seen what is happening in India. India is another great country with a distinguished group of scientists, and they now recognize if they want a bigger share of the world's economic pie, the way to do that is through science and innovation.

The challenge America faces today is really a challenge about brain power and jobs. I appreciate the way the Augustine report especially put this into perspective. It didn't say the United States of America is about to fall off a cliff or that China and India are going to catch us tomorrow. It said we face a gathering storm.

We need to realize how fortunate we are in the United States of America when it comes to our standard of living. We constitute between 4 percent and 5 percent of the world's population. Last year we had 28 percent of the world's wealth. The International Monetary Fund says the gross domestic product of the United States last year was 28 percent of the global total for just 4 to 5 percent of the people.

The average Chinese person probably has a share of the gross domestic product that is one-twentieth of the average American. By some estimates, China may be moving fast enough to have a gross domestic product as big as that of the United States by the year 2040. But even then, the average American's share of that amount of wealth will be four to five times as much as that of the average Chinese person. So we are not about to fall off the cliff.

But at the same time, we know if we want to keep our high standard of living for all Americans, we have to constantly create a large number of good new jobs. And the way we do that is brain power. Our good fortune comes from that advantage in brain power. We have the finest system of colleges and universities. We attract 500,000 of the brightest foreign students. They come here because these are the best institutions. Many stay here, creating

good new jobs for us. Many go home. Many are going back to China and India to help their countries succeed. No country has national research laboratories to match ours. Americans have won the most Nobel Prizes in science. We have registered the most patents. That innovation has been responsible for at least half of our good new jobs.

That is why we introduced this bill today. That is why we went, together, the Democratic side, the Republican side, to the National Academy of Sciences and said: We see this coming. Tell us what we should do. Tell us specifically what we should do, 1 through 10 in priority order. If you tell us, if you are specific about it, I bet we will do it.

Some who watch Congress might think that is a little bit naive because we disagree about a lot and there are a lot of politics here. But the National Academies came back with 20 recommendations. The Council on Competitiveness already had a very good report. The President made his own proposal, which was very substantial. Lo and behold, we have worked together for 18 months and came up with an even better piece of legislation than any of us introduced to begin with. And we have virtually a unanimous agreement about it, among three of the largest and most important committees here, and the majority leader and the Democratic leader are sponsoring the bill themselves.

We should pass this legislation this year. We should not go home without doing it. We can't do it this week. But by introducing the legislation today, Senator FRIST and Senator REID give our country a chance, while we all are at home in the next 4 weeks, to tell us what they think about it.

There are a lot of people running for the Senate. I hope in every single Senate race this year someone asks the question, Are you in favor of the Frist-Reid competitiveness legislation, and do you believe it ought to pass the Senate before the end of the year? I hope that question is asked. I believe the answer will be yes.

Our friends in the House of Representatives have been working hard on this issue, too. Again, it is not just a Republican initiative, not just a Democratic initiative, they have plenty of bipartisan effort there, too. It would be my hope that we can take what they have done and what we have done and do it before the end of the year. This is just the beginning of what we are able to do.

Senator DOMENICI and Senator BINGAMAN did a good job of suggesting what the bill includes, so I will not belabor that. But I would simply like to conclude my remarks to try to bring these lofty words down to Earth a little bit in terms of how this legislation might actually affect one State.

For example, if this legislation is enacted, many bright Tennesseans could receive 4-year scholarships to earn

bachelor's degrees in science, technology, engineering, or math while concurrently earning teacher certification. The new teachers would be expected to teach in poorer schools for at least the first few years after graduation. That would be available in every State.

There could be summer academies for math and science teachers in Tennessee. In our case, it could be at the Oak Ridge National Laboratory, providing opportunities for those teachers to work with distinguished scientists and go back to the classrooms and inspire their students.

There would be more advanced placement training for 400 Tennessee math and science teachers so more students could learn math and science, we could have more home-grown scientists. There would be support for a proposed math and science specialty high school. Our Governor has recommended that. North Carolina has had one for 20 years. We never felt we could afford it in Tennessee, but this would give some help to our State in terms of having a specialty high school in math and science.

There would be high-tech internships for middle and high school students across our State, and there would be growing support Tennessee-based researchers that would lead to new high-tech jobs. This is in addition to the increases in funding for the physical sciences authorized in this legislation, which would especially affect our research universities and our National Laboratories.

So I am delighted to have had the opportunity to be a part of this. I look forward to advancing it. I certainly intend, as I go across Tennessee, to let our citizens know what the Frist-Reid competitiveness legislation offers our country. I intend to let them know that this is the way we keep our high standard of living and that we should be expected to act on it before the end of the year.

I congratulate all those Senators who have worked on it, and I invite every single Member of this body to be a cosponsor.

EXHIBIT 1

ADDRESS BY HU JINTAO AT 13TH ACADEMICIAN CONFERENCE OF THE CHINESE ACADEMY OF SCIENCES (CAS) AND 8TH ACADEMICIAN CONFERENCE OF THE CHINESE ACADEMY OF ENGINEERING (CAE), BEIJING, JUNE 5, 2006

Dear academicians and comrades, Today witnesses the opening of 13th CAS academician conference and 8th CAE academician conference. First of all, on behalf of the CPC Central Committee and the State Council, I would like to extend my warm congratulations to the conferences, and my sincere greetings to the academicians of CAS and CAE and all scientists and technicians in China!

The conferences of CAS and CAE are held in this crucial moment of turning on the 11th Five-Year Plan. The success of the conferences will have great significance in giving play to the leading role of academicians of CAS and CAE in China's scientific and technological development, and encouraging scientists and technicians to build China

into an innovative, well-off society in an all-around way.

Today I would like to talk about three issues.

I. CURRENT SITUATION AND SCIENCE AND TECHNOLOGY TASKS OF CHINA

China has maintained a sound momentum of economic growth in the 28 years since reform and opening up. The process of industrialization, urbanization, marketization and globalization has been accelerated, social productivity, technological strength and overall national strength have been significantly enhanced, and people's living standard has been improved. Socialist political and spiritual civilization construction has been fully strengthened, China's standing has been elevated and its international influence has expanded. We have successfully completed the 10th Five-Year Plan, and are striving for goals of the 11th Five-Year Plan on a new starting point. At the beginning of this year, the State Council issued China National Mid- and Long-Term Science and Technology Development Plan. Meanwhile, CPC Central Committee and the State Council decided to implement the Plan and enhance independent innovation capability, while holding a National Conference for Science and Technology, calling for building our country into an innovative country within 15 years. The scientists and technicians around the country are striving vigorously for the strategic task.

The more achievements we have made and the more promising outlook we are facing, the calmer shall we remain. While affirming the achievements, we shall analyze correctly the opportunities and challenges we are facing.

Seen from an international perspective, peace, development and cooperation is the irresistible trend of the times, world multipolarization and economic globalization are progressing, science and technology are advancing rapidly, international industry and technology transfer is accelerating, and there is a growing tendency of foreign countries to cooperate with China. Meanwhile, international situation is experiencing profound and complicated changes, instabilities and uncertainties that affect peace and development are increasing, international competition is being intensified, and our country is still pressed by economic and technological advantages of developed countries.

As for domestic development, our economic strength has been notably strengthened, and socialist market economic system is improving. Abundant labor resources, huge market and stable social politics lay solid foundation for the economic development of our country and promise us a bright future. However, China, the large developing country with over 1.3 billion people, is now in the primary stage of socialism and will remain so for a long time to come. For the time being, we are challenged by such acute problems: low productivity, unbalanced development, low living standard, weak agricultural foundation, extensive economic growth mode, growing limitation by energy resources, worsening environmental pollution and ecology contamination. We shall make long-term efforts to tackle such problems and achieve the goal of modernization.

Now turn our eyes to the world's scientific and technological development. Science and technology, especially strategic hi-tech has become an increasingly decisive factor of economic and social development, as well as the focus of overall national strength competition. Science and technology are advancing rapidly, creating many new cross-subject fields through overlapping and penetration between subjects, between science and tech-

nology, and between science and humanities. Scientific discoveries are providing more favorable conditions for technical innovation and productivity development, leading to shortened S&T result industrialization cycle, faster technological updating, and rapid development of hi-tech and industries represented by information technology and biotechnology. New scientific breakthroughs and economic growth points have been created to mark scientific innovation and advanced productivity, while driving economic and social development. A nation's core competition increasingly reflected in cultivation, configuration and controlling capability of intelligence resource and scientific results, as well as ownership and utilization of intellectual property. In the surging waves of world scientific development, it is clear that whoever masters the new features and trends, grasps opportunities and constantly improves scientific strength especially independent innovation capability will hold priority in overall national strength competition. Now, major countries are accelerating their steps of scientific R&D. Rapid scientific progress and its impelling influence have posed inevitable challenges before us. The only way out for us is to catch up with the developed countries with persistent spirit and independent innovation capability, enhancing our core competitiveness and boosting our productivity in order to win in the fierce international competition.

Through long-term efforts, we have made brilliant achievements in science and technology, formed a complete subject layout, and fostered a team of scientific scholars who are in scientific innovation. Our R&D ability in some crucial fields has ranked top in the world. However, compared with the world's advanced level, we still have a long way to go. There are problems that hamper economic and social development, including weak independent innovation capability, few invention patents, high dependence on key technologies abroad, low proportion of hi-tech industry, enterprises not truly becoming the mainbody of technological innovation, scientific results not industrialized yet, and lack of excellent talents etc. We have to make great efforts to tackle them.

In a word, seen from any angle, we are facing both opportunities and challenges. Under the circumstance of intensified international competition and complicated tasks on domestic reform, development and stability, we must be prepared for any eventualities, facing, meeting and defeating challenges while recognizing, seizing and taking opportunities. Furthermore, we should put more attention to varied challenges that may affect current or long-term development of our country, focus on vital contradictions and problems, and promote the better, swifter economic and social development based on technological development.

To build an innovative country is a strategic decision made by CPC Central Committee and the State Council based on the consideration of building a well-off society in an all-round way and creating a new situation in building socialism with Chinese characteristics. To realize this objective, we shall raise strengthening independent innovation capability to a strategic position, create a new way for independent innovation with Chinese characteristics, and promote a huge leap forward of science and technology; we shall put strengthening independent innovation capability at the core of economic structure adjustment and economic growth mode transformation, build a resource-efficient, environment-friendly society, and push forward swifter and better development of national economy; we shall take strengthening independent innovation capability to be our national strategy and implement the

strategy throughout modernization construction; we shall inspire the nation's innovative spirit, cultivate high-level innovative talents, form a system or mechanism favorable for independent innovation, promote innovations in theory, system and technology, and continuously consolidate and develop socialism with Chinese characteristics. With strong sense of historical responsibility and worldwide vision, and under the guideline of "independent innovation, key breakthrough, sustainable development and leading the future", we shall persistently take science and technology as primary productive force, implement strategies of Invigorating China through Science and Education and Reinvigorating China through Human Resource Development, stick to the principle of "rely economic construction & social development on science & technology, and science & technology progress serves economic construction & social development"; develop major policies and relevant measures for scientific development, push forward national innovation system construction, strengthen studies on basic science, hi-tech field and sustainable development, quicken the transformation of knowledge and technology to actual productivity in order to provide strong technological support to economic and social development, and make science and technology modernization the true drive forces for rejuvenation of the Chinese nation.

II. BUILD A LARGE-SCALED TEAM OF INNOVATIVE TECHNICAL TALENTS

Talents, especially innovative technical talents, play a key role in building an innovative country. It is impossible to realize this goal without the support of a powerful team of innovative technical talents. The worldwide competition of overall national strength is actually a competition for talents especially for innovative talents. Only those who cultivate, attract, and make good use of the talents especially innovative talents can hold priority in the fierce international competition, and realize the development goals as well. Here, I would like to talk about how to intensify the cultivation of innovative talents.

The whole technical innovation history has proved that innovative technical talents are creators of new knowledge, inventors of new subjects, leaders of technical breakthroughs and development approaches, and strategic treasures for a nation's development. Cultivation of innovative technical talents with no hesitation is essential for improving independent innovation capability and building an innovative nation, and is also indispensable for realizing the state's development goals and rejuvenation of the Chinese nation. We should persist in the strategy that considers talents to be primary resources, take cultivation of innovative technical talents as a strategic measure to build an innovative nation, and quicken our steps of building a large-scaled team of innovative technical talents.

To cultivate innovative technical talents, we should thoroughly carry out the strategy of paying respect to labor, knowledge, talent and creation, follow the requirements of building an innovative nation and the rules of talent development. We should attract the talents with business, shape the talents with practices, spirit up the talents with our system and protect the talents with our laws so as to enlarge the team of the technical talents.

The cultivation of innovative technical talents is complex program that requires joint efforts from all party committees, governments, relevant departments, universities, scientific institutions and the whole society. We should highlight the following aspects in our work:

First, improve the cultivation system. The cultivation of innovative technical talents is a long comprehensive process, and we must begin from education. We should further enhance education reform and the education for all-round development according to China's economic and social development especially technological development, in order to establish an education system favoring for innovative technical talents. We should take systematic control of primary schools, middle schools, universities and employment in order to establish an effective mechanism to cultivate innovative technical talents. In addition, we should change the traditional indoctrinatory way of education into a new innovative manner, paying more attention to students' initiative and creative thinking mode while respecting the guiding role of teachers. We should reduce the homework burden of primary and middle school students, inspire their curiosity and exploration enthusiasm so that they will make all-round development based on their interest and potential. We should reform the course arrangement of colleges and universities, update teaching materials, and pay more attention to the combination of theory and practice, in order to cultivate the students' innovation spirit and capability. We should lay great emphasis on the cultivation of technical development and practice capability, and improve the ability to turn scientific achievements into project application. Moreover, we should provide continuing education for on-the-job technicians at different layers through multiple channels, and accelerate the establishment of an open, independent networking life-long education system, so that the technicians will learn new knowledge and skills continuously to improve their capabilities of technological innovation.

Second, use talents without prejudice. We should establish and complete a targeted management system and method to distinguish and cultivate talents on an equal competition basis. Instead of paying sole attention to one's educational background, qualification or status, we should provide more opportunities for excellent talents, especially young innovative technical talents. We should carry out the state's and industry's plan for technical talent cultivation, actively push the building of the innovation team, and create a good environment for cultivation and development of innovative technical talents under the support of the state's talent cultivation programs, important researches and projects, major industry projects, key subjects and research bases and international academic exchange projects. We should carry forward the innovation culture, build harmonic interrelationship, keep a free working environment, create a solidaric organization system, understand the personalities of the innovative talents, allow them to express their new academic thoughts and ideas, encourage and cultivate their innovation spirit, inspire their enthusiasm in innovation, and ensure that they make innovations dedicatedly. The technological innovation is risky and unpredictable, which requires tolerance of failure during innovation. Therefore, we should take good care of the talents facing frustrations, and support their future work based on past experiences. In addition, the leaders and managers of the technical team should improve their leading and management capability, make every effort to be the talent scout, and make good use of the talents.

Third, improve the system and policy support. We should continue deepening the science & technology system reform to give full play to the leading role of the government and the fundamental role of market in the distribution of technological resources.

A comprehensive system pertaining to talent training, utilization, appraisal, assignment and flow should be established. By changing attitudes, practices and systems that block the growth and accomplishment of talent, we should guarantee the successful implementation of systems and policies that encourage technological innovation in scientific research institutions. Considering one's moral character, performance, knowledge and capability, a comprehensive appraisal system should be established to realize management by objectives (MBO) for the innovative talent's contributions and further curb the usual practice of ignoring capability and performance while focusing on educational background and seniority during appraisal. Improve the mechanism of encouraging enterprises to increase scientific investment in order to give play to their leading role in technological innovation and diversify the pattern of scientific investment. Establish an enterprise-centered, market-oriented scientific innovation system that combines production, education and research; encourage innovative talents to gather in enterprises. Improve the intellectual property system to inspire people's zest for innovation, safeguard their rights and interests, and provide legal protection for technological innovation and utilization of innovative achievements. The title evaluation should be restructured to encourage all kinds of talents to engage in knowledge-based and technological innovation. More attention should be put on key industries and human resource-intensive organizations, technology extension in remote and poor areas, industrial and agricultural production bases, various enterprises and institutions that have brought significant social and economical benefits, as well as young and middle-aged technicians. Income distribution and incentive systems that encourage innovation should be established; priority shall be given to key positions and distinguished talents, and talents with remarkable contributions will get rewards. In this way, we can form a mechanism in which posts are obtained by competition, salaries depend on contributions, and eminent talents have enviable income. The talent flow system and talent information management system should be improved to wipe out institutional obstacles in talent flow, promote the orderly and rational flow of talents, let rare talents and professionals demonstrate their full capabilities, and ensure the reserve of talents for the state's major scientific and technological projects.

Fourth, adopt open cultivation. No innovative technical talent, especially the pioneers, can be cultivated without going deep into the reality. Under the critical situation that international scientific and technological level surpasses ours, it's hard to cultivate a group of innovative talents in a short time without adopting an open manner. Improving independent innovation capability based on introduction and assimilation is an effective way to catch up with international advanced level, while open cultivation is the right method of bringing up internationally recognized, top-notch talents and pioneers in science and technology. Having studied abroad and communicated with the foreign companions, most academicians in CAS and CAE and outstanding technical workers have demonstrated their talents in international exchange and cooperation, while learning advanced innovation concept and latest technologies. By sticking to the opening-up policy and communicating with international scientific institutions in various forms, we can benefit from global technological resources and learn from all civilizations that human beings have created. Scientific institutions and universities are encouraged to cooperate with overseas R&D institutions to

build joint laboratories or R&D centers. International programs shall be promoted under the protocol of bilateral and multilateral scientific cooperation. National enterprises are encouraged to establish R&D institutions or industrial bases in foreign countries and multinationals are also encouraged to set up R&D institutions in China. We should actively participate in large international scientific projects and academic organizations. Chinese scientists and scientific institutions are encouraged to join or organize large international or regional scientific projects. Utilize human resources from both home and abroad by combining domestic talent cultivation with introducing overseas talents. While developing human resources at home and training talent independently, we should step up efforts to introduce foreign talents as well as new and high technologies. Various measures can be taken to attract talents studying abroad to come back and start their own business; highly-qualified overseas talents or talents urgently needed for our social and economic development are warmly welcomed.

Fifth, create a social environment that fosters technological innovation. Innovation culture and technological innovation promote and encourage the development of each other. The Chinese culture has long been advocating innovation and our ancestors emphasized, "A gentlemen shall strive along with perseverance". We shall encourage the spirit of innovation so as to provide a powerful cultural support to building an innovative talent team and an innovative nation. Innovation awareness should be raised in the whole society. We encourage people to think innovatively, act initiatively and take risks in the hope of creating a favorable social environment that supports talents to start business and succeed. Scientific knowledge, methods, ideas and spirit should be widely spread to equip more common people with scientific knowledge, which in turn will lead a trend of doing things scientifically, loving science, studying science and applying scientific findings. Publicize exemplary stories and figures in technological innovation to make people realize the role of innovation in driving economic and social development. The value that "innovation is glorious" should be emphasized, enabling technological innovation to be a kind of work and activity respected by the whole society. Science popularization should be strengthened to foster a notion of technological innovation in teenagers' minds and inspire them to become the main force in technological innovation and scientific development in the future.

It is proved that innovative technical talents, especially the pioneers, are all endowed with basic qualities and characteristics necessary for their development and technological innovation. In sum, there are six qualities to become an innovative scientific talent in China today. First, you must have high ideals for life, love the country, the people, and science and technology, be qualified in both ability and moral integrity, and realize your values of life in making scientific contributions. Second, you shall have enough aspiration and courage to seek truth, emancipate your mind, draw conclusions from facts, keep pace with the times, keep strong desire for innovation and exploration, have sharp eyes on new things and knowledge, dare to challenge authority and traditional concepts, and run forward without fear to seek truth and innovation. Third, you must be competent in precise and scientific thinking, master the thinking method of dialectic materialism, and keep lifelong studying by using scientific methods to constantly update your knowledge and theories, build a wide, profound knowledge structure, and foster comprehensive scientific and cultural

quality. Fourth, you must have solid professional knowledge, international vision and keen insight to grasp the trend of scientific development and innovation, and be adept at providing key solutions for major scientific problems. Fifth, you must have strong team spirit to lead the innovative team in implementing major scientific programs or tackling front-line science difficulties by organizing multi-subject experts and collecting knowledge on all fronts. Sixth, you must be honest and serious about your work, indifferent to fame and wealth, have strong ambition and high ideals, hardbitten and determined, unafraid of hardships and frustration. You must have the courage to defeat difficulties in technological innovation in order to make great achievements continuously. These qualities can be found in successful scientists of any country, as well as our academicians, excellent scientists and technicians. We shall inherit and carry forward the fine traditions and styles of Chinese scientists and technicians, which will play a very important role in cultivating a large group of innovative scientific talents.

There is a Chinese saying, "It is easy to recruit thousands of soldiers, but it is not so easy to find a general." A leading scientific elite, an international scientific master or pioneer can lead a team of excellent innovative scientific talents to make world-leading scientific achievements, giving birth to competitive enterprises and new industries. There are many such leaders among our academicians, but there's shortage of such talents in our whole country. So our work of cultivating innovative talents shall focus on such talents esp. youth or middle-aged leaders. Meanwhile, we shall cultivate innovative talents at different levels, who will act as backbone of academic and technical innovation and form a talent structure suitable for scientific innovation, thus promoting innovation practices in each field and at different layers.

The scientific and technological development in China is now facing many opportunities for huge leap forward. Under the background of reform, opening up and modernization construction, it is urgent to develop science and technology, and the scientists and technicians are able to exhibit their brilliancy. The aspirant scientists or technicians shall seize the opportunity to contribute to the construction of an innovative country while realizing their own dream in this course.

III. ACADEMICIANS OF CAS AND CAE DISPLAY THEIR TALENTS IN BUILDING AN INNOVATIVE COUNTRY

Academicians of CAS and CAE represent our country's highest academic level in science and engineering technology. They enjoy highest honor and are respected by the whole society. As leaders of national science and technology, academicians of CAS and CAE has long been committed to our country's scientific and technological development as well as economic and social development. Thanks to their painstaking efforts, we have made all these achievements from drawing of The 1956-1967 Science and Technology Development Plan to successful development of "two bombs and one satellite" in hard times, from drawing and implementation of "863 Program" and "973 Program" that play a key role in our scientific development to the launch of manned spaceship of Shenzhou V and Shenzhou VI, from a series of discoveries including hybrid rice, non-marine oilgermination theory and application and high performance computer to the great projects of Three Gorges, south-to-north water diversion, west-to-east electricity and gas transmission, Qinghai-Tibet Railway, and high speed railway transportation. Mr.

Wang Xuan who passed away recently is just one of the most outstanding academicians. He devoted all his life to science, and becomes the model of all scholars with the spirit of pioneering, earnest aid to young generation, and utter devotion. Academicians of CAS and CAE are truly the pride of our nation and people!

It has been proved that the academician system with Chinese characteristics fits the real situation of our country. It is very effective in gathering scientific elites to contribute their ideas and tackle difficulties in economic and social development, organizing innovative team for national major scientific projects, and stimulating the scientists and technicians to work for our country's flourishing and prosperity. But after all, academician system has existed in China for only decades. To give better play to its functions, we shall continue improving the system based on real situation and experiences.

The Central Committee of CCP, State Council and Chinese people have high expectations towards academicians of CAS and CAE. We hope that, with the advantages of cross-subject, cross-department and high academic level, CAS and CAE will carry out macroscopic, strategic, proactive and comprehensive decision consultancy on such major issues as promoting economic and social development, improving people's living standard and ensuring national defense. Meanwhile, they shall organize scientific research team to play a leading role in professional fields, provide the Party and government with valuable opinions, and make major decisions more scientific and democratic through real efforts.

We hope that academicians of CAS and CAE will endeavor to become pioneers standing at the frontier of scientific innovation with the patriotic spirit of love for our homeland and conscientious devotion, scientific spirit of being practical and innovative, exploration spirit of being unafraid of hardships, and team spirit of being cooperative and indifferent to fame and wealth. They shall bear in mind the major scientific problems in economic and social development, combine national demand and micro-deployment with free exploration, continue to drive original innovation and R&D of core technology and integrated technology, promote introduction, assimilation and re-innovation, industry-academy-research integration, and work hard for huge leaps of independent innovation capability as well as construction of an innovative country.

We also hope that academicians of CAS and CAE can take lead in all-out efforts of building an innovative country; carry forward the scientific spirit of seeking truth from facts, foster socialist concept of honor and disgrace—Eight Honors and Eight Disgraces; bear the responsibility of demonstrating innovative behavior and achievements to the public and promoting innovative culture; develop the people's interests in science and technology, deepen their knowledge about scientific innovation, and build innovative culture together. Meanwhile, I sincerely hope you will shoulder the heavy task of cultivating talents especially innovative scientific talents, develop academic echelon, and make every effort to support the innovation and rapid growth of youths.

Dear academicians and comrades!

We all bear the time-honored mission to provide strong scientific support for the construction of a well-off society by improving our independent innovation capability and building an innovative country. I hope that our scientists and technicians will strive hard to make brilliant achievements and constantly contribute to our country and the people.

The PRESIDING OFFICER. The Senator from Nevada.

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

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

Mr. ENSIGN. Mr. President, I join Senators ALEXANDER, BINGAMAN, and others in talking about a topic that I personally have spent a great deal of time on over the past two years: how to improve the ability of the United States to compete in an increasingly global marketplace.

We have held many hearings in the Commerce Committee and in the Commerce Subcommittee that I chair on technology, innovation, and competitiveness issues. I know that both the HELP Committee and the Energy Committee have also examined related issues of competitiveness and innovation within the scope of their jurisdiction. A major focus of these hearings has been to consider how we keep America on the cutting edge.

We have learned some startling statistics. First of all, we find out that America will graduate somewhere around 60,000 to 70,000 engineers this year. China and India together will graduate a much larger number of engineers in that same time period.

In the 21st century, we need to encourage more people to go into the technology fields, into science, math, and engineering. We need more students to pursue advanced degrees in these fields. We need to inspire more of our young people to go into these fields.

One interesting fact that came out is that if our kids become disinterested in science and math in elementary school, the chances of them ever becoming interested in these fields later on in life are virtually nil. So we have to focus on inspiring our young kids to go into science, technology, engineering, and math from a very young age.

We had a fascinating hearing with the Director of the Museum of Science in Boston—Dr. Ioannis Miaoulis—who put it very simply. He said: When we started our curriculum in the United States for elementary school, we started it back in the late 1800s. Engineering was not a big field back then, so it didn't get a lot of attention then and that has carried over into our current curriculum. Now when we teach about science, we learn a lot about nature. Those are good things to learn. As a matter of fact, I have kids in school now, and one of the things we all learn about is how a volcano functions. Dr. Miaoulis talked about this when he testified before my Subcommittee. We all build our model volcanos with our kids and see how a volcano works.

Dr. Miaoulis posed this question. He said: Have you ever noticed how everybody in America learns how a volcano functions, but nobody really learns how a car functions?

Then he asked this question: Where do you spend more time, in a car or in a volcano?

As the story suggests, our children are not learning enough about engineering concepts in our schools, and as a result they are not becoming interested in those engineering concepts. The National Competitiveness Investment Act that I am happy to join with my colleagues in introducing today focuses on three primary areas of importance to maintaining and improving the innovation of the United States in the 21st century: research investment, increasing science and technology talent, and developing an innovation infrastructure.

A tremendous amount of bipartisan cooperation has gone into the development of the National Competitiveness Investment Act, going back well over a year to when Senator LIEBERMAN and I first started drafting legislation to address key concerns, identified in "Innovate America," a report from the Council on Competitiveness.

Subsequent reports such as the National Academies' "Rising Above the Gathering Storm," have raised similar concerns and have led several Senate committees to look at programs related to basic research, education, and other areas of competitiveness within their respective areas of jurisdiction.

As a matter of fact, Senators ALEXANDER, BINGAMAN, and DOMENICI introduced what they called their PACE bills that addressed a lot of the problems that were identified in the National Academies, "Rising Above the Gathering Storm" report. During the past several weeks we have undertaken a bipartisan effort to combine the work products of the Senate Commerce Committee, the Senate Energy Committee, and the Senate HELP Committee. This effort has included the involvement of the chairmen and ranking members, both Republicans and Democrats, from all of these committees, as well as several other Members who have been involved. This has been under the direction of the two leaders' offices. This is the most bipartisan effort on any bill probably in the last several years in the Senate.

This was no easy task, especially when we need to be ever vigilant about growing deficits. We were forced to take a hard look at how to best address pressing needs related to science, technology, engineering, and math education, basic research and barriers that U.S. companies are facing as they compete in this global economy.

I believe the legislation before us today is a good compromise, and it reflects a good mix of spending on key priorities like basic research and education, while being sensitive to avoiding the duplication among various federal agencies. This legislation will ensure these programs are being evaluated and are being responsive to key needs, while at the same time being fiscally responsible.

Specifically, the National Competitiveness Investment Act would increase authorization for the National Science Foundation, or the NSF, from

approximately \$6 billion in fiscal year 2007 to more than \$11 billion in 2011.

We doubled the funding for the National Institutes of Health, the life sciences, and it is now time to do the same for basic research in the physical sciences. This is an investment in our country.

I am a fiscal conservative. I am one of the most fiscally conservative Members of the Senate. But every dollar we spend on basic research is a dollar that will come back to us in spades in terms of stimulating economic activity and helping to keep the United States at the forefront of global innovation.

By the way, those who are concerned about tax revenues coming in, the better our economy does, the more tax revenues come into the Federal Government.

The bill also expands existing NSF graduate research fellowship and traineeship programs. It requires NSF to work with institutions of higher education to develop professional science master's degree programs and strengthens the NSF's technology talent program.

It also helps to prioritize activities in NSF's research and related activities account to meet critical national needs in the physical or natural sciences—technology, engineering, mathematics; or to enhance competitiveness or innovation in the United States. And there is language to authorize the National Institutes of Standards and Technology from approximately \$640 million next year to \$940 million 4 years later.

It would require the same agency to set aside no less than 8 percent of its annual funding for high-risk, high-reward innovation acceleration research.

This is very important because this is different than what people do today. We need to invest in high-risk, high-reward basic research and setting that 8 percent as a minimum is very important.

This bill also requires the National Academy of Sciences to conduct a study to identify the forms of risk that create barriers to innovation 1 year after enactment and 4 years after enactment. It establishes the Innovation Acceleration Research Program to direct Federal agencies funding research in science and technology to set a goal, once again, of dedicating approximately 8 percent of the research and development budget toward high-risk frontier research.

It also authorizes increased funding for the Department of Energy's Office of Science over the next 5 years. We all know how important it is for the Department of Energy to be involved in basic research.

There are other provisions to assist States in establishing specialty schools in math and science to benefit high-need districts. The bill also strengthens the skills of thousands of math and science teachers by establishing training and educational programs at summer institutes hosted at the National Laboratories.

The bill also establishes partnerships between the National Laboratories and local, high-need high schools to create centers of excellence in math and science education.

Finally, the bill authorizes competitive grants to States to promote better alignment of elementary and secondary education with the knowledge and skills that are needed to succeed at institutions of higher education and in our marketplaces in the 21st century.

This is a comprehensive piece of legislation to address the key recommendations in the two reports, "Innovate America" and "Rising Above the Gathering Storm."

While I am sure there are many other well-intentioned ideas of other provisions to add to this bill, I would plead with my colleagues to not overload this bill. We have worked diligently together in a bipartisan fashion over the last 2 years to remain absolutely disciplined and to confine this effort to enacting the key provisions that relate to innovation and competitiveness. We have worked hard to keep the cost of this bill within a responsible budgetary framework.

I believe we have a solid work product that will help the United States be competitive as we enter an increasingly difficult global marketplace where our students and our U.S. companies need to be prepared to meet an unprecedented global challenge.

I am pleased that Senators FRIST and REID have agreed to address an issue of this tremendous importance to the United States on a bipartisan basis.

I thank my colleagues from the Commerce Committee, Senator STEVENS and Senator INOUE; from the HELP Committee, Senator ENZI, Senator KENNEDY, and Senator ALEXANDER; and, from the Energy Committee, Senators DOMENICI and BINGAMAN and their staff for great bipartisan work to pull this bill together.

I also would like to specifically recognize Senator HUTCHISON for her great work, and all of the staff—my staff and all of the Senators' staff—who have contributed a great deal of personal time and effort on many of the key provisions of this legislation.

Finally, I would like to acknowledge the work of my colleague, Senator LIEBERMAN, who started in this endeavor with me many months ago.

As Senator ALEXANDER said a few moments ago, we encourage all of our colleagues to join us in cosponsoring this important piece of legislation. Now is the time to act. We have a rare opportunity to put aside our party labels and to put our country first. In many other areas, we should be not Republican, not Democrat, not Independent—we should be Americans. This is such a bill. This piece of legislation is critical for the future competitiveness of our country.

I urge all of our colleagues to join us in this bipartisan effort.

I thank the Chair. I yield the floor.

Mr. ALEXANDER. Mr. President, I would like to acknowledge the role of

Senator ENSIGN in this competitiveness piece of legislation.

It would not have gotten started without him and the work he did with Senator LIEBERMAN in the Council on Competitiveness, and it would not have been finished without he and his staff taking a lead role in helping to bring the Senators together.

It is important the way he characterized this as a progrowth initiative. This is progrowth legislation. It is part of a progrowth agenda. Sometimes we forget that.

It is a great pleasure to work with him on this legislation. I wanted to acknowledge his leadership.

I want to say to the Senator from Massachusetts that I appreciate his leadership on this legislation. He was already a veteran when I was a Senate aide here many years ago. He has been deeply involved in these issues for a long time. He and his staff made it possible for us to bring this to a conclusion.

There are many ideas about how to do this. To have three committees basically unanimously agree that this is how we should begin—there are many other issues to be dealt with. Many of them may be dealt with in amendments after the recess. But without Senator KENNEDY's leadership and without Senator ENSIGN, nothing would have happened.

After Senator KENNEDY's remarks, I would like to say a word about Secretary Spellings' speech today. I appreciate him allowing me to speak now.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I just want to say a few words on the competitiveness legislation to which Senator ALEXANDER and Senator ENSIGN referred. My full statement will accompany the bill's introduction later today, but I do want to mention that I am a very strong supporter of the bill. As Senator ENSIGN and Senator ALEXANDER mentioned, it is the result of a strong bipartisan process.

Americans know how to rise to challenges and come out ahead. We've done it before and we can do it again. We were called into action in 1957 when the Soviet Union sent Sputnik into space. We rose to the challenge by passing the National Defense Education Act and inspiring the nation to ensure that the first footprint on the moon was by an American. We increased the commitment we made to math and science and doubled the federal investment in education.

Money in itself may not be the answer to everything, but it is a very clear indication of a nation's priorities.

Now we are faced with the challenges of globalization, and now we must decide—are we going to get consumed by it, or are we going to embrace the challenge and make sure that every individual, whether in Tennessee or in Massachusetts, is going to be prepared to respond to it; that our States are

going to be prepared to respond to it; and that our country is going to be prepared to respond to it? This is critical not only for the sake of our economy, but for the sake of our national security.

We need the same bold commitment today that we made four decades ago, in order to help the current generation meet and master the global challenges of today and tomorrow. The National Competitiveness Investment Act is a strong first step in that effort.

I will not take the time here to review how America is slipping behind in technology and engineering compared to what is happening in India and in China and other countries. But one brutal fact is that the jobs of the future are going to go to the societies and the economies that are on the forefront of innovation. That is where the economic strength is going to be, and it will directly impact our national security. This legislative effort is a very important downpayment on ensuring that the United States is that society at the forefront of innovation. And the legislation is the result of a good deal of work.

The good work of the Senator from Tennessee, Mr. ALEXANDER, of Senator BINGAMAN from New Mexico, and the large bipartisan group the Senator from Nevada mentioned. It stems from the work of the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine as well as some very important leaders in the private sector who have played an extremely important role in our efforts to keep America on the cutting edge.

We are also dealing with other important issues that are before the Senate today. But I agree with my colleagues that these issues related to America's competitiveness are issues that Congress needs to act on as soon as possible. It is extremely important.

At a time in Washington when the debate seems to be dominated by partisan politics, it should be reassuring to the American people that we are united in recognizing the importance of investing in America's competitiveness in the years to come. I look forward to working with my colleagues as the bill moves forward to ensure that Congress provides the new investments needed to fully support and build on these important proposals.

IMMIGRATION

Mr. KENNEDY. Mr. President, before the Senate tomorrow, we will be dealing with one of the provisions relating to immigration, the amendment dealing with the fence on the southern border of our country. I would like to address the Senate about this issue and about the general issues of immigration.

We face a clear choice on the bill between two fundamentally different approaches to immigration. We are talking about the underlying legislation on

which the majority leader now has put forth a cloture motion, which we will be voting on tomorrow. We will be unable to have any kind of amendments to it. That opportunity has been foreclosed. I think that is regrettable. I think this would have given us an important opportunity for alternatives that have been debated and accepted in the Senate earlier this year. That is the way we have to deal with it in terms of Senate rules and procedures. That is where we are at the present time. We will vote on this tomorrow.

There is no debate about our immigration system being broken and in need of repair. All of us at this point understand that reform is essential. The choice we confront is whether we will answer that call with a decisive vote in favor of comprehensive reform or whether by failing to do so we will defer to the House of Representatives, which has an enforcement-only approach.

I listened to Dr. Land today, who is the President of the Southern Baptist Organization—not recognized as being either a Democrat or liberal figure—talk about the morality of this issue and also about the immorality of the House approach. He commented on a joint press conference he read with great particularity and with the language which is the approach of the House of Representatives included in terms of its immigration bill. He was pointing out that any person of the cloth who cares for the least among us, whether it is food, clothing, or a stranger, any act of general humanity, would be accused of aiding and abetting an undocumented and, under their language, he concluded could be both arrested, tried, and convicted.

He spoke enormously eloquently about the morality of that particular House legislative approach and its inappropriateness, and compared it to the fugitive slave law wherein innocents were helping free slaves in the mid-1800s.

The recent report of the Independent Task Force on Immigration calls immigration the oldest and newest story of the American experience.

Immigration has always been part of our history. It is in our blood and genes. In the beginning, immigrants helped to build our country, make it strong, loved America, and fought under our flag with great courage. Over 70,000 permanent residents have fought in Afghanistan and in Iraq. A number have won medals for bravery and courage. Generations of immigrants have settled here, found a nation that rewarded their hard work, respected their religious beliefs, and enabled them to raise their families.

Immigrants today are no different. They work hard, they practice their faith, they love their families, and they love America.

Today, more than 60,000 immigrants serve in the U.S. military. Many have made the ultimate sacrifice, giving their lives for America on the battlefields of Iraq and Afghanistan. That

has always been the American story. It is what makes America a land of liberty and progress and opportunity.

Reform is a pressing issue today. It is a security issue, an economic issue, a moral issue. The question is, How do we secure our borders effectively to keep out criminals and terrorists who want to harm America and not obstruct the entry of many others who want to continue to benefit our country?

How do we deal with 12 million law-abiding, taxpaying, undocumented immigrants and their families in this country? They live beside us, worship in our churches, attend our schools, are part of our communities. They deserve a fair chance to come out of the shadows and contribute fully and legally to our country.

U.S. businesses that are unable to find the American workers they need must be able to draw upon workers from other nations. Both native-born and immigrant workers deserve to be free from exploitation, be paid fair wages, receive the protections of our labor and health and safety laws.

In May, the Senate met this challenge and passed a comprehensive immigration bill with effective enforcement measures. Enforcement alone and fencing alone will not work. Those who support enforcement only, anti-immigrant approach may think it is good politics, but security experts agree that cracking down harder on illegal immigrants won't result in our regaining control of our borders. Instead they believe the Senate had the right approach.

As Tom Ridge, the former Secretary of Homeland Security, recently noted:

[T]rying to gain operational control of the borders is impossible unless our enhanced enforcement efforts are coupled with the robust temporary guest worker program and a means to entice those now working illegally out of the shadows in some type of legal status.

Instead of following the sound advice of these experts and focusing on solving real problems, the Senate is considering a House bill to order the Department of Homeland Security to build hundreds of miles of fencing along our border with Mexico—a country that is not our enemy, but a close friend, our second largest trading partner.

The House bill is unnecessary. Earlier this year, Secretary Chertoff told Judiciary Committee members that he needed about 370 miles of fencing and 461 miles of vehicle barriers and targeted urban areas along the southwest border. The Senate included a provision in our immigration reform bill to do that and on August 2 we agreed, by a vote of 94 to 2, to appropriate \$1.8 billion for that purpose.

The much longer fence in the pending bill would be a waste of taxpayers' money. The Congressional Budget Office estimated it would cost roughly \$3.2 million a mile, which may be the low end. The first 11 miles of the San Diego fence cost \$3.8 million a mile and

the final 3.5 mile section cost approximately \$10 million a mile.

Under more recent estimates, which take into account the cost of roads, lighting, infrastructure, terrain, and other factors, the costs are even higher. The current estimate also ignores the annual maintenance costs which could be as high as \$1 billion a year. The more than 700 miles in fencing that the House proposes but that Secretary Chertoff does not need will result in at least \$1 billion in unnecessary spending.

Fences don't work. Undocumented inflows have increased by a factor of 10 since fencing was introduced. San Diego's wall has benefited the smuggling industry and increased the loss of immigrant lives by shifting entry to the desert. The track record of the four concentrated border enforcement operations in border States shows that tougher border controls only enrich smugglers, endanger the lives of migrants, and encourage those who overcome the obstacles to settle permanently here in the United States.

Testimony we had before our committee recently from some of those who have studied this issue pointed out that up to 60 percent or more of those who come here want to work for a while, make some money and be able to return to their families and to their community to be able to enjoy it. By putting the fence up, we are making sure they are locked in the United States illegally.

Recent testimony from the bipartisan Congressional Budget Office concluded that the sharp increase in border security funding over the past decade and the near doubling of the number of Border Patrol agents over that time have not kept sizable numbers of illegal migrants from entering the country illegally. The reason? Jobs were the magnet. As long as you have the magnet of jobs, people are going to find ways around the fence, under the fence, and over the fence. Until you have a comprehensive approach that will deal with that issue, as our comprehensive approach does, the idea of putting more fencing is basically going to be ineffective.

For example, the Border Patrol budget increased from \$263 million in 1990 to \$1.6 billion today, a sixfold increase, yet during this period more than 500,000 undocumented immigrants entered the United States each year. In all, nearly 9 million have arrived since 1990. During the same time, the probability that an unauthorized border crosser would be apprehended fell from 20 percent to 5 percent. The United States now spends \$1,700 per border apprehension, up from \$300 in 1992.

Nor will fencing keep out criminals or terrorists. The September 11 terrorists did not come across the Mexican border illegally. They entered the United States with visas. Fences won't stop immigrant workers from coming here to work. Governor Janet Napolitano of Arizona, who knows a lot about borders, recently said:

You show me a 50-foot wall and I'll show you a 51-foot ladder at the border.

Fences can be outflanked—and not only over land or through underground tunnels. Increased fences prompted smugglers to move migrants in boats and transport them by plane to Canada, with its 4,100 mile largely open border. A recent study of the Pew Hispanic Center found that roughly 40 to 50 percent of the people currently in the United States illegally entered the country legally. We are going to vote on this measure tomorrow in order to stop allegedly illegal immigration coming across the southern border when half of those who are undocumented today come here legally. Therefore, you have to deal with that particular issue. That fence issue does not do anything about that problem. Our comprehensive approach does.

More fences would do nothing about immigrants who come here legally and then overstay their visas. Unnecessary enforcement measures also harm United States relations with Mexico and other countries. A “fortress America” mentality alienates other nations and makes it harder to work with them on other counterterrorism priorities. Already, the “muro de muerte,” the wall of death, is a rallying call for opponents of free trade and other aspects of United States economic agenda in Latin America.

Cardinal Mahoney, of Los Angeles, has pointed out, “as the world's lone superpower and greatest democracy, we possess the resources and ingenuity to solve our immigration problems humanely and without resorting to the construction of barriers and walls.”

The United States is facing a delicate period in its current relations with Mexico. Andres Manuel Lopez Obrador will soon become the President of Mexico after a very close election that challenged Mexico's democracy. Mr. Obrador stated that fencing will increase tension and insecurity at the border.

President Bush got it right in May when he declared an immigration reform bill needs to be comprehensive because all elements of the problem must be addressed together or none of them will be solved at all. He got it wrong last week when he indicated that the House fence bill is an acceptable interim measure.

We will have the opportunity to vote. I hope the Senate recognizes what it recognized during the course of the 2-week debate, and that is, the comprehensive approach is the approach that will ensure the strongest security at our borders. The law enforcement within our country, in terms of the enforcement of programs and human policy, recognizes that those who worked hard, played by the rules, contributed to their community, have sent their sons and daughters off to war, want to be a part of the American dream, who are willing to pay a penalty and also go to the end of the line, would be able to adjust their status.

A comprehensive approach is the way we ought to be going. That is effectively the way everyone who has talked about the overall challenges of the undocumented and illegal immigration believe is the way to go. Sure, we need to do what needs to be done at the border, but it ought to be done in a comprehensive way with these other elements.

This legislation does not do so, will not be effective, and should not be accepted.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SECURE FENCE ACT OF 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 6061, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6061) to establish operational control over the international land and maritime borders of the United States.

Pending:

Frist amendment No. 5036, to establish military commissions.

Frist amendment No. 5037 (to Amendment No. 5036), to establish the effective date.

Motion to commit the bill to the Committee on the Judiciary, with instructions to report back forthwith, with an amendment.

Frist amendment No. 5038 (to the instructions of the motion to commit H.R. 6061 to the Committee on the Judiciary), to establish military commissions.

Frist amendment No. 5039 (to the instructions of the motion to commit H.R. 6061 to the Committee on the Judiciary), to establish the effective date.

Frist amendment No. 5040 (to Amendment No. 5039), to amend the effective date.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent I have 2 minutes as in morning business.

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

COMMENDING SENATOR ALEXANDER

Mr. DOMENICI. Mr. President, I note that the distinguished Senator from Tennessee, Senator LAMAR ALEXANDER, is in the Chamber. I am sure he has already spoken this afternoon, but I was not present because I was attending another meeting.

Senator, if you do not feel good this afternoon, I don't know what we are going to do in the Senate in terms of qualifying you to be happy. I don't know what else we will do to make you happier than what we are going to do tonight or during the next week or so on this competitiveness measure.

Senator ALEXANDER came to the Senate, and before his first term has expired he has taken the lead, without anyone wanting to run around and try to figure out who should get the lead, on this mammoth piece of legislation. It falls automatically that LAMAR ALEXANDER deserves the credit for getting

it started. It was his idea. He recruited the junior Senator from New Mexico.

They asked me, as members of my committee, if they could take the proposition of what we could do to better America's position in a competitive world, if they could take that to the Academy of Sciences to get a report so we could adopt a report during this calendar year.

Believe it or not, they did that. As a result, 71 Senators cosponsored the legislation. As a result, we will have introduced a bill today that almost takes care of every recommendation that committee made to the Congress. We are having it introduced officially by the leadership this evening. It will be held and passed by this Senate before we adjourn this year.

Imagine that, for a Senator who has just come to the Senate. If he cannot say and put up whatever he puts up, matters of high esteem, completed by him, something that he can be proud of, that is this legislation.

There will be a day when it passes that he can be happier, but he will be overjoyed today when he sits down and thinks for a moment of what is accomplished for America to get moving to develop our brain power where we could, where we can, as we can, and as we should, without any doubt.

I compliment the Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

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

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

Mr. ALEXANDER. Mr. President, I thank the Senator from New Mexico. He is overly generous. I learned as a staff aide in the Senate that if an idea has many fathers and many mothers, it has a much better chance of moving along than if it just has one.

Senator DOMENICI is being overly modest about his own role. This would not have gotten to first base—by “this,” I mean the competitiveness legislation—had not Senator DOMENICI created the environment in which it could succeed, and if he and Senator BINGAMAN had not had such a good partnership and been able to work together, set a good example and have been willing to step back and allow other good ideas that were progressing through the Commerce Committee and the HELP Committee.

It has been a remarkable exercise in restraint for many distinguished Senators, some among the most senior Members of the Senate, and at a time when politics is at a pretty high level.

I thank the Senator for what he said. It means a lot to me.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the National Competitiveness Investment Act.

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

SUMMARY OF THE NATIONAL COMPETITIVENESS INVESTMENT ACT

The National Competitiveness Investment Act is a bipartisan legislative response to recommendations contained in the National Academies' “Rising Above the Gathering Storm” report and the Council on Competitiveness' “Innovate America” report. Several sections of the bill are derived from proposals contained in the “American Innovation and Competitiveness Act of 2006” (S. 2802), approved by the Senate Commerce Committee 21–0, and the “Protecting America's Competitive Edge Through Energy Act of 2006” (S. 2197) approved unanimously by the Senate Energy Committee. Accordingly, the National Competitiveness Investment Act focuses on three primary areas of importance to maintaining and improving United States' innovation in the 21st Century: (1) increasing research investment, (2) strengthening educational opportunities in science, technology, engineering, and mathematics from elementary through graduate school, and (3) developing an innovation infrastructure. More specifically, the National Competitiveness Investment Act would:

Increase research investment by:

Doubling funding for the National Science Foundation (NSF) from approximately \$5.6 billion in fiscal year 2006 to \$11.2 billion in fiscal year 2011.

Setting the Department of Energy's Office of Science on track to double in funding over 10 years, increasing from \$3.6 billion in fiscal year 2006 to over \$5.2 billion in fiscal year 2011.

Establishing the Innovation Acceleration Research Program to direct Federal agencies funding research in science and technology to set as a goal dedicating approximately 8 percent of their Research and Development (R&D) budgets toward high-risk frontier research.

Authorizing the National Institute of Standards and Technology (NIST) from approximately \$640 million in fiscal year 2007 to approximately \$937 million in fiscal year 2011 and requiring NIST to set aside no less than 8 percent of its annual funding for high-risk, high-reward innovation acceleration research.

Directing NASA to increase funding for basic research and fully participate in inter-agency activities to foster competitiveness and innovation, using the full extent of existing budget authority.

Coordinating ocean and atmospheric research and education at the National Oceanic and Atmospheric Administration and other agencies to promote U.S. leadership in these important fields.

Strengthen educational opportunities in science, technology, engineering, mathematics, and critical foreign languages by:

Authorizing competitive grants to States to promote better alignment of elementary and secondary education with the knowledge and skills needed for success in postsecondary education, the 21st century workforce, and the Armed Forces, and grants to support the establishment or improvement of statewide P-16 education longitudinal data systems.

Strengthening the skills of thousands of math and science teachers by establishing training and education programs at summer institutes hosted at the National Laboratories and by increasing support for the Teacher Institutes for the 21st Century program at NSF.

Expanding the Robert Noyce Teacher Scholarship Program at NSF to recruit and train individuals to become math and science teachers in high-need local educational agencies.

Assisting States in establishing or expanding statewide specialty schools in math and science that students from across the State would be eligible to attend and providing expert assistance in teaching from National Laboratories' staff at those schools.

Facilitating the expansion of Advanced Placement (AP) and International Baccalaureate (IB) programs by increasing the number of teachers prepared to teach AP/IB and pre-AP/IB math, science, and foreign language courses in high need schools, thereby increasing the number of courses available and students who take and pass AP and IB exams.

Developing and implementing programs for bachelor's degrees in math, science, engineering, and critical foreign languages with concurrent teaching credentials and part-time master's in education programs for math, science, and critical foreign language teachers to enhance both content knowledge and teaching skills.

Creating partnerships between National Laboratories and local high-need high schools to establish centers of excellence in math and science education.

Expanding existing NSF graduate research fellowship and traineeship programs, requiring NSF to work with institutions of higher education to facilitate the development of professional science master's degree programs, and expanding NSF's science, mathematics, engineering and technology talent program.

Providing Math Now grants to improve math instruction in the elementary and middle grades and provide targeted help to struggling students so that all students can master grade-level mathematics standards.

Expanding programs to increase the number of students from elementary school through postsecondary education who study critical foreign languages and become proficient.

Develop an innovation infrastructure by:

Establishing a President's Council on Innovation and Competitiveness to develop a comprehensive agenda to promote innovation and competitiveness in the public and private sectors.

Requiring the National Academy of Sciences to conduct a study to identify forms of risk that create barriers to innovation.

Mr. DOMENICI. I thank the Senator.

Mr. ALEXANDER. Mr. President, although most cannot hear it right now, I want to say how much all in the Senate appreciate the extra hours and the skill with which the staffs met and worked through August and over the last several weeks to bring the three committees together. Senator ENSIGN played a major role, and his staff did. There were many staffs. This was not a bill that Republicans wrote and Democrats looked at or vice versa. We did it together.

FUTURE OF HIGHER EDUCATION

Mr. President, today the Secretary of Education, Margaret Spellings, made an important speech at the National Press Club. In her remarks, she discussed the report from her Commission on the Future of Higher Education. This commission was chaired by Charles Miller, who was the former chairman of the board of regents of the University of Texas system and a leader in education reform at all levels.

I am very impressed with Secretary Spellings. I know her job. I once had it.

I do not think we have had a more effective Secretary of Education. I am very impressed with Mr. Miller. I know about his work in Texas as part of a group of business leaders over the last 20 years who have led the country in terms of helping to set accountability standards in elementary and secondary education.

Mr. President, I encourage my colleagues to read Secretary Spellings' speech from today.

Secretary Spellings is the first U.S. Secretary of Education to assume the role of lead adviser to coordinate all of higher education. I am glad she is doing that because almost every Department of the Federal Government has something to do with higher education. Currently, no one is the lead person for that. It ought to be the Secretary of Education. She stepped up to do it. I applaud her, and I applaud President Bush for asking her to do that.

The Secretary's recommendations in her speech today are sensible and respect the prerogative of Congress to make major changes in higher education policy. In plain English, she laid out some very good recommendations, but she recognized that is one branch of Government, we are the Article I branch of Government, and if there are major changes in policy, we will make them here, and then it is their job to implement it.

But among the strong recommendations in her report are the following: Simplify the financial aid system. We are already doing that, having worked with the Secretary on a commission, and it is included in the higher education bill that has not passed. That is a very good recommendation. Another recommendation is expanding more access to more students. The initial cost estimates of her commission's report suggest its recommendations might cost \$9 billion or \$10 billion more in terms of Pell grants. That is a lot of money, but it is an important goal.

Another recommendation is increased competitiveness. The Secretary's commission spent quite a bit of time urging the Congress and the country to adopt the recommendations of the Augustine commission, to adopt the recommendations of the Council on Competitiveness, and to adopt the President's recommendations on competitiveness. That was a help in getting us come to the point in this body where tonight Senator FRIST and Senator REID will introduce the National Competitiveness Investment Act.

The Secretary's committee recommended less regulation for higher education, which is something I want to talk a little bit more about in a moment. I thoroughly agree with that. And, of course, another recommendation is to find ways to reduce costs, which every family who has a student headed toward higher education thinks about. In our own family, where we have two new grandchildren who are less than 1 year of age, the parents—

our children—are already thinking about it: How in the world are we going to pay for college out of our budgets in 18 years? That is at the top of almost everyone's concern.

I want to wave one bright, yellow flag, a cautionary flag, at one troubling aspect of the report of the Secretary's commission. That is best captured by the following sentence on page 13 of the commission's report, and I quote: "Our complex, decentralized post-secondary education system has no comprehensive strategy, particularly for undergraduate programs, to provide either adequate internal accountability systems or effective public information."

"Our complex, decentralized post-secondary education system has no comprehensive strategy. . . ." The commission apparently believes that is a weakness. I believe that is a strength. I believe that is the greatest strength of our higher education system. The key to the quality of the American higher education system is that it is not one system, but that it is a marketplace of over 6,000 autonomous systems, independent systems.

These autonomous or independent institutions—such as the University of Tennessee, or Fisk University, or the Nashville Auto Diesel College, or Yeshiva University—these institutions are regulated primarily by competition—competition for students, for faculty, and for research dollars—and by consumer choice, which is fueled by generous Federal dollars that follow more than one-half of American college students to the institutions of their choice.

There is, in addition, a system of independent accreditation to help regulate these independent and autonomous institutions. To be sure, there is still plenty of the traditional kind of command-and-control Government regulation. That is very hard to get away from. Every State has a regulatory body, such as the Tennessee Higher Education Commission. And each of the 6,000 institutions I described that accepts students with Federal grants or loans must wade through over 7,000 Federal regulations and notices. Those regulations exist today.

The president of Stanford University has said that 7 cents of every tuition dollar is spent on compliance with Government regulations. The last thing American higher education needs is a barrage of new Federal regulations requiring sending new data to Washington so someone here can try to figure out how to improve the Harvard Classics Department or the Nashville Auto Diesel College, both of whose students are eligible for Federal grants and loans.

I believe the overregulation of higher education is the greatest deterrent to maintaining the quality of American higher education, and that autonomy, competition, and choice are the greatest incentives to excellence.

I would, therefore, wish to lead the bandwagon or be on the bandwagon or

push the bandwagon for more deregulation and to increase the autonomy of institutions of higher education and to preserve competition for research dollars and to give students the broadest array of education choices possible.

Today in America we are doing that much better than any other country in the world. It is instructive that China and several European countries are deregulating their overly bureaucratized colleges and universities to try to catch up with the quality of ours. Of course, better information informs choices. And, of course, easier transfer policies between or among institutions could increase opportunities. Much is to be gained from research that will help institutions measure what value their classes add to students.

But I do not want rules about transfer policies to diminish institutional autonomy. I do not want to see rules from Washington substitute for choice and competition as the principal regulators of the quality of our colleges and universities. I do not want to see even more tuition dollars go to pay for complying with costly Government regulations instead of to improving research and teaching in the classroom.

By design or luck, the United States has created a magnificent marketplace environment that has resulted in, by far, the best higher education system in the world with remarkable access for students of all incomes. Our goal should be to improve that system, not to replace it with some command-and-control structure.

Mr. President, I spoke before the Secretary's Commission on December 9 of 2005, and I hope that those remarks were useful to the Commission.

Mr. President, I want to comment that it is important to keep all of this discussion in some perspective. For example, there is a great concern about the rising cost of tuition. Secretary Spellings, in her remarks, says she wants to know why. Well, I know why it has gone up. It has gone up because State funding for higher education has been flat. It has actually gone down in many cases. As State funding of colleges and universities in Minnesota or Tennessee or South Dakota has gone down, colleges and universities have had to raise their tuition to have enough funds to maintain quality.

Now, of course, there are plenty of ways to reduce costs, and we need to push that and encourage that. And the Secretary has many suggestions for that. She is right about that. But let's not overlook the fact that Federal spending for higher education has gone way up in the last several years, but State spending has been flat. If anyone wants to know why your tuition bills are higher, it is because your Governors and your legislatures have not been paying their fair share of what it takes to have a quality system of higher education in America. I talked about that in my testimony to the Commission, and I hope they listened to that. I hope the Administration and my colleagues understand that as well.

For example, during the 5-year period from 2000 to 2004, State spending for Medicaid, which is where the Governors have to put most of their extra money, was up 36 percent; State spending for higher education was up barely 7 percent. As a result, tuition went up 38 percent.

There is another way I think about it. When I left the Governor's office nearly 20 years ago in Tennessee, Tennessee was spending 51 cents of every State tax dollar on education and 16 cents on health care—mainly Medicaid. Today, instead of 51 cents on education, it is 40 cents on education. And instead of 16 cents on health care, it is 26 cents on health care. So if we do not get control of Medicaid spending here in this Chamber, and in the other Chamber, one of the unintended consequences will be that we will drive down the quality of higher education all across America because it will not have appropriate State funding and we will not create the new jobs that will help us compete with China and India.

On the question of cost, two other things: One is, I ask unanimous consent, Mr. President, to have printed in the RECORD a short column by the president of the University of Maryland, William E. Kirwan, who discusses State funding that I have just talked about, and talks about what some colleges and universities are doing to reduce costs to help control the rise of tuition.

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

[From the Washington Post, Aug. 14, 2006]

SECURITY THROUGH EDUCATION

(By William E. Kirwan)

A national security crisis is brewing, and if our country doesn't take immediate action, it could be devastating for the future of the United States.

Consider these facts: Worldwide, the United States ranks seventh in high-school completion rates and ninth in the percentage of high-school graduates who enroll in college. Of every 100 current eighth-graders in America, just 18 will receive a college degree during the next 10 years. Based on current participation and completion rates, the education pipeline reveals alarming holes.

The "prescription" for what ails education in this country enjoys widespread consensus: Improve the performance of our primary and secondary school students and provide access to affordable, high-quality higher education to more people. But how the country goes about filling this prescription is a matter of significant debate.

Clearly, a "fix" to the problem requires the combined and coordinated efforts of various sectors. Central to the effort, however, must be higher education. Higher education, after all, prepares the teachers for the schools and sets the standards for the degrees.

What should higher education do to help plug the holes in the education pipeline and enable our nation to address its most pressing long-term national security issue: the development of a robust and superbly educated workforce?

First, higher education must become more engaged in improving primary and secondary school performance. Colleges and universities need to encourage more students to

pursue teaching careers and, in partnership with local school districts, better prepare prospective teachers with the content knowledge and pedagogy skills to succeed. Universities must work more effectively with the K-12 sector to ensure that student assessment in high school is closely aligned with college entrance requirements, and that the transition from high school to college is as seamless as advancement from 11th to 12th grade.

The best way to achieve such transformational changes is through so-called statewide K-16 councils, which bring educational leaders from all levels—superintendents, principals, university presidents, deans—together with business and community leaders on a regular basis to develop reform agendas. Such an approach is working in Maryland and a few other states.

As a second means of plugging the holes, state governments and higher education need to rethink the way they distribute financial aid. During the past two decades there has been a huge shift in the allocation of university-based aid, away from students with demonstrated financial need and toward high-ability students—often from upper-middle-class families—whom universities seek in order to improve their SAT profiles and "vanity" rankings. Too many low-income students are either discouraged from attending college or must work such long hours that their progress toward a degree is unreasonably delayed or, worse, terminated.

Fortunately, we have seen several "enlightened" universities—including the University of North Carolina at Chapel Hill, Harvard University, the University of Virginia and the University of Maryland, College Park—introduce programs to ensure that students from families at the lower end of the economic ladder can graduate debt-free. At the University System of Maryland, we recently adopted a policy requiring that students from families with the lowest levels of income graduate with the lowest debt. Planned expenditures on institutional need-based aid by USM institutions have increased more than 30 percent in the past year.

Finally, higher education—especially public higher education—must learn to operate with a more cost-conscious budget model. Most others sectors have experienced significant productivity gains through rigorous attention to cost containment. Higher education can no longer afford to ignore this strategy.

Investment of state funds in higher education on a per-student basis is at a 25-year low. It has fallen from about \$7,100 in 2001 to just over \$5,800 in 2005. As state investment on a per-student basis has declined, the tuition burden on students and their families has increased. In more than a quarter of our states, tuition revenue is now greater than the state's investment in its public colleges and universities. In the coming decades, areas such as health care, energy, and social services for an aging population will require an ever greater proportion of available tax dollars, accelerating the decline in public investment in higher education.

With that decline and without serious attention to cost containment, colleges and universities will face two highly undesirable alternatives: Accept more students at generally affordable tuition levels and see quality erode or protect quality by driving up tuition to levels that will be prohibitive for low-income students.

With the leadership of its Board of Regents, the University System of Maryland has incorporated cost containment as a formal part of its budget development process. These efforts have reduced the "bottom line" by more than \$40 million for the system's 13 institutions during the past two years.

Filling the holes in America's education pipeline must become an urgent national priority. Nowhere is strong, unified action more necessary than at our colleges and universities. In partnership with other sectors, higher education must be held accountable for embracing its role and responsibilities to help improve K-12 education, increasing its need-based financial aid substantially, and containing costs more aggressively. If this doesn't happen, U.S. leadership in the global economy will erode. Perhaps even more threatening, our national ethos of social upward mobility will be lost and we will devolve into a two-tier society with a permanent underclass.

Mr. ALEXANDER. Sometimes we talk so much about the high cost of higher education where families hear that and think no one can go to college. I was president of the University of Tennessee. Tuition has gone up there for the reasons I just talked about. But today tuition at the University of Tennessee, which is one of the leading research institutions in this country—the manager of the Oak Ridge National Laboratory—is \$5,300 a year. It is \$5,300 a year for tuition at the University of Tennessee. That is more than a lot of people have, but that is a very good bargain in today's marketplace.

Volunteer State Community College, a public 2-year college—we encourage many people to go to community colleges, and then to our research universities—the tuition there is \$2,383 a year.

At Tennessee State University, in Nashville—an excellent institution—it is \$4,300. It is the same story in many other States. At the University of North Carolina at Chapel Hill, for North Carolina students—one of the best universities in the world—it is \$4,500 a year. At the University of Phoenix—a different kind of university, but I had a distinguished scientist from the University of Texas tell me he looked at colleges of education all over America, and he thought the college of education at the University of Phoenix was as good as any to get your teacher's degrees—the comparable cost there for a year's tuition is about \$6,669. They do things a little differently, but they provide an education and a service that many people are asking for, and I think that reflects the strength of our autonomous system of higher education.

Now, if you want to go to Harvard, it is a lot more. If you want to go to Vanderbilt, it is a lot more. But the rest of that story is, if you show up at Harvard, or if you are admitted to Vanderbilt, and you do not have the money, they are going to do their best to help you pay for that.

So I would hope as we talk about the cost of higher education that we recognize that many of the State institutions are reasonably priced, that the failure of State funding over the last several years is the principal culprit in the rising increase for public schools, and that we do not get carried away up here in Washington by thinking if we pass some more regulations here, some-

how we are going to solve the problem, and we are going to make our higher education system better.

My main point is this: Our greatest threat to quality higher education is overregulation. And our greatest incentive for it is deregulation, choice, and competition. Those are the incentives I would like to preserve.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ENERGY INDEPENDENCE FOR AMERICA

Mr. THUNE. Mr. President, as we wind down this legislative session in this last week, we have a lot of work to do on the agenda. We have bills dealing with port security, Homeland Security appropriations, Defense appropriations, and border security, which is the subject of discussion right now, the Secure Fence Act of 2006, and those are probably going to be the things on which we can find consensus. We can add to that the issue of how we deal with detainees and continue to acquire high-value intelligence that will enable us to prevent future terrorist attacks. That legislation is coming down the pike, too. So we have a lot of things to vote on in the last few days before the election. And the assumption, of course, is that we will probably come back in after the election to wrap up some of the outstanding issues.

There are other pieces of legislation that could be dealt with in this period—legislation that is without controversy, legislation that has been acted on by the House of Representatives and on which there is broad bipartisan agreement. It seems to me, at least at this point in the legislative session, that in order to get these bills through, it is going to take considerable agreement on both sides of the political aisle, with enough critical mass behind them to get them through.

I have a bill that fits into that category. I have come to the Senate floor on a couple occasions to speak about it. It has been cleared by the House of Representatives by a vote of 355 to 9. Now it is sitting here, and Senator SALAZAR from Colorado and I have a substitute amendment to that, and as soon as it is picked up and the Senate passes it, it goes back to the House. The House has indicated that if we send it back, they will pass it. Then we can put it on the President's desk.

The bill has to do with an issue that I think is on the minds of a lot of Americans—energy independence. It is a fairly straightforward issue. As I have explained previously on the floor, it has to do with closing the gap in the distribution system between the production of ethanol, the supply of re-

newable energy in this country, and the demand for it, the ultimate consumer of renewable energy.

Right now, as you know, in the last year we passed an energy bill which required, for the first time ever, certain use of ethanol in this country—7.5 billion gallons by 2012. We are ramping up to that level now. In South Dakota, we already have 11 ethanol plants. We have three under construction, and in a short period we will be at a billion gallons a year—just in South Dakota. If you add to that the production underway in the Chair's home State of Minnesota and other States in the Midwest, there is a tremendous amount of ethanol that is in the pipeline. We have now a requirement that States around the country have to meet that 7.5 billion. I think we also have a very robust demand for it because people in this country realize that if we are going to get serious about energy independence, we have to begin shifting away from some of the types of energy that we get from other places around the world. This is American energy, homegrown energy, renewable energy. We can raise it every year. We have a corn crop every year that can be converted into gallons of ethanol. We have other types of biomass materials that, raised in places such as the Midwest, are on the cusp in terms of the technology that will soon be available. One is switch grass. There is a research project at South Dakota State University right now looking at the probability in the near future of having the essential ingredients and processes that will enable us to make ethanol out of switch grass, something that is in abundance in the upper Midwest.

This movement toward renewable energy, American-grown energy, is long overdue. People are demanding that we begin to move in that direction. We have a renewable fuel standard, as a result of the Energy bill that passed, which is a great success for moving in that direction. We have, as I said, a lot of production now that is currently on line, with additional plants under construction. What we are missing is the method by which that ethanol or other renewable fuels—bioenergy—is distributed to consumers in this country.

Right now, we have about 180,000 filling stations in America, and only about 800 of those make available E85 or other alternative fuels. If you do the math on that, that is 1 filling station for every 10,000 cars that are currently capable of using E85 or some other form of alternative energy. The Auto Alliance—and probably Members of this Chamber have seen them—has run ads in some of the publications in town saying that today there are 9½ million cars on the road that can use alternative sources of energy. "Flex-fuel vehicles" is how we refer to them in most cases. If you look at the 9½ million cars already on the road and those currently in production, the car manufacturers are gearing up to come up with more vehicles that can run on alternative sources of energy, primarily 85.

We have an enormous opportunity out there, a great potential for increasing usage of ethanol and renewable fuels, thereby lessening our dependence upon foreign sources of energy, which has implications for our economy, for our national security, and foreign policy.

This is a win-win. This is flatout a no-brainer for America and for the Senate. Yet we have a hold—a secret hold—by someone on the Democratic side that is preventing this bill from moving forward.

Mr. President, I understand the traditions and the rules of the Senate allow for that sort of thing to happen, but whoever it is—and I have my suspicions about who it is—who has a hold on the bill, I wish they would come forward and defend that hold. This is a noncontroversial piece of legislation which has broad bipartisan support, has passed the House with a 355-to-9 vote, and is ready for action in the Senate. But as of right now, it is being held up by someone on the other side. Again, I don't know who that is. I would like to know who that is and have the opportunity to visit with them to find out what their objection is.

The reality is that this is a piece of legislation which makes so much sense for our economy and, as I said, for our need for energy independence, to have American energy so we can get away from our dependence on foreign sources of energy. It is good for the environment. There are so many benefits to moving this legislation forward. Again, it is heading in a direction that gets us away from dependence upon foreign energy and more energy independence in this country.

I come to the floor to urge my colleagues—it has been cleared on the Republican side. It is ready for action in the House. It is teed up to go there; we have talked with our colleagues in the House. It passed once there.

The amendment Senator SALAZAR and I have offered, the substitute amendment, is a modification of that bill, but it keeps in place the basic concept of the bill. Very simply, in terms of explanation, it provides up to a \$30,000 cash incentive for fuel retailers to install pumps that would provide E85 or other types of energy. The average cost to install that pump is somewhere between \$40,000 and \$200,000, depending on where you are in the country. We believe the convenience stores and the gas stations across this country would take advantage of this if it were in place. It would do something about this ratio I just mentioned where we have 1 filling station for every 10,000 cars in this country that are capable of running on E85 or some other form of alternative energy.

Again, I commend this to my colleagues in the hopes that we can move ahead. We have a few days left this week before everybody heads home for the elections. We don't know what will happen with the elections. This is legislation which, as I said, is broadly sup-

ported on a bipartisan, bicameral basis and has the support of the auto manufacturers across the country and the National Association of Convenience Stores. I submitted letters previously for the RECORD expressing the support of the entire ethanol industry and environmental groups. I think it has been cleared on the Republican side, and I hope that whoever on the Democratic side who has placed a hold on the bill will make that known so we can discuss what the objection is and, hopefully, clear it for action so we can get something meaningful done about the issue of energy security before Congress goes home for the elections.

Mr. President, I raise the issue again, and I urge and ask and request that my colleagues work together to accomplish what I think is a very important objective before we leave for the election; that is, moving America in the direction of lessening our dependence upon foreign energy, becoming energy independent, and helping to address the issue of high gas prices in this country. This bill would do that. I simply ask my colleagues to work with me to get that done.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Illinois is recognized.

Mr. DURBIN. I thank the chair.

MENTAL HEALTH PARITY ACT

Mr. DURBIN. Mr. President, in just a few weeks while we are in recess, we will mark the fourth anniversary of the untimely death of our former colleague from Minnesota, Paul Wellstone. Paul Wellstone died at the age of 58 in an airplane crash about 4 years ago. Paul and his wife Sheila and daughter Marcia were on their way to a campaign event in Eveleth, MN on October 25, 2002 when their plane crashed in a wooded field 2 miles short of the airport. We mourn for the surviving children Mark and David and for the families of the campaign staffers, Will McLaughlin, Tom Lapic, and Mary McEvoy, and for the families of the pilots flying that fated aircraft.

Paul's tragic and premature death silenced one of the leading voices in America on the issue of mental illness. Paul Wellstone understood the devastation that mental illness can bring: the stigma, the alienation, the broken families and, sadly, even broken lives.

In 1992, together with Senator PETE DOMENICI of New Mexico, Paul introduced legislation to require insurance companies to offer the same coverage for treating mental illness as for physical illness. The Mental Health Parity Act was passed and signed into law in 1996. The final version of the bill sadly was watered down and fell short of Paul's earliest goals.

A new bill to eliminate these disparities in insurance coverage was introduced in the last Congress. The Paul Wellstone Treatment Act attracted widespread bipartisan support: 69 Members of this Chamber and 245 Members of the House—a clear majority sup-

porting Paul Wellstone's legacy. But unfortunately, during the past 2 years, this bill was not called for passage and did not pass.

Today I am honored to be joined by Senator Norm Coleman of Minnesota, Senator TED KENNEDY, Senator TOM HARKIN, and Senator MARK DAYTON of Minnesota in submitting a sense-of-the-Senate resolution, first to remember Paul Wellstone and honor his legacy, but also to publicly commit to finishing his work on mental health equity legislation.

Mental health disorders are the leading cause of disability. Without treatment, the consequences of mental illness for the individual and for all of us are staggering: disability, unemployment, substance abuse, homelessness, inappropriate incarceration, suicide, and wasted lives. The economic costs of untreated mental illness is more than \$100 billion each year in the United States. In my home State of Illinois, close to 4 million people, or 30 percent of the population, are affected by some form of mental illness each year, including depression. Suicide is the third leading cause of death among young people 15 to 24. Seventy-seven percent of adults with severe mental illness are unemployed.

Now, the good news is this: Mental illness is treatable but only for the people who have access to sound diagnosis and care. We have a good start, thanks to the Mental Health Parity law that Senators WELLSTONE and DOMENICI led to enactment in 1996. Our next challenge is to build on the work Paul Wellstone left behind.

Current law requires insurers offer mental health care and offer comparable benefit caps for mental health and physical health, but it does not require group health plans and their health insurance issuers to include mental health coverage in their benefits package. It doesn't prevent insurers from setting higher deductibles, higher copays, and fewer services covered for mental health illness. I commend Senators KENNEDY and DOMENICI for their work in this Congress on working toward a consensus for reaching mental health parity for Americans.

I called Senator DOMENICI last week to tell him I was submitting this resolution and to cheer him on so that during the next session of Congress we can give the right tribute to Paul Wellstone and, more importantly, as Paul would see it and I see it as well, hope to millions of Americans.

This resolution honors Paul Wellstone. It commits us to continuing his work to ensure equity for people with mental illness. Paul fought against discrimination in any form. His life work was dedicated to creating a world in which everyone, regardless of race, religion, economic status, or health or mental health status, would be treated fairly and equally. I urge my colleagues to support this resolution and renew our commitment to ensuring mental health parity.

Paul Wellstone was often quoted as saying:

I don't think politics has anything to do with left, right, or center. It has to do with trying to do right by the people.

That was what Paul Wellstone said. And now we will have our chance in the next session of Congress to honor that commitment.

Mr. President, I yield the floor.

Mr. COLEMAN. Mr. President, I thank my colleague from Illinois for submitting this resolution both on the legacy of Paul Wellstone and, in particular, focusing on this issue of mental health parity.

Paul Wellstone and I disagreed on a lot of issues. One of the great things about Paul Wellstone is that even if you disagreed with him, you admired his passion—his passion which was reflected when we had our debates. He was always energized. He was real. He was very real.

One of the things he was very passionate about was mental health parity and doing the right thing for millions of Americans. His Senate family has been touched by the tragedy of mental illness—touched. Millions of Americans have been touched or impacted by the tragedy of mental illness. The reality is there is treatment available. We can deal with this. We can lift up lives to make people whole and productive. There is a path to do this. There is a path that my predecessor laid out with the help of Senator DOMENICI in the early 1990s. We made some headway, but we didn't go far enough. We know what the voids are. We know what the gaps are. We have a path to get there. We are close. The problem is "close" may be good in bocce ball, but it is not good in legislation.

I have been here 4 years. It is one of my hopes that on one of the things that Senator Wellstone and I fully agreed on, which is the importance of providing true mental health parity, is that we can get it done. We are not there yet. We need to get it done. I hope that as we move forward and when we come back and finish this session—we are not going to get it done now, but I hope folks will reflect on what is the right thing. It is the right thing. With this resolution we are honoring the legacy of a great Senator, we honor the legacy of someone who had great passion, and we do the right thing for millions of Americans.

Let us get mental health parity through. It is the right thing and I hope we can get it done. Again, I thank my colleague from Illinois for raising this issue.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, I at the outset thank my colleague from Minnesota who was quick to join with his colleague Senator DAYTON as a cosponsor of this resolution.

Many times politics divides us, but when it comes to an issue such as mental illness, we are all in this together. I know my colleague from Minnesota has probably had the same experience I

had, of raising this issue at a town meeting or a public meeting, and then I almost guarantee you that before you leave that hall, someone will come up to you and ask if they can speak to you privately to tell you the story of a child or a spouse who has bipolar disorder or schizophrenia or who has committed suicide. It touches so many of us. What Paul Wellstone was trying to remind us of is that mental illness is not a curse, it is an illness, and an illness that can be treated. Why shouldn't we include it in our health insurance for Americans so that every family can be spared the suffering that comes with mental illness today.

I thank my colleague from Minnesota for joining me on this resolution.

Mr. DAYTON. Mr. President, I thank and commend my friend and colleague, the assistant Democratic leader from Illinois, Senator DURBIN, for submitting the Senate resolution honoring the memory of the late Senator Paul Wellstone from Minnesota, my friend of 22 years, my colleague and mentor for my first 2 years in the Senate.

I also thank Senator COLEMAN, my present colleague, for his cosponsorship of this resolution and making it a bipartisan statement. I am proud to join as a cosponsor of the resolution.

It is hard to believe that it has been almost 4 years—it will be on October 25, 2006, when we will not be in session—since the terrible plane crash occurred that took the lives of Paul Wellstone, U.S. Senator from Minnesota, his wife and partner of 39 years, Sheila Wellstone, his daughter Marcia; the Democratic Party associate chair from Minnesota, Mary McEvoy; one of Paul's longtime valued Senate staffers here in Washington, Tom Lapic; and a young Minnesota aide, Will McLaughlin, as well as two pilots.

One of Paul's most important causes was that of mental health parity. The illness of a family member made this a very personal cause for him, as well as his compassion for those throughout this country who suffer from some form of mental illness and are unable to get the treatment they deserve and which is medically available because insurance companies will not pay for and treat mental illness with the same parity they do other physical health problems.

Senator Wellstone found a valuable partner in the distinguished Senator from New Mexico, Mr. DOMENICI. Together they worked on a bipartisan basis for several years against the fervent opposition of the medical insurance industry to pass mental health parity legislation.

In the aftermath of Senator Wellstone's death, then-majority leader of the Senate Tom Daschle succeeded in getting through the Senate the Wellstone-Domenici legislation, which passed the Senate but unfortunately hit opposition by the House of Representatives. And once again the medical insurance industry prevented one of Paul's legislative dreams from becoming law in 2002.

Despite assurances beginning in January of 2003 from the new Senate majority leadership that the Senate would act on successor legislation in honor of Senator Wellstone and pass mental health parity, despite the best efforts of Senator DOMENICI, who was then joined on our side of the aisle by Senator KENNEDY and our own caucus leaders, Senator REID and Senator DURBIN, the Senate has neither considered as a body nor passed mental health parity in either the 108th Congress or the 109th Congress.

In other words, during the last 4 years following Senator Wellstone's terrible tragedy, the Senate has not acted to pass this legislation.

That is why Senator DURBIN's resolution today is so timely and so important in these final days of the 109th session. It states that Senator Wellstone should be remembered for his compassion and leadership on social issues, and the Congress should act to end discrimination against citizens of the United States who live with a illness by passing legislation relating to mental health parity as a priority for the 110th Congress.

One of Paul's favorite quotes was that of a rabbi many years ago who concluded by saying: If not now, when? If not now, unfortunately, then at least in the 110th Congress, over the next 2 years, it is my fervent hope, although I will not be here, and even though my colleague, Senator Paul Wellstone, will not be here, his spirit will continue to carry this legislation forward, and with the leadership of Senator DURBIN and others who have championed this cause in the Senate and with greater understanding perhaps on the other side of Capitol Hill in the House about the importance of this legislation to millions and millions of Americans, this would be one of Senator Wellstone's proudest moments. It would be one of the Senate's and Congress's great accomplishments, if mental health parity were to be made the law of this country for the millions of those who would benefit from it.

I again thank Senator DURBIN.

I yield the floor.

Mr. DURBIN. Mr. President, if the Senator will yield for a question, I would like to say by way of question through the Chair that I thank my colleague from Minnesota. I can recall when he first came to the Senate serving with our mutual friend, Paul Wellstone. It must have been tough to be that close to a dynamo. The man had boundless energy and committed to so many good causes.

The Senator from Minnesota has carried on the fine tradition for your State. I thank the Senator for joining us in this resolution.

Hope springs eternal, and maybe during the lame duck session Senator KENNEDY and Senator DOMENICI will be able to give us some good news that will make us proud on this important issue.

I thank the Senator for his words today.

Mr. DAYTON. I thank the Senator from Illinois. Senator Wellstone was an eternal optimist. I share the Senator's hope that something might be possible this year. If not, this resolution passing on that responsibility to the 110th Congress is very timely and appropriate. I am glad to cosponsor it.

ESTATE TAX

Mr. DURBIN. Mr. President, this morning one of my Republican colleagues came to the floor to talk about what appears to be the favorite topic of most Republican Senators: the estate tax. No matter what we are talking about on the floor, whether it is immigration reform, making America safe from terrorism, dealing with issues involving the funding for our troops, port security, without fail, you can count on one of my colleagues on the other side of the aisle trying to wedge in to this queue with what many of them consider to be at least equally important: the issue of the estate tax.

So my colleague came to the floor and mentioned my name over and over again as if I were his opponent. I would say to my colleague there are many Senators who disagree with his position, but I will be happy to address it for a moment or two.

The simple fact is this: If an American and a spouse have assets valued at less than \$2 million at the time of their death, they will never pay one penny in estate taxes—not one. So if you ask who benefits from this repeal of the estate tax, well, sadly it turns out to be some of the wealthiest people in America. If you took 1 percent—that is 1 out of 100—estates in America, people who die each year, only one-fourth of those will ever pay any estate tax. It is a very small number of people who have done very well in their lives in America who may end up paying estate tax.

I want my position to be clear. There is an exemption under the estate tax, an exempt amount that you can leave to your heirs, that will not be taxed. I think we need to increase that and regularly increase it to reflect reality. It is true, the real estate we own has gone up in value while we have lived there, businesses have increased in value, farms have increased in value, and I think the exemption should be increased as well.

Where I have a problem is where we have people who are very well off—multimillionaires—who end up owing the Government—in fact, owing their country—something for their success, and they will be left in a position with the proposal from the other side of the aisle where they may have no estate tax liability whatsoever.

The majority leader of the Senate, Senator FRIST, has said he is for total repeal of the estate tax—total repeal so that Mr. Bill Gates of Microsoft, who has done so well and made so much money, would pay nothing back to America by way of estate tax when he passes away. Well, Mr. Gates is not asking for that. Many people who are well off are not asking for that. They

understand this country has been very good to them, and they are also prepared to pay back so that future generations have a chance to succeed as well.

My colleague came to the floor and talked about farmers and is concerned about farmers. I am from downstate Illinois. A few years ago, after hearing all of the debate about estate taxes, I wrote to the Illinois Farm Bureau, the Illinois Farmers Union, and asked them: Tell me of any farm that you know of where the farmer's survivors had to sell the farm because of paying Federal estate tax. There was not one single instance in my State. They couldn't find one. Now, I understand some of those farmers may have to sell off a portion of their land or some of their acreage to pay their taxes at the time that the spouse finally passes away. But as far as losing farms, that is something that is said over and over again, but neither the Illinois Farm Bureau, the Farmers Union and, in fact, the American Farm Bureau could find a single example of a family being forced to sell its farm because of estate tax liability.

According to the Congressional Budget Office, only 123 family-owned farms and 135 family-owned businesses would pay any estate tax at all with a \$2 million family exemption level.

So we often have to stop and wonder why are we dwelling on this or why are some Members of the Senate continuing to dwell on this. If their sympathy is for those who are struggling to survive in America, they should focus their spotlight not on the wealthiest among us but those who are struggling at lower levels.

Let's take a look at some of the realities, the economic realities in America today. This chart shows what has happened over the last 6 years. The minimum wage has been frozen under President Bush and this Republican Congress for 9 years. During that 9-year period of time, the President's pay has been increased substantially, pay for Members of Congress increased \$31,600, and the \$5.15 an hour minimum wage has not gone up.

It is always interesting to me that my colleagues on the other side of the aisle seem to think that it is fine for those making the lowest wages in America, some of them working very hard each day, to have no increase in their pay for 9 straight years, while they are struggling to make ends meet. They come to the floor and talk to us about those who have made millions of dollars in their lives and whether they will have to pay any taxes. I think it is a misplaced priority.

If we take a look at some of the real household income of Americans across the board, you can see what has happened from 2000 to 2005. Real household income has declined by \$1,273. It means the average family, working hard, paying off the costs of living—utilities and mortgages, energy costs, education costs—is working harder and falling behind each and every year.

Our economic policies in this country really are not focused where they should be. We should be focusing on this middle-income American family that is struggling to make ends meet in a very difficult time.

The distribution of wealth in America has changed substantially over the last several years. The distribution of earnings has become even more unequal. When you look at this situation, you see the years between 1995 and 2000 with a violet color, 2000 to 2005 with the red. So in the year 1995 to 2000, the last term of President Clinton, you can see there was an increase in earnings, weekly earnings for full-time workers, across the board. All of these violet bars above show, for example, a 9.6-percent increase, a 7.4-percent increase. So in that 4-year period of time, we had the distribution of earnings increasing.

Now look at the period of time under President Bush. During that time period, in each of these categories of income in America, we have seen that earnings have been declining or rising very slowly, as they are at the highest levels of income in America.

Take a look at the wealth as well under the tax breaks given under this administration the last several years. This is the Bush economic record: a \$38,000 tax break for people who are making \$1 million a year, but for middle-income families making \$50,000 to \$100,000, their tax break under the Bush administration has been \$55, and for those in the lowest income categories a tax break of \$6.

You can see where the priorities have been when it comes to taxes. But ask the average family making about \$100,000 a year—let's take that as an example. Let's take someone who is a teacher and whose spouse may work part time, bringing in some income to the family, and together they make \$100,000 a year. They have raised their kids and spent good money sending them to school. Then the kids apply to college. The families are inundated with a stack of forms—most families have seen them—to apply for student loans and students grants. Those making about \$100,000 a year will find it difficult to apply for any financial assistance. So the students, their sons and daughters who finally got into the school of their dreams, may face an unconscionable debt.

Some students put off their education. Some give up on the best schools. Some go on to school and graduate with a mountain of debt, a mountain of debt which was made worse this year when, on July 1, a law signed by President Bush increased the interest rates on student loan debts by 2 percent. It doesn't sound like much, except it means the payback for that student loan has now been increased by 20 percent over the life of the loan. It means these students, borrowing money to go to school, deeper in debt, will now be paying off their student loan debt into their 50s. Imagine that student graduating today—23, 24 years

old, maybe—looking ahead to 20 or 30 years of paying off student loan debt. Finally, in their early 50s, they have paid it all off, and now they have a few years to contemplate their retirement.

What is wrong with that picture? What is wrong is students and families in middle-income circumstances are bearing this burden, and this burden is increasing, as I will show, as the cost of college education increases. So instead of talking about a \$38,000 tax break for someone who makes \$1 million a year, we believe on this side of the aisle that we should allow the deductibility of college education expenses. If you can deduct the amount of interest you pay on your home to encourage home ownership, why shouldn't a family be able to deduct some of the costs of college education from their tax expenses so we can encourage students to go on, further their education, and make this a better country? It is a question of tax priorities; on one side of the aisle, estate tax relief for those in the highest income categories; on this side of the aisle, we are talking about relief when it comes to tax deduction for the real cost of college education expenses.

Most of the families I represent in Illinois were quick to tell me, during the August break, how bad gasoline prices were. We know in the last 5 years they have increased 104 percent. They started coming down in the Midwest, but I think there is a false sense of security here. A lot of people were sacrificing to put more gasoline in the car, but we still don't have a national energy policy, and there is no guarantee that a few weeks from now those gasoline prices will not go back up again because we have no bargaining power.

We are so dependent on foreign oil today that we can't say to those who gouge us and those who want to really charge us the most that there is anything we will do about it. And this administration has not really called the oil company executives in, Exxon and others, to explain the absolutely unprecedented level of profits they took as the gasoline prices went up. That industry made more money more quickly than any industry in America, and they reached higher profit levels than any industry had recorded previously. Yet this administration sat back and said we can do nothing about it as Americans and families and businesses and farmers paid the price. As the cost of gasoline goes up, as prices have in the last several months, families have faced that sacrifice. Now comes the heating oil season for many, and that may again increase the cost of expenses for these families.

Take a look at what has happened as well when it comes to family health insurance premiums under this administration. Family health insurance premiums have increased 71 percent in the last 5 years. That means the average premium for family health insurance went from \$6,348 when President Bush took office to \$10,880. Is it any wonder

families are feeling the squeeze? These premium increases, of course, translate into another \$300 or \$400 each month that a family has to come up with just to have the same health insurance as last year and maybe less coverage.

Have we discussed expanding health insurance or making it more affordable on the floor of the Senate? Only once and just for a few days. I salute Senator ENZI, Republican from Wyoming, chairman of the HELP Committee, for bringing a health insurance proposal to the floor. We had another proposal here. We tried, if we could, to work out something ahead of time to have a bipartisan approach. We didn't get it done. I hope that in the next Congress, we can find a way to bring real relief on a bipartisan basis to families that are struggling with these health insurance premiums.

I mentioned earlier the cost of education and student loans. This graph shows what has happened under this administration since the President took office with regard to the increased costs of college. They have gone up \$3,688, the average annual cost of a public 4-year college, tuition, fees, room, and board. So there was a 44-percent increase in just this 5-year period of time under this administration, increase in college cost. Again, wouldn't our Tax Code be more sensible if we helped families pay this difference, if we helped them put their kids through college to get a good degree and a good life and contribute to this country? Wouldn't that be a higher priority in terms of our Tax Code than whether Bill Gates is going to end up being excused from paying an estate tax when he passes away?

There is also a concern as well with retirement plans. Take a look at what has happened in the last 5 years. In the last 5 years, 3.7 million fewer Americans have retirement plans. The number of workers with employer-sponsored retirement plans has gone down from 56.2 million to 52.5 million, which means more vulnerability.

A lot of people who had paid into a retirement plan through the course of their work experience believed that they had paid their dues, taken the money out of their check every week, and that the day would come and they would see it, that they would finally get to retire and relax. Then came mergers and consolidations and corporate sleight of hand and legal work, and the next thing you know a lot of these pensions started disappearing. So many families are concerned, concerned about when or if they can retire.

You read the stories in the paper all the time in Illinois and every other State about those who had their future plans wrecked when they lost their pension benefits. It has happened at the airlines. It has happened in so many industries across our country. We know it makes a real difference in life. A lot of people who thought they

would be spending their time worrying about where to go fishing now are acting as greeters at stores around America and trying to find part-time jobs just to keep it together.

We need to do something about retirement in this country, and one thing we do not need to do is privatize Social Security. Privatizing Social Security is, of course, supported by the President but not by the American people. They know the math doesn't work. Taking money out of the Social Security trust fund for people to experiment with their investments is going to weaken that fund unfortunately. They will be unable to make the payments our Social Security retirees need. If there is ever a time when we need Social Security to be strong, it is now, as we see fewer and fewer Americans with retirement plans.

The number of Americans without health insurance has gone up dramatically under this administration, from 39.8 million Americans with no health insurance to 46.6 million Americans. Those who are insured will tell you many times that their health insurance is not very good. They come up to me at town meetings in Illinois and talk about frightening scenarios where someone in their family had a serious illness, a diagnosis, and then when they tried to pay off the medical bills, it turns out the health insurance fought them all the way. These health insurance companies are spending a lot less on care and a lot more on battles with the people who have the health insurance, denying coverage whenever they can. So we have to really get back to this issue as part of the priorities of this Congress. I am sorry that this Republican Congress has not really come up with assistance that many of these Americans need with health insurance.

Overall, as we go through this litany, you can understand as you go through this litany why this next chart is where it is today. In the last 5 years, under this administration, household debt has gone up over \$26,000. Because Americans are struggling to make ends meet, because the cost of college and health care and gasoline and heating your home has gone up dramatically, Americans have had to borrow more and more just to keep up. They are right on the edge, trying to pay off very expensive credit card debt.

There has been a 35-percent increase in household debt in the last 5 years for the reasons I mentioned earlier, from an average inflation-adjusted debt per household of \$75,000 to over \$101,000. This debt is hanging over the heads of many Americans, and if there is any rock in the road that Americans families trip over—if someone gets sick, loses a job, a divorce, something unforeseen—they are going to find themselves then facing default on their debt and even higher interest rates.

While this has been going on for the average American, employee compensation has gone down some 4.6 percent. So while all the debts have been

piling up, the compensation that is being given to individuals has been going down. Meanwhile, corporate profits are up 8 percentage points. So we can see that the share of corporate income going to profits and employee compensation has gone in opposite directions, and those directions do not benefit those families that are struggling to get by.

Those who run the corporations are doing quite well, thank you. In the last 5 years, the pay for the chief executive officers of major corporations in America has gone up over \$1.6 million individually. This average pay here of \$5.2 million when the President took office is now up to \$6.8 million. So while the pay for employees is going down and expenses are going up, in the boardrooms the median CEO compensation has gone up substantially.

When you take a look at the tax cuts under this administration, their economic record, tax cuts are over 150 times larger for millionaires than they are for most households in America. So we gave the tax cuts of \$103,000 for those in the highest income levels and \$684 for those making less than \$100,000 a year. So the so-called tax cut program has not really helped those families struggling the hardest.

What has happened to employment, creation of jobs in America, is illustrated by this chart. We have seen the average annual growth rate of nonfarm employment in America under every President. You have to go back to Herbert Hoover and the Great Depression to see a decline of 6 percent in employment in America. You will see the lowest number of any President since Herbert Hoover has been registered by this administration, in the creation of jobs. That is the average annual growth rate of nonfarm employment. It is the slowest job growth in America in over 70 years.

The other sad reality is, while all of these things have taken place, this represents the famous wall of debt which Senator CONRAD of North Dakota has brought to our attention over and over again. When President Bush took office, our national debt was \$5.8 trillion. Today, it is over \$8.5 trillion—a dramatic increase in America's debt in a 6-year period of time. With policies which this administration supports and many on the other side have been arguing for, we can see America's debt reaching \$11.6 trillion in 2011. So in a 10-year period of time, we will have virtually doubled—not quite but almost doubled—the debt of America, which means we are leaving a burden for our children, a burden with which they will have to deal—a burden with which they will have to deal as we see more and more baby boomers in Social Security and Medicare. As we see fewer people working, those who remain in the workforce will not only have to face their own personal challenges economically, but they will have to deal with the debt that we are leaving behind.

If this is fiscal conservatism, I don't understand the meaning of the term.

Why is it that we have reached this point? Sadly, the economy is not going as planned. We are facing a war which costs between \$1.5 billion and \$3 billion every week, and the other side continues to come to the floor and ask for something that no administration has ever asked for in the history of the United States—a tax cut in the midst of a war. That is what the Senator from this morning was suggesting. He wants to cut the estate tax. By cutting the estate tax there will be less revenue for our Government, the war will continue, and our debt will grow. These numbers will have to be adjusted upwards for the debt we are going to leave our children.

Yesterday we had a hearing with the Democratic Policy Conference to discuss the war in Iraq. We had two generals and a Marine Corps colonel who spoke to us. They spoke on a lot of things that we need to do to make America safer and make sure we win this war in Iraq. But one thing that MG John Batiste said I really thought was important. He said—and I think we all believe—that America can rise to a challenge. America can meet a challenge. We have done it so many times in our history. We have won wars when we were not expected to. We put a man on the Moon when a lot of people scoffed at that possibility. We developed medical breakthroughs which no one would have dreamed of. We led the world in computer technology development and in so many areas one by one. Whether it was in agricultural production or in industrial development or innovation we have led the world. We have led the world because leaders have stepped forward—a President has stepped forward and challenged us and said we need to stick together, we need to work together to reach the goal.

General Batiste said yesterday—and I paraphrase his actual testimony, but I believe what he said. He said that what we need to be reminded of is we can meet any challenge as a nation. We need to be reminded, as well, if we are challenged and work together, we can win this war on terrorism. And he said it is going to involve sacrifice. It is not the first time Americans have been asked to sacrifice. They have done that many times. I believe that spirit of sacrifice is what is needed to make sure we keep America safe from terrorism and safe from other threats.

I see that Senator ENSIGN has come to the floor. I don't know whether he wishes to take the floor at this time. But I mentioned his name earlier. I commended him for bringing the health insurance issue to the floor. I hope in the next session that we can work together to try to find some bipartisan compromise to deal with this health insurance challenge. It is still out there and getting more challenging every day. Senator ENZI of Wyoming, as Republican chair of the committee, may have been the first one to bring the health issue to the floor of the Senate in the 10 years I have been here. I commend him for that.

Although we didn't see eye to eye on all of that, I hope we come back together and sit down and try to find some common bipartisan approach no matter who is in charge of the Senate in the next session.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RYAN WHITE HIV/AIDS TREATMENT MODERNIZATION ACT

Mr. ENZI. Mr. President, in a moment I will request unanimous consent that the Senate pass S. 2823, the Ryan White HIV/AIDS Treatment Modernization Act.

Just last week, we made a unanimous consent request to pass this bipartisan, bicameral legislation. That means Members from both sides of the aisle and both ends of the building have agreed to the language in this reauthorization. It passed out of the House Committee on Energy and Commerce last week. However, Senators from three States are blocking the vote that would speed reauthorization programs that provide life-sparing treatment to individuals suffering from HIV and AIDS.

We have to pass this bill. If this bill is not reauthorized by September 30, several States and the District of Columbia will be slated to lose funds. People who have been counting on the money for HIV and AIDS will lose money on September 30. Therefore, Senators from three States are holding up a bill that would help Connecticut, Georgia, Kentucky, New Hampshire, Pennsylvania, Delaware, Illinois, Maine, Oregon, Washington State, California, Hawaii, Massachusetts, Maryland, Montana, Rhode Island, Vermont, and the District of Columbia, not to mention some of the towns, major cities, and some of the States that would be gaining revenue as we move the money to areas where the current AIDS and HIV cases are. People with HIV and AIDS who live in the States I just mentioned will be hurt if a few Senators continue blocking this reauthorization.

As we all know, the Ryan White program provides critical health services for people infected with HIV and AIDS. These individuals rely on vital programs for drugs and other services. We need to pass this legislation so we can provide them with the treatment they desperately need. I urge Senators who are holding up this bill to stop playing the "numbers game" so that the Ryan White legislation can address the epidemic of today—not yesterday.

I mentioned that we changed the formula to follow the people. The HIV/AIDS epidemic affects more women, minorities, and more people in rural

areas and the South than ever before. While we have made significant progress in understanding and treating this disease, there is still much to do to ensure equitable treatment for all Americans infected with HIV and AIDS. We must ensure that those infected with HIV and living with AIDS will receive our support and our compassion, regardless of their race, regardless of their agenda, regardless of where they live; therefore, I urge my colleagues to support this key legislation and to stop playing the numbers game so we can assist those with HIV in America.

UNANIMOUS-CONSENT REQUEST S. 2823

Having said that, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2823, the Ryan White Act. I ask unanimous consent that the Enzi substitute at the desk be agreed to; the committee-reported amendment No. 578, as amended, be agreed to; the bill, as amended, be read the third time and passed; the motion to reconsider be laid upon the table; and any statements related to the bill be printed in the RECORD.

Mr. DAYTON. Mr. President, I object, not on my account but on behalf of some of my Senate colleagues who, I stress, want to join with the program.

I commend the chairman for his leadership on behalf of this legislation and the support of the reauthorization, but they object to the permanent reduction in funding for their respective States which would occur under the formula the chairman referenced. They share my hope, along with the chairman, that this issue can be satisfactorily resolved for all concerned before the expiration, September 30, so that this—I think we all agree—very important and valuable program benefiting all of our States can continue uninterrupted.

I do object on their behalf.

The PRESIDING OFFICER. The objection is heard.

Mr. ENZI. I am sorry to hear we have an objection. We need to find a way to work through this objection. I have been working desperately across the aisle with Senator KENNEDY, who has been joining me in this effort to help get it out of committee. We have been trying to find a way that the formula would work. One of the ways was to include in the bill 3 years of hold harmless for them to finish updating their system to the point where if they truly have the HIV numbers, they will truly get the money. If they don't have the HIV numbers, yes, they will lose the money.

Now, I don't know if the Senator from Minnesota is aware that our Ryan White reauthorization bill increases the funding for Minneapolis by \$2 million and \$2.5 million for the whole State. It is a net benefactor. There have been increases in HIV and AIDS cases in Minnesota, and this would move money to where the cases are. That is where the numbers show that his city and State would be significant beneficiaries.

I have a lot of statistics I can go through, but I wonder if the Senator is also aware that these increases are due to the inclusion of HIV/AIDS in the funding formula and that Minnesota has more HIV cases.

Mr. DAYTON. Mr. President, again, to make the record clear, I am not objecting on my own account but on behalf of my other Senate colleagues. I thank the chairman for that improvement in the funds that are going to Minnesota. I strongly support the program and intend to vote for it.

I thank the chairman again for his leadership and his continuing efforts to get this important legislation reauthorized.

Mr. ENZI. Mr. President, I appreciate that clarification.

I will ask the Senator for his help. He said he would vote for the bill. Anything we can do to move this forward. We have put a 3-year hold harmless in there for everyone.

On September 30, the world falls apart for a number of people. California, for one, will lose \$18.5 million of their funding. There are a number of big losers. There are no big losers if we pass the bill, provided the numbers back up what they have.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, by objecting to moving this bill, we need to look at the real lives that are getting ready to be harmed. Not only is the funding for the program going to be cut to the poorest of the poor by the formula in the preexisting Ryan White Act, but also the money for New York and California is going to be cut. The New York delegation, for example, argues that updating the formulas is devastating their State's infrastructure. A closer look reveals that the impact on New York, like other States with large urban areas, is not so great.

The national average funding per AIDS case in 2006 was \$1,613. New York's average was \$2,122—33 percent more than the national average. Under the corrected funding formulas, the national average in 2007 would be \$1,793; New York's would still be higher at \$2,107, just 5 percent less than the State currently has, so people who are getting no treatment now, especially minority women where this disease has ravaged and is growing at a larger proportion, do not have access to any care.

What we are really saying is to avoid a 5-percent cut, we are going to eliminate access for large numbers of minority women in this country who are infected with this virus and have no access to drugs, have no access to treatment today because the dollars have not followed the epidemic.

The political response to this, even though it might be parochial, is wrong for this country. It is wrong for those who have no benefit today to continue to be denied benefits because some group might lose a small percentage when, in fact, a very large number of

people are going to be benefited by the new Ryan White fund.

We need to be very careful. The last Ryan White law was very specific in what is getting ready to happen. The number of people waiting for drugs is going to shoot through the ceiling if we do not pass the bill because of the funding formula that was in there to force us to pass a bill.

What we have said is we are going to object on parochial interests, a 4- or 5-percent cut, but the reason we are going to object, we do not care that other people are going to have no care, no treatment, no drugs, no access, so what we are really doing is we are not taking away any significant care, but we are markedly reducing an opportunity for life for those who are the least able to care for themselves.

Just a couple of other examples. The New York Times noted that out of this \$2,107, we have dog-walking paid for through AIDS funds, we have candle-light dinners paid for for AIDS recipients—this at the same time an African-American woman in Atlanta, in Greensboro, or in Tulsa cannot get the lifesaving drugs she needs for tomorrow, the drugs that will save her life, allowing her to continue to be a mother.

There have been a lot of people who have worked very hard to get Ryan White reauthorized. I thank them personally for that. It diminishes the Senate when we think of the parochial and not the whole.

The long-term former funding for Ryan White was based on AIDS cases. The new funding is based on HIV and AIDS cases. This new funding in this new bill says that 75 percent of the money has to go to treatment—we have never had that before—to really make a difference in people's lives.

I am disappointed that we are not going to be able to do this bill, but my disappointment is nothing compared to the people who aren't going to get care, who aren't going to have a future, who aren't going to have a life if this is not changed. I thank the chairman for his hard work. I thank the Senator from North Carolina for his work and Senator JEFF SESSIONS, as well. This is a disease which is moving hard and heavy to minority communities, to the South. If we do not recognize that they ought to have equal rights for treatment and care, there is something wrong with us.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, this is, plain and simple, about whether this Senate is going to allow legislation to go forward to reauthorize Ryan White, that allows the funding to follow the patients. What an incredible thought, that we would be here at a stalemate over whether health dollars follow the individual HIV-positive and AIDS patients.

In North Carolina, we have gone on an aggressive program for volunteer

testing. The amazing thing we found out is that of those individuals now tested, 30 percent have full-blown aids, meaning that the options we have, that the health community has, are minimal from a standpoint of how we stop that disease in its tracks and give them any quality of life.

We are making the steps in North Carolina to try to identify the individuals who should be on a regimen of drugs. But by not allowing this bill to come to the floor for debate, we are denying the Senate the ability to bring the bill up and to consider the merits of it, and, yes, to amend it if we want to, to live with the majority of this body as to whether we change the funding formulas from what the committee has decided; which is, the funding should follow the patient.

My colleague from Oklahoma is an OB/GYN by profession. He has the medical degree. He understands the specifics of it. And the one thing that TOM COBURN has drilled in me over and over and over again is that to deny these individuals the ability to have the regimen of drugs that are available is to give them a death sentence. To deny this legislation to come up on this floor is to give a death sentence to somebody in America.

The likelihood is that some of those individuals with that death sentence live in North Carolina. Seventy-two percent of new North Carolina cases reported in 2005 were minority clients. Women of color in the South are 26 times more likely to be HIV positive than White females. In 2004, 66.7 percent of people living with AIDS in North Carolina were African American—the fifth highest rate in the Nation. The national average was 39.9 percent.

What is unique about this challenge of the demographic shift in where HIV and AIDS is affecting the U.S. population is that, for example, in North Carolina, in many cases, it is in rural North Carolina. The challenge is not only how you match the dollars for drugs with the patient, it is how you supply the transportation to the patient to get to the clinic where, in fact, they get their drugs. To deny the ability of the Senate to come to the floor and debate this bill, to bring it up and to address the merits of this formula change, to suggest that there is something wrong with allowing the funding to follow the patient—I am not sure I get it. I thought that is why America sent us here.

In 2004, North Carolina's contribution of \$11.2 million a year represented the seventh highest among all States for ADAP programs in absolute dollars, and the second highest contribution as a State in percentage. Nobody can look at North Carolina and say we are not doing our share and more for the people who live in North Carolina.

But what we are denied by our inability to debate this legislation, to amend it, if some want to amend it, is to say that North Carolina will have to con-

tinue to make a bigger investment on the part of our State because certain States do not want to give up their Federal dollars, even though they no longer have the pool of HIV and AIDS patients.

In 2004—one comparison I will draw for this body—in Massachusetts, there were 8,254 individuals living with AIDS; in North Carolina, we had 7,245. Total Federal spending in Massachusetts for individuals living with AIDS was \$18.6 million. In North Carolina, it was \$8.1 million—\$10 million shy of Massachusetts, with an affected AIDS population 1,000 less than Massachusetts. That one statistic shows the inequity that exists in the formula that we currently have within Ryan White.

One simple change means that funds will now follow the patients. That the concentration of dollars will go into the communities that affect the individuals who are infected with this disease.

I am not sure that many of us have stopped to focus on the fact that when the Federal Government makes an investment or the State government makes an investment to make sure that AIDS patients have the medications they need, we eliminate two hospital visits a year. A person living with AIDS today untreated will likely visit the hospital twice in any given year, for a week's stay each, once for a retinal infection, the second time for pneumonia. The average of those two stays is about \$33,000.

For an investment of slightly over \$10,000 a year—part by the Federal Government, part by the State government, part by private entities—we can eliminate those two hospital visits.

So the inability to bring up this legislation, the inability to debate a change in Ryan White, an inability to let the money follow the patients means not only will New York keep their pot of money or California keep their pot of money, but it means North Carolina is going to pick up, in unrecoverable hospital expenses, about \$22,000 per year per patient for whom we could not provide the medicine. So not only are we not investing the Federal money wisely because it is being invested in communities that do not have the patient population anymore, we are turning around, and the Federal Government is picking up, in the case of North Carolina, 60-plus percent of the Medicaid expense, or of the disproportionate share of the hospital expense in DSH payments, or, in fact, the hospital is sitting there with a \$33,000 bill and somebody unable to pay for it, and potentially it gives them a collection problem.

This is an opportunity for us to fix something that is broken, for us to do something that every person, every Member of the Senate understands the equity and the fairness of; and that is, if we are going to make a Federal investment, let's make sure the dollars follow the individuals who are affected with HIV and AIDS.

This is an opportunity for us to understand that AIDS does not recognize State borders, that it does not recognize the difference between sexes or ethnic backgrounds, that it has now infiltrated rural areas the same way it did urban areas years ago when we were reluctant to come to this floor and talk about it.

This is a health problem in America. It deserves our attention today. It demands that we change the formula to make sure as many Americans as possible who are infected with AIDS are, in fact, treated, in part with the money we devote out of the taxpayers' pockets to do it. The inability to bring this legislation up—to stand up and suggest that we would like to bring it up, and there is an objection—is to say, no, we do not want to debate it. Why? Because they do not want to fix it. They would rather allow a death sentence to be applied to somebody, to many people, across this country.

So as Dr. COBURN said, dogs can be watched, midnight dinners can be had, but the fact is, this legislation is focused on how we get lifesaving drugs to individuals who are infected with HIV and AIDS. My hope today is that Members who are scared to have this debate will come to the floor and lift their hold, will agree to the unanimous consent request, and come down and have a debate on this and try to defend—try to defend—these numbers, try to tell me that having \$18 million for 1,000 more HIV/AIDS patients is fair. In fact, it is not fair.

We are obligated—we are obligated—as Members of this body to change the formula so it represents where the best investment can be made, and to where the American people look at it and know we have responded in a fair and equitable way.

I thank the chairman for the committee's commitment to do this legislation, for the work of the chairman and his leadership in, quite frankly, coming up with a very difficult bill to address the input of many different regions of the country and many different States. But the same population—a population that was infected with HIV/AIDS, regardless of where they live, regardless of where they grew up, regardless of what their skin color is, regardless of whether they are male or female—they ought to be equitably treated as it relates to the distribution of Federal funds available for them to access lifesaving treatments and drugs for their disease.

My hope is that at the end of this day the Chair, the committee, but more importantly the individuals who are infected across this country, will, in fact, win and we will pass this legislation and change this unfair funding formula.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator for his words. The increase in knowledge that I am sure he has created across the country—and also the

comments of the Senator from Oklahoma—both of them have made an excellent case for why we need to do this. We need to do it immediately. We need to do it for people who have HIV/AIDS. I would note that the person who raised the objection to us adopting the bill is not from one of the three States that have a hold on the bill. I would hope those people would take a look at the situation in their State, and take a look at the fact they are getting more than the average number of funds being expended on patients across the rest of the country, and see that the surpluses their States are running at the end of the year greatly exceed the rather minute loss they would have, and that they would agree for us to move forward on this bill and get it in place before that September 30 deadline that is going to be devastating to 13 States that will lose money for having done the right thing.

Now, having said that, I know there will be people who will say the Republicans cannot get anything done. Well, that particular issue, and many others are not Republican issues. They are issues of the United States. And that is one on which we worked across the

aisle and had a great deal of agreement on. And I have to thank Senator KENNEDY, the ranking member on my committee, for the extreme work he did to help us find, among the thousands of formulas we looked at, the one that was the most fair so it would follow the patients. I do appreciate the work he has helped us do in the committee during the year.

ACCOMPLISHMENTS OF THE HELP COMMITTEE

Mr. ENZI. Mr. President, I want to take just a few minutes to talk about what the Health, Education, Labor, and Pensions Committee has done this year. This Ryan White reauthorization is extremely important, but it is not the only bill we have been working on. Because of the way we have done our work, some people may not be aware of what has been done. In fact, I know that to be the case.

This is a committee that has worked across the aisle. When you work across the aisle, a lot of times you can work out many of the difficulties, and when you work out the difficulties, there is not a big floor debate. And when there is not a big floor debate, there is nothing for the media to write up about the blood; consequently, it does not get

coverage. So I want to correct that here today, and I would like to discuss the Senate Health, Education, Labor, and Pensions Committee's accomplishments for the 109th Congress.

We have heard some claims that this is a do-nothing Congress. Well, I am here to assure American workers, retirees, students, and parents that the Health, Education, Labor, and Pensions Committee has done a great deal to help you live more secure, productive, and healthy lives. Of course, we have more to do, but I am proud that during a time of intense partisanship on Capitol Hill, the HELP Committee has produced a lengthy list of legislative accomplishments.

Looking back over the past 2 years, most of these victories materialized when Senators were willing to work across party lines and across the Capitol to put finding a solution in front of exploiting an issue.

Mr. President, I ask unanimous consent that a list of bills and reports filed by the HELP Committee in the 109th Congress be printed in the RECORD.

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

REPORTS FILED BY THE HELP COMMITTEE, 109TH CONGRESS, FIRST AND SECOND SESSION (2005–2006)

Bill No.	Ordered rptd.	Date rptd.	Written rpt.	Cal. No.	Status
1. S. 265 (Reau. Trauma Care)	2/9/2005	2/2/2006	109–215	359	
2. S. 285 (Children's Hosp. Graduate Medical Ed. Prog.)	2/9/2005	5/11/2005	109–66	98	Passed Senate, Amended 7/26/2005, Referred to Energy & Commerce 7/27/2005 (H.R. 5574).
3. S. 288 (High Risk Health Insurance Pools)	2/9/2005	2/10/2005	No	2	Passed Senate, 10/19/2005, (amdt. to H.R. 3204) P.L. 109–172.
4. S. 302 (NIH)	2/9/2005	7/29/2005	109–121	117	Passed Senate, 7/27/2005, Referred to Energy & Commerce 7/28/2005.
5. S. 306 (Genetic Info. . . .)	2/9/2005	5/26/2005	109–75	3	Passed Senate, Amended 2/17/2005, Received in House, Held at desk 3/1/2005
6. S. 172 (Amend FDA-re: Contact lenses)	3/9/2005	7/27/2005	109–110	177	Passed Senate, 7/29/2005, Passed House 10/26/2005. P.L. 109–96.
7. S. 250 (Carl D. Perkins)	3/9/2005	3/9/2005	No	39	11/9/2005
8. S. 525 (Caring for Children)	3/9/2005	5/10/2005	109–65	39	P.L. 109–270
9. S. 544 (Patient Safety)	3/9/2005	8/31/2005	109–130	199	8/12/2006.
10. S. 655 (Centers for Disease Control)	4/27/2005	6/27/2005	109–91	140	Passed Senate, Amended 7/21/2005, Passed House 7/27/2005 P.L. 109–41. 7/29/2005.
11. S. 898 (Patient Navigator)	4/27/2005	5/25/2005	109–73	115	P.L. 109–245. 7/26/2006
12. S. 1021 (WIA)	5/18/2005	9/7/2005	109–134	203	P.L. 109–18; (H.R. 1812).
13. S. 518 (. . . Prescription Electronic Reporting)	5/25/2005	7/29/2005	109–117	187	6/29/2005.
14. S. 1107 (Head Start)	5/25/2005	8/31/2005	109–131	200	Passed Senate, Amended 6/29/2006.
15. S. 1317 (Cord Blood)	6/29/2005	7/11/2005	109–129	156	P.L. 109–60; (H.R. 1132).
16. S. 1418 (Health IT)	7/20/2005	7/27/2005	109–111	178	8/11/2005.
17. S. 1420 (Medical Device User Fees)	7/20/2005	7/25/2005	109–107	173	P.L. 109–129; (H.R. 2520).
18. S. 1614 (Higher Education)	9/8/2005	11/17/2005	No	300	12/20/2005.
19. S. . . . (Defined Benefit Security)	9/8/2005	2/28/2006	109–218	300	Passed Senate, Amended 11/17/2005, Referred to Energy & Commerce 11/18/2005.
20. S. 1873 (Biodefense and Pandemic Vaccine and Drug Development Act)	10/18/2005	9/28/2005	No	257	P.L. 109–43; (H.R. 3423).
21. S. 1902 (CAMRA)	3/8/2006	10/24/2005	No	585	8/1/2005.
22. S. 1955 (Health Insurance Marketplace Modernization and Affordability Act of 2006)	3/15/2006	9/5/2006	109–323	417	P.L. 109–129; (H.R. 2520).
23. S. 2803 (Mine Improvement and New Emergency)	5/17/2006	5/23/2006	No	439	Passed Senate, Amended 11/17/2005, Referred to Energy & Commerce 11/18/2005.
24. S. 2823 (Ryan White HIV/AIDS Modernization Act)	5/17/2006	8/3/2006	No	580	P.L. 109–43; (H.R. 3423).
25. S. 860 (American History Achievement Act)	5/17/2006				8/1/2005.
26. S. 3570 (Older Americans Act Amendments)	6/28/2006	9/19/2006		616	P.L. 109–236 (6/15/2006).
27. S. 3546 (Dietary Supplements)	6/28/2006	9/5/2006	109–324	586	
28. S. 707 (PREEMIE Act)	6/28/2006	7/31/2006	109–298	541	Passed Senate 8/1/2006.
29. S. 757 (Breast Cancer and Environmental Research Act)	6/28/2006	7/24/2006	109–290	530	
30. S. 3678 (Pandemic and All Hazards Preparedness Act)	7/19/2006	8/3/2006	109–312	583	
31. S. 843 (Combating Autism)	7/19/2006	8/3/2006	109–318	578	Passed Senate 8/3/2006.
32. S. 2322 (RADCare)	9/20/2006				
33. S. 1531 (Keeping Seniors Safe From Falls and TBI)	9/20/2006				
34. S. 3771 (Health Centers Renewal Act)	9/20/2006	9/25/2006		639	
35. H.R. 5074 (Railroad Retirement Technical Improvements)	9/20/2006	9/21/2006		630	Passed Senate 9/25/2006.

¹ (Status—Was combined with a Fin. Cmte. bill and introduced as a Senate Bill on 9/28/2005 as S. 1783—Pension Security and Transparency Act of 2005. Passed Senate amended 11/16/2005. (See also H.R. 28301, H. Res. 602); H.R. 2830—House disagreed to Senate amendment/agreed to a conference on 3/8/2006.)

Mr. ENZI. Mr. President, I joined the HELP Committee when I was first elected to the Senate in 1997. It was natural for me because of my small business background as an owner of family shoe stores. I had firsthand ex-

perience with burdensome government regulations, inadequate health care coverage for my workers, and adversarial workplace safety laws. I was energized about finding common sense so-

lutions rather than more Washington bureaucracy.

Now, another reason I joined the HELP Committee is because its broad jurisdiction touches nearly every American.

Now, there were a lot of vacancies on the committee when I signed up. I asked why there were so many vacancies, and I was told, well, that is a contentious committee. I thought I knew what contentious committees were because I served on the labor committee in Wyoming. I found out that there is another level of contentious. I wanted to work with my colleagues to find smart solutions that would address some of the most important challenges faced by my constituents in Wyoming and, of course, other people across the country. I came from Wyoming as a firm believer in my 80–20 rule. The way that rule works is that we can usually find agreement on 80 percent of any issue. We agree across the aisle on about 80 percent of the issues that comes up. Now, we are probably never going to reach agreement on the remaining 20 percent.

Unfortunately, for America, what they get to watch on any bill is the debate on the 20 percent we don't agree on, and probably will never compromise on. That is what makes this body seem so contentious—the 20 percent that we don't agree on, even though 80 percent can get done. The committee process will enable us to find that 80 percent, and that has been a principle that has guided my chairmanship.

I was honored and humbled when my colleagues selected me to chair the HELP Committee nearly 2 years ago. Since my chairmanship began, the vision for both the full committee and the subcommittees is to craft legislation that provides lifelong opportunities for people to be healthier, more competitive, and to be more secure at school, work, and in retirement.

Because we have such a broad jurisdiction, the HELP Committee has had an aggressive legislative schedule in the 109th Congress. Over the past 2 years, together with the subcommittees, we have held 57 hearings and reported 36 bills out of committee; 21 of these proposals were approved by the Senate and 12 were signed by the President and became public law. We also reviewed and approved 352 nominations that require Senate confirmation. I thank my colleagues, including their staffs, for doing the work needed to maintain this aggressive pace.

In this Congress, the HELP Committee has been privileged to have in its ranks active subcommittee chairmen and engaged members. This is largely the reason the committee has had legislative success. I thank them for their dedication, and I applaud them for the joint success as a committee. Our ranking member, Senator KENNEDY, and I may disagree on a number of issues, but we have worked hard to find common ground and we share a commitment to improving the health, education, work, and retirement security of Americans.

The number of bills acted upon by the HELP Committee is certainly impressive. However, the numbers alone

don't begin to tell the story of how the committee's activity will improve the lives of Americans now and in the years to come. One of the committee's most significant accomplishments came on August 17 of this year when President Bush signed into law the Pension Protection Act. That act marks the most comprehensive change to pension law since 1974. The Pension Protection Act is a real victory for working Americans who spend a lifetime working hard and saving for retirement. It dramatically strengthens pension funding rules and helps curb record pension failures. In doing so, the act better protects the retirement dreams of 45 million Americans. Not only were single employer fund rules significantly overhauled, but the rules regarding hybrid pension plans were finally clarified, and multi-employer funding rules were changed as well. The proposal strengthens current law and will better help Americans prepare and plan for retirement. It provides workers the security of knowing that moneys earned for retirement will be there when they are ready to retire.

It also secures the Pension Benefit Guaranty Corporation and secures that corporation without picking the pockets of taxpayers to keep the agency solvent. This legislation was no small undertaking. It took a year and a half of hearings, 5 months of deliberations in conference, and countless hours of negotiations on each provision of the bill.

Fortunately, pension issues are almost always handled in tag team fashion, involving both the HELP Committee and the Senate Finance Committee, which has jurisdiction over the Internal Revenue Code. While this tag team approach is a great asset and helped us get the bill through the Senate, it meant a complicated and extraordinarily large conference involving four committees in the House and Senate and 27 conferees.

Together with my ranking member, Senator KENNEDY, Finance Committee Chairman GRASSLEY, ranking member Senator BAUCUS, as well as HELP's Retirement Security and Aging Subcommittee Chairman DEWINE, and Ranking Member MIKULSKI, our committees collaborated with House counterparts to make this sweeping reform happen. Because of this teamwork, the law passed the Senate 93 to 5. The result was a policy and a process that was truly bipartisan. Total floor time for the bill—Senate debate and conference report debate—totaled about one hour and fifteen minutes equally divided.

Some may think the conference took a long time to conclude, but history proves that it was ended in record time. The last big pension conference occurred in 1994. The conference was appointed in March of that year, but did not conclude until December. Prior to that, the most recent conference took place in 1987 and operated in the context of budget reconciliation. Again, that conference commenced in March but didn't end until December.

This year, our conference began in March and ended in July—just 5 months compared to a 10-month conference for earlier bills. Comparatively speaking, the Pension Protection Act conference finished quickly, but the impact will be felt for generations.

Another major accomplishment of the HELP Committee was the enactment of the Mine Improvement and New Emergency Response Act, MINER. From the tragic loss of life in the coal mines of West Virginia and Kentucky came the first reforms of mine safety laws in 28 years. These tragedies brought together leaders from the mining industry, from government, and from the labor unions, and helped to forge a commitment to improve mine safety. I traveled to the Sago mine with Senators KENNEDY, ROCKEFELLER, and ISAKSON. We met with the families of the miners who lost their lives. We met with other miners who worked there, and we met with people in the union. I felt a commitment to those families and miners in this country to try to ensure that this would never happen again.

The committee approved the MINER Act on May 17, and the President signed the bill in June. That has to be one of the fastest, most comprehensive changes to any safety law. I can't emphasize enough the cooperation of unions and company executives, and Republicans and Democrats.

Protecting the health and safety of those who work in the mining industry need not be a partisan issue. Mining, and coal mining in particular, is vital to our national and local economies, and to national energy security. Ensuring the safety of our miners is essential to protecting and preserving the industry and protecting the workers. I especially thank Senators KENNEDY, ISAKSON, BYRD, ROCKEFELLER, and MCCONNELL for the tireless effort they extended. Their efforts contributed in large part to this proposal becoming law.

I should mention that the debate on the Senate floor was 1 hour equally divided with two votes. So nobody saw that. Nobody saw that debate, but it makes a significant difference for all the people in the country—the mining bill. You never saw any debate on the floor. It passed unanimously without debate. It passed in the House under suspension with limited debate—the same bill.

Sometimes the things that get done by unanimous consent that everybody agrees on nobody ever finds out about, except the people it does benefit; they know. That is why it is worth doing it that way. For a bill that has objections around here, there are ways to overcome it if you get 60 votes for it. But that is usually about a 3-week process. A unanimous consent doesn't use up much time, but it gets things done.

The committee has also made tremendous strides related to education and job training. This session the

HELP Committee initiated a comprehensive effort to authorize legislation that enhances knowledge and skills and helps American workers become leaders in the global economy. Some estimates suggest that 60 percent of the jobs created in the next decade will require skills that only 20 percent of the workers today currently possess, and 80 percent of the jobs will require education or training beyond high school. Eighty percent of the jobs will require education or training beyond high school. That is where the world is going. It is changing fast.

One important component of this effort is the reauthorization of the Carl Perkins Career and Technical Education Act. It was signed by the President in August, and it will help close the gap that threatens America's long-term competitiveness. The act addresses the needs of the Nation's changing workforce and prepares Americans for highly technical, higher-paying jobs. The reauthorization also made changes that will increase accountability at the State and local levels and will establish stronger links with businesses to build partnerships with high schools and colleges so they can better meet the needs of the changing workforce.

For many people, participation in these programs can mean the difference between a job with no possibility of advancement and a successful career. Passage of this legislation was a significant accomplishment. Again, limited floor debate, no debate on the conference report; unanimous consent across the aisle.

Another piece of this comprehensive effort is the reauthorization of the Higher Education Act. As my colleagues know, the mandatory portions of the higher education law were reauthorized in February under the Deficit Reduction Act of 2006. Before I elaborate, I want to stress that it is critical to reauthorize the remaining discretionary programs under the act, which I intend to make a top priority for 2007. We have the bill out of committee but haven't had the floor time to do the debate on it. I am making that a top priority for 2007 because postsecondary education is the key to the future success of our students, our communities, and our economy.

As I stated earlier, we reauthorized the mandatory components of the Higher Education Act through the budget reconciliation process. We found over \$20 billion in savings by eliminating corporate subsidies for lenders and reworking the interest rate structure for many borrowers, among other revisions. A portion of the savings was used to pay for over \$9 billion in enhanced students benefits. The law makes higher education more affordable for students who finance part of their education through loans by reducing borrow origination fees and increasing loan limits.

Another benefit is a \$4 billion grant program for postsecondary students who major in science, math, and cer-

tain national-security-related foreign languages. These funds are dubbed "SMART grants" and are an important part of making higher education more affordable for low- and middle-income families. We invested resources where we need them the most, which will help ensure we have a workforce that can compete globally.

I was in India earlier this year and saw firsthand what Thomas Friedman discusses in his book, "The World Is Flat." It doesn't take long to figure out that by sheer numbers alone, India has only to educate 25 percent of its population to have more literate and educated people than the total population of the United States.

By using the reconciliation process for these higher education reforms, the HELP Committee was able to produce meaningful deficit reduction. In fact, I am proud the HELP Committee led the entire Congress in deficit reduction and produced \$15.5 billion in savings over five years. That is 40 percent of the entire Deficit Reduction Act of 2006. It is not right to overspend now and pass the bill on to our children and grandchildren to pay later.

I thank Chairman GREGG for his leadership on the Budget Committee and for his contribution on the authorizing committee that helped make the meaningful deficit reduction a reality.

Enactment of the Perkins reauthorization and the mandatory revisions of the Higher Education Act were critical components of a comprehensive effort to strengthen knowledge and skills. However, this effort also includes the reauthorization of the Workforce Investment Act. The reauthorization is essential because it will help train American workers to fill the good jobs being created so we can continue to be leaders in the global economy.

The reauthorization of the Workforce Investment Act has been a priority of mine since I chaired the Subcommittee on Employment and Workplace Safety in the previous Congress. Last Congress, I worked tirelessly to report the legislation from the committee, only to be held up on the Senate floor when it came time to appoint conferees. Now, that means the bill made it out of committee and cleared the Senate floor. The House passed a different version, so we need a conference committee to resolve the differences. However, we weren't allowed to appoint a conference committee. That was 2 years ago. Mr. President, 900,000 new jobs could be trained under that program. This year, once again, I have been procedurally hamstrung in my efforts to move to conference. The bill must be completed. It made it out of the committee unanimously. It made it through the floor of the Senate, again unanimously. That means everybody agreed with what is in the bill. Now the only problem left is we have to reconcile that with what the House passed.

America is facing an economic challenge that threatens our ability as a

nation to compete on the world stage. This bill sends a clear message that we are serious about helping our workers and our employers remain competitive and about closing the skills gap that is putting America's long-term competitiveness in jeopardy.

Our commitment to lifelong learning never ends. It begins with giving our children the proper tools for a start down the pathway that leads to their education. The committee approved improvements to Head Start this last year, and the completion of this process is one of my top priorities.

On the health front, eight committee bills were signed into law by President Bush. One of the most significant new health care laws is the Patient Safety and Quality Improvement Act. The new law is a culmination of 6 years of work in response to the Institute of Medicine's 1999 report that found that nearly 100,000 Americans die needlessly every year due to medical errors.

The Patient Safety and Quality Improvement Act creates a protected legal environment in which patient safety organizations can analyze why medical errors happen and develop strategies to stop those errors from happening again. The law provides critical legal protection for doctors, nurses, and other health care workers who might fear coming forward with information about mistakes because the information could be used in a lawsuit against them.

This new law is the first important step toward creating a new culture of safety and continuous quality improvement in health care.

This new law is one of just several important pieces of legislation the HELP Committee produced in this Congress. I would mention again that this too took zero debate time on the floor. Another one is the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005, which will help patients with chronic diseases team up with health care experts who can help them find their way through the maze to the best treatment offered in this often complex health care system. Again, no floor debate time.

The Stem Cell Therapeutic and Research Act of 2005 supports the creation and maintenance of cord blood stem cells. Stem cells obtained from umbilical cord blood have already shown great promise in treating cancers, leukemia, and other diseases, and this law will accelerate our work in those areas. I have already had people who have reported back to me that their life may have been saved by that particular act already. I think we had 5 minutes of debate time on that bill.

The National All Schedules Prescription Electronic Reporting Act of 2005 enables physicians and other prescribers to find out whether patients are abusing and diverting narcotics and other dangerous drugs. Instead of enabling these patients and their self-destructive habits, physicians will now be able to identify them and treat them.

The State High Risk Pool Funding Extension Act of 2005 renewed a key law that funds State high-risk health insurance pools. These pools create access to health insurance for otherwise medically uninsurable individuals and are an important part of our strategy to make health insurance available to more Americans. The President also signed a bill to amend the Public Health Service Act and strengthen the National Foundation for the Centers for Disease Control and Prevention.

Finally, we passed two key laws to preserve access to medical technology. The Medical Device User Fee Stabilization Act of 2005 prevented the FDA's medical device user fee program from expiring. Without this law, patients' access to the latest medical innovations would have been compromised. Congress also acted to protect children from dangerous, unregulated cosmetic lenses, often used as part of costumes, by providing for the regulation of these lenses as medical devices.

The HELP Committee members worked together with our House counterparts in a bipartisan, bicameral way to complete action on these laws. I personally thank all of the committee members on both ends of the building for their active participation in this process.

We also scored a victory on the Senate floor this summer related to health insurance. Together with Senators NELSON and BURNS, I introduced legislation that would allow business and trade associations to band their members together in small business health plans and offer group health coverage on a national or statewide basis. It would give small businesses the capability to group together across State lines to effectively negotiate against big insurance companies. It would bring down insurance rates significantly, particularly in the area of administrative costs.

This legislation, the Health Insurance Marketplace and Modernization and Affordability Act, is a direct response to the runaway costs that are driving Americans and businesses away from the health insurance marketplace. In May, this legislation received 55 votes on the Senate floor—a clear majority. Unfortunately, obstructionists used arcane Senate rules requiring 60 votes for passage to defeat consideration of the bill. I count this as a victory for the HELP Committee because the policy is supported by the majority of the Senate. This will not be a victory for Americans until it is signed by the President.

Enacting the Health Insurance Marketplace Modernization and Affordability Act will be a top priority for the HELP Committee and me personally in the 110th Congress. I intend to act on this legislation early next year and continue to work across party lines to find the solution that produces 60 votes in the Senate. The HELP Committee has a role to play in making employer-sponsored health care more

accessible and affordable. Employer-provided health insurance is voluntary, and it is in critical condition. Sixty percent of the country's employers offer insurance today. That is down 9 percent from just 5 years ago. And the cost of health insurance for companies has nearly doubled in that same period, with employers expected to pay an average of \$8,167 per employee family versus \$4,248 5 years ago. My proposal would provide health care coverage to over 1 million small businesses and their working families.

This fall, I am also hopeful the committee can add two more victories to our list of accomplishments. That would be the Health Information Technology conference agreement and the reauthorization of the Ryan White Care Act.

Right now, my staff is working aggressively with the House to complete action on the Wired For Health Care Quality Act conference agreement. This legislation will enhance the adoption of a nationwide interoperable health information technology system, improve the quality of health care, and contain costs. Primarily, it will allow each individual to own their own health care record and to carry it around with them easily. They will have the permanent record to carry with them and release, to the degree they want to, to any health care provider. This will contain costs: just between Medicare, Medicaid and Veterans, this is expected to save \$160 billion a year. The cost to implement: \$40 billion, one time. A good investment anywhere.

The committee has also been working in a bipartisan, bicameral fashion to complete the reauthorization of the Ryan White Care Act. The measure was approved by the HELP Committee in May, and I am hopeful that we can swiftly clear compromise legislation through both Chambers by December—I was hoping we could pass it today, but I see it has been stopped. It is absolutely essential that this clear by September 30.

The reauthorization of the Older Americans Act will also have a significant impact on the everyday lives of Americans. The HELP Committee approved this legislation in June, and I am hopeful we can complete action on it this year as well. This reauthorization is important because it ensures that our Nation's older Americans, including 78 million aging baby boomers, are healthy, fed, housed, able to get where they need to go, and safe from abuse and scams. We have been in bicameral, bipartisan deliberations for several months. Again, there is a little hangup on the funding formula. Money has to follow the people in all of these programs.

The committee also conducted various investigations and held several oversight hearings that exposed waste, fraud, and abuse in Federal programs and used the findings to craft legislation to increase accountability. Our

first oversight hearing last year focused on how an asset management company, Capital Consultants, defrauded workers out of approximately \$500 million in retirement assets. The findings from this oversight effort were addressed in the new pension law.

The committee also held the first oversight hearing in almost 70 years on the Randolph Sheppard Act and the Javits Wagner O'Day Act. Both programs are supposed to find employment opportunities for people with disabilities. The committee's investigation and hearing established that some executives were using the programs for their own enrichment—making millions while exploiting people with disabilities. Following the hearing, Federal law enforcement took action against the worst actors, and we have collaborated across party lines to systematically overhaul both programs. My goal is to address these programs with legislation next year.

I thank my ranking member, Senator KENNEDY, and his staff for their hard work these past 2 years. His assistance and cooperation are the main reasons we have been able to accomplish many of these priorities. We didn't always agree, but we were able to identify common ground to advance our mutual priorities.

I also thank each of our committee members. As I stated earlier, we have kept a full schedule. Many of the legislative victories were initiatives brought to my attention by our subcommittee chairs or individual committee members. Senators were also especially diligent about attending the committee hearings and particularly patient when we sometimes waited for a quorum during executive session. For the remainder of the year, I will be reaching out to each of our members to seek feedback on the 2007 agenda, which will serve as the blueprint for the year.

Finally, in closing, I would like to recognize two departing members of the committee: Majority Leader FRIST and Senator JEFFORDS. We are fortunate they chose to serve, and we are grateful for their contributions. Senator JEFFORDS is a past chairman of the committee, and, of course, Majority Leader FRIST has been the doctor on the committee and provided a perspective no one else could. I am proud of the work we have done here on the committee these past 2 years. By working together, we have established a track record of success.

I also wish to compliment the subcommittee chairmen for their extremely hard work. We gave them a lot of independence, and they didn't disappoint me. They took hold of programs. The competitiveness program is one of them that has reached a point where it can now be debated and pursued. The Senator from Tennessee, Mr. ALEXANDER, did a tremendous job of working that bill, along with Senator ENSIGN, collaborating with three different committees on one piece of far-sighted legislation.

Senators DEWINE and MIKULSKI have done a marvelous job with the Elder Fall Act and Older Americans Act and have worked well together for a number of years across the aisle to make sure older Americans are taken care of.

I could go on and mention all of the subcommittees and the work they have done. Senator BURR has done some fantastic work on bioterrorism. He has put together a fantastic bill that contains new concepts which will allow better preparation for any of the possible terrorism acts that could happen on our own soil. Senator ISAKSON, of course, has been extremely active in handling labor issues. As I mentioned, he was a key player in the miner safety bill.

It has been an interesting year. I look forward to another interesting year. I am looking for suggestions from my colleagues on what needs to be done, and looking for that 80 percent that can be accomplished.

Our record of accomplishment is proof that we are a can-do Congress. Far from being a do-nothing Congress, we have shown our colleagues and our constituents that Congress can and is working hard to improve the lives of Americans.

One of the reasons America doesn't know more about this is because of the cooperation that has taken place. We didn't have to debate the 20 percent we didn't agree on here on the floor of the Senate, and consequently there was not a lot of coverage. But just the pensions bill and the miner safety bill, either of those, would be a major accomplishment for any committee during a 2-year period.

I am proud of the 12 bills the President signed and the 21 bills we got through this body. I think that is a record of accomplishment, and I thank all those who participated.

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. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

MENTAL HEALTH PARITY

Mr. HARKIN. Mr. President, earlier today, my colleague, Senator DURBIN of Illinois, took the floor to describe a resolution he and I submitted and a number of others cosponsored with him to both recognize the contributions of our former colleague, Senator Paul Wellstone, and to, in that resolution which has now been submitted in the Senate, commit ourselves to making a mental health parity bill a high priority in the next Congress, the 110th Congress.

I want to join with Senator DURBIN, Senator COLEMAN, and Senator DAYTON, who also spoke on this topic today, in recognizing the contribution

of our former colleague, Paul Wellstone, and to rededicating ourselves in his memory to trying to get this mental health parity bill passed once and for all.

It almost seems impossible that it was almost 4 years ago this next month when we tragically lost our friend and colleague, Paul Wellstone, and some others—his wife and others—in that tragic plane crash in Minnesota.

He was a very special individual to all of us. He was one of the best friends I ever had. Of course, I think he was to millions of other people around America. They thought he was one their best friends also because of what he stood for and what he fought for. He was always sticking up for the kind of little person—people who didn't have much voice or power around here.

Paul had one burning goal during his all-too-short tenure in the Senate, and that was to get mental health put on the same parity as physical health. He struggled mightily to get that done.

After his tragic death in October of 2002, many here talked about the need to pass in his memory the Paul Wellstone mental health parity bill. We still have not gotten it done. Four years later, we remember that political science professor who came to the Senate. He had a great impact.

Paul once said, politics is about what we create by what we do and what we hope for and what we dare to imagine. He dared to imagine and to fight for the end of neglect and denial surrounding issues of mental health, especially access to mental health services.

Right now, over 41 million persons suffer from moderate or serious mental disorders each year. Less than half receive any needed treatment. However, 80 to 90 percent of mental disorders are treatable by therapies and medications. Paul fought hard with his characteristic passion for the Mental Health Parity Act, to end this absurd practice of dividing mental health from physical health and putting them into different categories under health insurance.

Mental disorders account for 4 of the 10 leading causes of disability for persons age 5 and older. In fact, depression is the leading cause of disability in the United States. Tragically, mental disorders are also major contributors to mortality. Some 30,000 Americans die by suicide each year.

According to the Substance Abuse and Mental Health Services Administration, undertreated and untreated mental disorders cost the Nation in excess of \$200 billion annually, hurting the economy, the profitability of businesses, and, of course, our Government budgets.

For example, a report released earlier this month by the Department of Justice found that more than half of all prison and jail inmates, including 56 percent of State prisoners, 45 percent of Federal prisoners, and 64 percent of local jail inmates were found to have a mental health problem.

We do not treat the mental health; we hire more police. People with mental health problems cause problems in society, and they turn, perhaps, to crime or illicit drugs to somehow treat themselves and their mental disorders and they wind up in our jails. And we pay and we pay and we pay for this as a society. More than half of all of the people in jails and prison in America have mental health problems.

A lot of opponents of mental health parity claim it will drive up the cost of health care. However, an interesting study released on March 30, 2006, in the New England Journal of Medicine released results of a study that evaluated the Federal Employees Health Benefits Program, the one we are under, to which we all belong. This has provided insurance parity for mental health since 2001. The researchers found that when the care was managed, the cost of coverage for mental health problems attributable to parity did not increase the cost, and the quality of the care remained constant.

Interesting. In our own health benefits program since 2001 we have had mental health parity. And guess what. The costs have not gone up, and the quality of care has remained constant. The Wellstone Mental Health Parity Act is modeled after the mental health benefits provided through the Federal program.

Many cost studies miss something that is very important: they fail to calculate and quantify the benefits and savings that will result from parity. They fail to weigh the offsetting cost-benefits to employers from increased productivity, reduced sick leave, reduced disability costs. Indeed, a true comprehensive assessment of the costs of parity must take into account the costs of not providing parity, including the economic costs in the workplace, the cost to taxpayers of shifting of burden to public systems—as I mentioned earlier, our prisons and jails—the cost of care of homeless persons, the cost of care of our public mental health systems, the increased cost in emergency room visits. Add up all that and the cost of not treating people with mental illnesses comes to around \$79 billion a year.

When workers suffering from depression receive treatment, many of the medical costs decline by \$882 per employee per year. Absenteeism drops by 9 days. Again, if we provide that care, we are saving money and increasing productivity.

Also, the good news is that millions of people with mental illness can recover. I don't know why so many people think once you have a mental illness, that person is doomed for life. That is like saying if I have a physical illness, forget it, I have to have it for the rest of my life. Not true. It is the same for mental health. People have problems; they need help; they get it; they get over it. They can reclaim their lives if they are provided treatment and support in a timely fashion.

To that end, it is time to do away with the discriminatory practice of treating mental and physical illnesses as two different categories under insurance. It is time to do away with the barriers to mental health treatment and coverage. It is time to pass mental health parity.

I might remind the Senate, we did pass it once on the 2002 appropriations bill. I happened to be chairman that year on the health appropriations bill. We passed mental health parity in the Senate. It got voiced-voted. No one even objected. Imagine that. We passed it. It went to conference. We kept it in on the Senate side, but we went to conference with the House and we lost it because the House objected to it, by two or three votes. By two or three votes in conference we lost it. We came that close in 2002 to getting mental health parity.

What has happened since? Why have we fallen so far backward? Why hasn't the Senate, since that time, brought it up? As I said, in 2002, we did it. Since 2003, it has not even been brought up. Hopefully, in the next Congress, we will bring it up again, we will pass it again, like we did before.

For those who had the privilege of serving with Paul Wellstone, his spirit is still very much with us. He still inspires us and he still calls us to conscience. Each day that we fail to pass this legislation, as we have for years, we are cheating millions of Americans. Each day that we do not step up to the plate and provide adequate mental health coverage to our citizens, we cheat them from reclaiming their health and well-being, and we starve society of the talent, contributions, and productivity they have to offer. It is a disservice to society to sweep mental illness under the rug and to deny people access and coverage of adequate treatment.

Congress should make the Wellstone Mental Health Equitable Treatment Act a priority for the 110th Congress. With widespread support and widespread need, passage of this legislation is long overdue.

MORNING BUSINESS

Mr. McCONNELL. I ask unanimous consent the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

RECOGNIZING DR. WILLIAM C. TORCH

Mr. REID. Mr. President, I rise today in recognition of Dr. William C. Torch of Reno, NV, who has been selected as a recipient of the prestigious Tibbetts Award. Significantly, Dr. Torch is the first individual from Nevada to receive this honor.

Each year the U.S. Small Business Administration celebrates the accom-

plishments of a handful of firms, organizations, and individuals nationwide with the Tibbetts Award, the agency's highest recognition for innovative technology. Named for Roland Tibbetts, the father of the Small Business Innovation Research Program, the award honors those who best exemplify the philosophy and doctrine of the SBIR Program. Recipients are selected based on overall business achievements, the economic impact of technological innovations, and demonstration of successful collaboration, among other factors. An individual may only win once in his or her lifetime.

Considering the purpose of the Tibbetts Award, I find it very appropriate Dr. Torch is a recipient. A neurologist specializing in sleep disorders, Dr. Torch has long been an innovative leader in modern, medical research, and social improvement. I have been very impressed by Dr. Torch's unique contributions to the field of medicine and the State of Nevada.

Dr. Torch is perhaps best known as the inventor of EYE-COM, a biosensor that monitors the frequency and speed of the human eye blink. Small enough to hide inside of a pair of glasses, EYE-COM uses an alarm to alert wearers if they begin blinking slower than normal. Already this technology has had profound social effects; it holds great potential for even more social and medical utility in the future.

For example, EYE-COM has improved the therapy and lives of many patients by allowing them to better interact with the world around them. In a 2002 interview, Dr. Torch said he hoped truckers and pilots would use EYE-COM to warn them if they were getting too tired, thereby increasing the safety of our Nation's airspace and highways. Law enforcement officers might also use the device to determine if individuals were driving while impaired. As I speak, researchers across the country are working to cultivate the inherent potential of EYE-COM.

Beyond being a noteworthy inventor, Dr. Torch has significant business achievements to his credit. He is the founder and director of the EYEcom Corporation, the Neurodevelopmental and Neurodiagnostic Center, and Washoe Sleep Disorders Center in Reno, NV, which is accredited by the American Academy of Sleep Medicine. He is also the founder of Sleep-Management, a Nevada corporation, specializing in jet lag and shift work fatigue research. From 1998 to 2003, he was the director of neurology at Northern Nevada Medical Center.

Dr. Torch, who has been licensed in Nevada since 1979, received his medical degree with distinction in research and a master's degree in neurochemistry from the University of Rochester. He received his bachelor's degree in chemistry from the Brooklyn College. He completed a residency in pediatrics and a residency and fellowship in child and adult neurology at the Albert Einstein College of Medicine in Bronx, NY.

The Tibbetts Award presentation ceremony is on September 26, 2006, in Washington. I wish to congratulate Dr. Torch on this significant achievement and express my confidence that he has great contributions yet to come. I hope that you will join me in recognizing Dr. Torch's significant achievement.

NATIONAL PUBLIC LANDS DAY

Mr. REID. Mr. President, I rise today in recognition of the 13th annual National Public Lands Day, which will be celebrated on Saturday, September 30. Covering nearly one third of America's total land area, public lands are part of the essence of our country. Today, I am pleased to acknowledge the efforts of volunteers around the Nation who will come together to improve and restore one of America's most valuable assets.

Since its inception in 1994, National Public Lands Day has helped foster communities of volunteers around the Nation. When it started thirteen years ago, there were 700 volunteers working in only a few areas. I am pleased to report that this year nearly 90,000 volunteers will work at over 800 locations to maintain and enhance countless acres of public land for the enjoyment of future generations.

Growing up in Searchlight—whether I was hunting or just hiking in the desert—I developed a great appreciation for public lands. Preserving these lands for both practical and aesthetic purposes is one of my top priorities.

Given that more than 87 percent of the land in Nevada is managed by Federal agencies, I know that I am not alone in recognizing the importance of public land. Nevadans understand that public lands serve many vital purposes in our State; from hiking and hunting to mining and ranching.

I would be remiss if I didn't also take time to recognize and thank the thousands of Federal employees who manage these lands year-round. The Bureau of Land Management, the Forest Service, the Fish and Wildlife Service and other Federal land agencies help ensure that the complex patchwork of Federal land management in Nevada serves and adapts to the changing needs of our communities and the public at large. They provide a vital, although rarely reported, service to our Nation.

Through the month of October, volunteers and staff from land management agencies from across Nevada will gather at sites such as the Black Rock Desert-High Rock Canyon Emigrant Trails Conservation Area, the Desert Tortoise Conservation Management Area, the Lake Mead National Recreation Area, Lamoille Canyon, and the Nevada Northern Railway, among others. They will remove litter, construct walking paths, restore fences, post signs, and perform tasks that will improve our public lands for everyone who is fortunate enough to visit them.

Our public lands are part of what makes America a great nation. I voice

my gratitude to everyone who will participate in National Public Lands Day this year.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS ANTHONY P. SEIG

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Sunman. Anthony P. Seig, 19 years old, died on September 9 in Baghdad after being gravely injured when a rocket struck the roof of his barracks the day before. Tony risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Tony enlisted in the Army shortly after graduating East Central High School in St. Leon last year. He had been in Iraq for 2 months when he was killed and would have celebrated his 20th birthday in a few weeks. Tony was remembered by his aunt, Vicki Jenkins, who told a local news outlet, "He's certainly our hero. He was very proud to serve his country. He felt very strongly about serving his country."

Tony was killed while serving his country in Operation Iraqi Freedom. He was assigned to the 118th Military Police Company, Fort Bragg, NC. This brave soldier leaves behind his mother, Linda Seig, and two sisters.

Today, I join Tony's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Tony, a memory that will burn brightly during these continuing days of conflict and grief.

Tony was known for his dedication to his family and his love of country. Today and always, Tony will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Tony's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Tony's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Anthony P. Seig in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in

which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Tony's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Tony.

HISPANIC HERITAGE MONTH

Mr. DOMENICI. Mr. President, I rise today to celebrate National Hispanic Heritage Month. I am honored to have the opportunity to recognize the valuable contributions and achievements of the Hispanic people of our proud country.

For the nearly 34 years I have represented my home State of New Mexico in the Senate, I have witnessed the growth and success of the Hispanic community in almost every facet of social life. New Mexico's Hispanic community has a long and rich history that dates back centuries. Today, it can claim a long ledger of accomplishments in fields as diverse as science and art, business and sport, medicine and public service.

With respect to the fields of science and military service, I am proud to call attention to the remarkable achievements of Sidney Gutierrez. Born and raised in Albuquerque, Sidney Gutierrez is a distinguished astronaut who has complied over 488 hours in space during his time with NASA. Sidney has been recognized by Hispanic Business Magazine as one of the 100 most influential Hispanics in America, and he has also been a recipient of the Congressional Hispanic Caucus Award. Prior to his stellar achievements at NASA, Sidney served his country in the U.S. Air Force after he graduated from the Air Force Academy. What is important to note about Sidney's record is that his isn't an aberration. Today, hundreds of Hispanics serve our Nation's high-tech fields—both in the private sector and for the Government as scientists and researchers at our national laboratories.

Today, many Hispanic people from New Mexico continue to serve their country in the armed services. They have stood up as proud Americans and volunteered to protect their families and communities during the global war on terror. We should also take this moment to remember the sacrifices Hispanics have made to preserve the liberties and freedom that make America a beacon of hope to millions around the world. Just as soldiers from New Mexico distinguished themselves in battles at Bataan, Attu, North Africa, Europe, and the Pacific, today men and women in uniform of Hispanic heritage are fighting for their Nation in Afghanistan and Iraq. Our Nation is stronger because of these men and women. They deserve the gratitude of the Nation for their sacrifices.

Hispanic Americans have also been active in other forms of public service. The first Hispanic Congressman in the House of Representatives and the first Hispanic Senator in our Nation's history were from New Mexico. Since it became a State in 1912, New Mexico has been a trailblazer in placing Hispanics into elected office.

The first Hispanic Senator in our Nation's history was a New Mexican by the name of Octaviano Larrazolo. Senator Larrazolo lived a rich life and valued public service above everything else. He was one of the early and important contributors to the constitution of the State of New Mexico and a fearless advocate for statehood. It was no surprise then that the people of New Mexico elected him to serve as their Governor. Throughout his career he was known as an advocate for better education and believed that a strong educational system was the key advancement in our fair and competitive society.

The tradition of Congress celebrating the contributions of Hispanic Americans goes back almost 40 years. In 1968, Congress started by designating a week to celebrate Hispanic heritage. Over the years, we decided to extend the designation to cover a month starting on September 15. The extra time has been a necessary and appropriate change to allow us to recognize the long record of contributions Hispanic Americans have made to our communities and to our Nation. I call on the American people to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the month with appropriate ceremonies and activities.

IT'S TIME TO TALK DAY

Mr. CRAPO. Mr. President, I would like to call my colleagues' attention to the efforts of Liz Claiborne, Inc., and Redbook to designate September 21, 2006, It's Time to Talk Day. What they want us and the Nation to talk about is domestic and dating violence, and they have partnered to encourage national dialog on the subject of this pervasive and terrible crime.

We are not the only ones talking about it: talk radio, government officials, domestic violence advocates, businesses, and schools across the Nation are taking time today to focus on the issue that will affect nearly one-third of all women in their lifetime and many men. Bringing the crime of domestic and dating violence to the level of a simple conversation can start a chain reaction that will save a relationship and may, very well, save a life.

Some of you may know that I am especially concerned about teen dating violence, a crime that exists in every community regardless of race, socioeconomic, rural or urban. A young Idaho woman in an abusive dating relationship died 6 years ago. Since that time, I have pushed to include

dating violence as a definition of domestic violence under Federal law. My efforts would be fruitless without the help of citizens and organizations nationwide. Liz Claiborne, Inc. is one of the organizations that has taken a leadership role in educating teens about teen dating violence through its "Love is Not Abuse" curriculum designed for 9th or 10th graders. I have been pleased to support those efforts to promote this curriculum throughout the country this past spring.

I commend the company not only on this endeavor but its newest effort to partner with the National Domestic Violence Hotline and create the first-ever National Teen Dating Violence Hotline. The hotline will be operated by the National Domestic Violence Hotline and will focus on teens and young adults up to the age of 24. Although there are national hotlines for adults, teens have special needs and require a different approach to dealing with their issues and privacy concerns.

Time to Talk Day should not be the only day to talk about how we can prevent domestic and dating violence. We must work hard to educate our children how to live in healthy relationships to prevent the cycle of violence from being repeated in the future.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On July, 29, 2006, in San Diego at an annual gay pride festival 3 gay men were assaulted. During the festival, 3 men with baseball bats began yelling anti-gay remarks and a fight broke out. Two of the victims were hit in the head with a baseball bat and a third victim was stabbed. In the past 32 years the annual gay pride festival has often been the focus of anti-gay protesters, many times leading to violence.

I believe that the government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

REPUBLIC OF THE PHILIPPINES

Mr. INOUE. Mr. President, this year marks the 60th anniversary of Philippine-United States diplomatic relations and friendship. The partnership of our two nations is bound by several

battles dating back to World War II, and continues today with the war on terrorism. Those who continue to pay the ultimate sacrifices do so in the defense of freedom and the democratic way of life.

During World War II, Filipinos fought side by side with Americans in defense of Bataan and Corregidor, fighting a common enemy. Today, we face a different battle—the war on terrorism—a battle being fought and won in the Philippines. At this moment in many parts of the world, little children, innocent children are crying in pain. Many of these children are being killed from mines and explosives mainly because older men do not know how to discuss peace. They know only how to discuss war, hatred, and death.

A month ago, together with the senior officers of the Republic of Philippines Armed Forces, I flew to Zamboanga on the Island of Mindanao. The main element of the mission was to inspect the joint Philippine and United States Armed Forces, and to receive a report on their activities. However, the event that impressed me most was the simple ceremony celebrating the presentation of 185 electrification projects to governors, chieftains, and leaders of various villages and towns in the many islands of Mindanao.

These island villages and towns never had electricity. Children had to study by candlelight. For the first time, these communities have electricity in their homes. Children can spend more time learning. Parents can use sewing machines and other power tools to make products to bring to market. And, communities can use computers to surf the Web and connect to the world.

The ceremony began with Asalamalaykum, and a prayer thanking Allah, recited by the Imam of Zamboanga. He was followed by a Christian minister, who read scripture from the Bible. Thereafter, children performed their traditional Muslim dance, welcoming us with such warmth, joy, and tranquility. While Christians and Muslims in other parts of the world are killing each other, to see the scene in Zamboanga, where Muslims and Christians are sitting together, breaking bread together, was a deep inspiration. It demonstrates to me that under proper leadership, miracles can happen, and miracles do happen.

In Mindanao, there is a demonstration of hope. The joint military forces of our two nations have demonstrated that while you need an iron fist to combat terrorism, you also need to extend a hand of friendship to win their hearts and minds. When you work together, when you cooperate, when you consult, when you speak of peace and hope, miracles can happen. If the rest of the world did the same thing, children would not be screaming in pain.

Of all the aid that we provide the Republic of the Philippines, 60 percent is being spent in Mindanao to reinforce efforts to secure a lasting peace, and to

build a better life for the people of Mindanao. More than 22,000 former Moro National Liberation Front combatants are now small-scale commercial farmers, earning incomes through farming corn, rice, and seaweed. An additional 6,500 former combatants have been trained to produce high-value crops, such as finfish and bananas. In partnership with the private sector, 6,500 households in 227 remote communities are now equipped with solar-powered, renewable energy systems.

The ties that bind our two nations are based on the foundations of freedom and democracy. The work conducted today along with the economic opportunities and education provided by the Government of the Republic of the Philippines and in conjunction with the United States Government continues to pave the way toward a better quality of life and stability for the children and region of Mindanao.

Mr. President, I commend to my colleagues the text of an August 2006 paper entitled "Securing Peace in Mindanao through Diplomacy, Development, and Defense," written by the American Embassy in Manila.

VOTE EXPLANATION

Mr. HATCH. Mr. President, I was necessarily absent on Senate business yesterday when the Senate voted on the nomination of Francisco Augusto Besosa to be a U.S. district judge for the District of Puerto Rico. Had I been present, I would have voted in favor of Mr. Besosa's nomination.

FOREIGN CORRUPTION AND OIL

Mr. LEVIN. Mr. President, last month, on August 10, President Bush announced a new U.S. initiative to combat corruption around the world. He named it a "National Strategy to Internationalize Efforts Against Kleptocracy." In introducing this initiative, President Bush said:

High-level corruption by senior government officials, or kleptocracy, is a grave and corrosive abuse of power and represents the most invidious type of public corruption. It threatens our national interest and violates our values. It impedes our efforts to promote freedom and democracy, end poverty, and combat international crime and terrorism.

I couldn't agree more.

But lately, some of the President's actions are at odds with his rhetoric. The first principle of the President's initiative against corruption is to deny entry into the United States to kleptocrats, meaning high-level officials engaged in or benefitting from corruption. Yet in recent months the administration has welcomed two of the world's most notorious kleptocrats: Teodoro Obiang, the President of Equatorial Guinea, and Nursultan Nazarbayev, the President of Kazakhstan.

What do these two men have in common besides corrupt dictatorships? Oil. Both control their nations' vast oil resources. Both supply oil to the United States. By welcoming these corrupt

dictators into the United States, in contradiction to the anticorruption principles articulated by the President in August, the administration announces to the world that we will compromise our principles for a price: oil.

On April 12 of this year, at the State Department, Secretary Rice greeted the President of Equatorial Guinea, Teodoro Obiang, by saying: "Thank you very much for your presence here. You are a good friend and we welcome you." In welcoming Mr. Obiang, she made no mention of the deeply troubling hallmarks of his regime, no mention of human rights abuses, no mention of election fraud; no mention of widespread and high-level corruption. Instead, a photograph of Secretary Rice shaking Mr. Obiang's hand and smiling broadly appeared in publications around the world. Mr. Obiang has undoubtedly used his visit, and that photograph, to legitimize his regime and demonstrate his favored status in the United States.

Secretary Rice said that her objective as Secretary of State is to conduct "transformational diplomacy" which, in her words, requires us to "work with our many partners around the world to build and sustain democratic, well-governed states that will respond to the needs of their people—and conduct themselves responsibly in the international system." Under Mr. Obiang, Equatorial Guinea is nothing near democratic, well-governed, or responsive to its citizens.

Equatorial Guinea is the third largest oil producer in sub-Saharan Africa. It currently exports about 360,000 barrels per day, with much more under development. U.S. companies have invested over \$10 billion to develop those oil resources. But the development of Equatorial Guinea's oil resources has not benefitted its deeply impoverished people. Though Equatorial Guinea's oil money makes it, on a per capita basis, one of the wealthiest nations in the world, the standard of living of its people is among the world's poorest. Equatorial Guinea ranks 121st on the United Nations Human Development Index. According to a 2002 State Department report, there is "little evidence that the country's oil wealth is being devoted to the public good."

Mr. Obiang is a principal cause of his people's misery. He took power by coup 30 years ago, his opponents have been jailed and tortured, and his most recent election was condemned by the State Department as "marred by extensive fraud and intimidation." The 2005 State Department Country Report on Human Rights Practices states, that in Equatorial Guinea, "Official corruption in all branches of the government remained a significant problem." In its index of corruption, Transparency International ranks Equatorial Guinea 152 out of 159 nations. In other words, Equatorial Guinea is one of the most corrupt countries in the world today.

I became familiar with the Obiang regime through my role as ranking mi-

nority member of the Senate Permanent Subcommittee on Investigations. On July 15, 2004, the subcommittee held a hearing entitled, "Money Laundering and Foreign Corruption: Enforcement and Effectiveness of the Patriot Act." That hearing and an accompanying report detailed how President Obiang and his family had been personally profiting from U.S. oil companies operating in his country, established offshore shell corporations to open bank accounts at Riggs Bank here in Washington, and made large deposits, including cash deposits of as much as \$3 million at a time, in transactions suggesting strongly that the funds were the proceeds of foreign corruption. In addition, over \$35 million in oil proceeds were transferred to suspect offshore accounts.

President Bush has stated that his intention is to "defeat high-level public corruption in all its forms and to deny corrupt officials access to the international financial system as a means of defrauding their people and hiding their ill-gotten gains." And yet, after it was revealed that Mr. Obiang misused U.S. financial institutions to launder suspect funds, the State Department actually intervened on behalf of his regime in order to convince U.S. banks to open accounts for the Equatorial Guinean Government. That bears repeating: after it was shown how Mr. Obiang used Riggs Bank to deposit and transfer suspect funds, and after Riggs shut down the accounts used by him and his regime, the State Department approached reluctant U.S. banks and asked them to open accounts for the Obiang regime. So much for "denying corrupt officials access to our financial system."

There is more. A few months ago, in May, the administration announced a new program directing the Defense Department to help 20 specified countries build up their military forces. One was Equatorial Guinea. Despite a terrible human rights record, a reputation for corruption, and their own oil wealth, the administration proposed spending U.S. taxpayer dollars to build up the Obiang regime's military. Indeed, President Bush asked for a provision in the DOD authorization bill approving the funding. A number of us objected, and Equatorial Guinea was removed from the provision in the Senate bill.

These and other actions taken by the administration to court Mr. Obiang are more than misguided. They supply ammunition to critics of America who claim we don't mean what we say and we don't live up to our principles, especially when oil is at stake. On the issue of foreign corruption, the President needs to play it straight. What will it be? Will we avert our eyes from Mr. Obiang's record of corruption and brutality so we can obtain Equatorial Guinea's oil? Or will we demand an end to his corrupt ways?

The President's courting of Mr. Nazarbayev of Kazakhstan is also disturbing. Mr. Nazarbayev is an iron-

fisted dictator who imprisons his opponents, bans opposition parties, and controls the press. The State Department's 2005 Kazakhstan Country Report on Human Rights Practices states that "the government's human rights record remained poor," and "corruption remained a serious problem."

That is not all. Several years ago, our Justice Department filed a criminal indictment alleging that Mr. Nazarbayev accepted tens of millions of dollars in bribes from an American businessman. The U.S. attorney of the Southern District of New York is at this very moment preparing for trial in the case, U.S. v. Giffen. The indictment targets the American businessman, James Giffen, for paying \$78 million in bribes to Mr. Nazarbayev and his cronies to gain access to an oil field in Kazakhstan. It does not charge Mr. Nazarbayev with a crime, despite alleging his acceptance of the bribes. It is a sad and sorry spectacle to observe that, despite this indictment, the administration is welcoming Mr. Nazarbayev to the White House this week.

Talk about mixed messages. For paying the bribes, Mr. Giffen gets indicted for violating the Foreign Corrupt Practices Act, mail and wire fraud, money laundering, and tax evasion; for accepting the bribes, Mr. Nazarbayev gets an invitation to the White House. The President has invited to the White House a man who our very own Department of Justice accuses of accepting a \$78 million bribe. Why? What could be the reason, the justification, for this White House invitation? Could it be that Kazakhstan exports 1 million barrels of oil per day?

The President has got to play it straight. The State Department says Mr. Nazarbayev is a dictator who imprisons opponents and disregards human rights. The Justice Department says he accepted \$78 million in bribes from one U.S. businessman alone. The President says he is an honored guest. Which is it? Corrupt dictator or honored guest? Surely it can't be both.

President Bush said that kleptocracy "threatens our national interest and violates our values." He said high-level foreign corruption "impedes our efforts to promote freedom and democracy, end poverty, and combat international crime and terrorism." He is right, which is exactly why his courtship of corrupt dictators like Mr. Obiang and Mr. Nazarbayev is so deeply regrettable. To compromise our battle against corruption to gain favor with oil-producing dictators is not only morally wrong, it hands a propaganda club to our critics, it sustains brutal and corrupt regimes, and it is ultimately destructive of our efforts, in the words of Secretary Rice, to "build and sustain democratic, well-governed states."

AGRICULTURE NATURAL DISASTER ASSISTANCE

Mr. BAUCUS. Mr. President, I rise today to speak to an issue that is vital

to agricultural producers in my State as well as across our Nation. That issue is agriculture natural disaster assistance. The relentless drought has brought economic hardship to both our agriculture producers and our rural communities. Farmers and ranchers in many different parts of the United States are suffering the effects of natural disasters.

We must not and cannot continue to ignore the impacts of drought and the effect it has on our agricultural producers and our rural communities. Agricultural producers are every bit as deserving of assistance for their suffering from the drought as the small businesses suffering from the hurricanes.

We as a nation have a responsibility to provide emergency assistance to those who have had losses due to natural disasters. I look forward to working with my colleagues to fulfill that responsibility, working to support a bill that provides critical emergency relief to our Nation's agricultural producers. After what I hope will be a healthy debate on this important issue, I ask that a vote be taken on the bill.

Too often, the argument is made that farmers and ranchers should be satisfied with the funding they will receive from the farm bill. The truth is that only 18 percent of the total funding in the farm bill goes directly to producers. The rest goes to very important programs, such as Food Stamps and the Senior Farmers Market Nutrition Program. Nothing in the farm bill was ever intended to cover losses due to natural disasters. It is only intended to cover economic losses.

The same way we use emergency funds to help individuals and rebuild communities hurt by hurricanes and tornadoes, we should use emergency funds to help individuals and rebuild our communities hurt by drought.

WAR ON TERROR

Mr. GRASSLEY. Mr. President, I rise to speak for a few minutes in morning business.

In August, I received a letter from a constituent, Mr. John Dodgen, of Humboldt, IA. Along with the letter, Mr. Dodgen enclosed a copy of an opinion piece he authored regarding the war on terror that was published in the local newspaper.

In his opinion piece, Mr. Dodgen rightly asserts that the United States is engaged in a global war on terror with an enemy whose goal is the elimination of the United States. I also strongly agree with his premise that we must take the fight to the terrorists where they operate or we will be forced to confront them on our soil. This is a war that we must win, and we must remain on the offense until the war is won.

Mr. Dodgen raises some compelling thoughts in his opinion piece. Rather than try to summarize all of Mr. Dodgen's points and recommendations,

I would like to submit for the RECORD his thoughts on controlling terrorism.

I ask unanimous consent that the text of Mr. Dodgen's opinion piece be printed in the RECORD.

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

CONTROLLING TERRORISM

Our world is made-up of two dramatically opposed factions. Those who enjoy freedom versus those who would enslave the world. This is not a debatable subject—it's an all out world war of ideologies.

As a nation of freedom, we are engaged in a conflict that must be won or our world culture will be reduced to the dark ages. We are engaged in a conflict for survival.

The nations of Iran, Syria, North Korea, and the terrorists of Hezbollah all seek one objective—the destruction of Israel and the United States. They are like "mad dogs". There is no way to reason with them to a peace loving state. The only solution with a rabies infected dog is to destroy it. This same strategy does not apply to all Muslims, only those lunatic, malicious, hateful, and destruction-minded fanatics who declared war on "infidels" several years ago. In World War II the allies stopped Hitler, Mussolini and Japan from destroying half the world. Ninety percent of my Navy amphibious group were killed or wounded invading the Philippines and millions of others were killed in tragic World War II.

While we still have a chance to stamp out the hate and suicidal destructive force in our world, the U.S. and our allies should confront Iran, Syria, North Korea, and Hezbollah with an ultimatum to destroy their rockets and nuclear warhead pursuits or we will have no alternative but to destroy them ourselves with or without the United Nations blessing. It's totally unrealistic to think that negotiations with these evil nations will solve or alleviate the threat, so we should bring this to a head before they attack any other nations and unleash their evil hatred and destruction on innocent, peace-loving people. We should use every means within our power to reduce their threat to insignificance. There is no other course; we should act now while our declared and profound enemies are vulnerable to our containment. If we wait and try to solve our world's conflict with diplomacy and negotiation, we are fooling ourselves and eventually our nation and our love for freedom and peaceful existence on Earth will be destroyed.

In past history, two postures for our nation—The Monroe Doctrine and Teddy Roosevelt's "Walk Softly And Carry A Big Stick Policy"—along with President Kennedy's demand that Russia withdraw rockets with nuclear warheads from Cuba, kept us from wars to maintain our freedom. Now we need to declare and carry out the United States world position that we will not tolerate "evil and war mongering" nations, and unless they cease and desist of such a threat they will have the United States and its overwhelming power to force them to do so. We were able to convince Libya to stop its terrorism with a well placed bomb; we can do the same with the other terrorist nations listed.

America needs to withdraw from the United Nations as they have utterly failed from their beginning existence to keep the peace or more than temporarily stop aggression and human suffering. What the world needs is for the United States to establish a "World Peace Council" made up of: The President of the United States; The Prime Minister of England; Queen Elizabeth and/or Australia's Governor General; The President

and/or The Prime Minister of Russia; The President of China; The Emperor and/or Prime Minister of Japan; The President of India.

These nations could meet for three days every month to determine the issues requiring their attention, determine the appropriate action, and then enforce their decision based on the majority vote of the council. A veto would be prohibited. Funding would be on an assessed basis from the seven nations plus other voluntary freedom loving nations and a chosen General whose International Police Force would be enlisted on a country by country basis to carry out the seven nations' solution.

If any of the nations selected to form the World Peace Council chooses not to serve or withdraws, then the remaining members would select a nation for their replacement. In the case of a tie vote, another candidate would be chosen until a majority vote determined the successor.

As a Christian, it is utterly deplorable for me to come to the above conclusion. However; as a practical human being and a concerned U.S. Citizen, I acknowledge that terrorism is a fact that must be recognized and dealt with. I therefore urge our Congress and President to declare an ultimatum on the nations of terrorists and restrain them while we still have the power and resolve to do so. We cannot wait until we have another Pearl Harbor, Cuban Missile Crisis, or 9/11 before we stop this aggression.

ADDITIONAL STATEMENTS

IN MEMORY OF SEYMOUR ROBINSON

• Mrs. BOXER. Mr. President, today I ask my colleagues to pay tribute to an exceptional man and a wonderful friend of mine, Seymour Robinson. Seymour died on September 13 at the age of 90. His deep sense of moral and social responsibility and tireless commitment to giving back touched the lives of all who knew him.

Seymour was born on May 24, 1916, in Chicago, IL. He worked hard to support his family during the Great Depression. He enlisted in the Army Air Corps and was soon transferred to the U.S. Army Infantry in Fort Worth, TX. It was here that he met his beloved wife of 60 years, Anita. Before they could marry, he was shipped out to serve in World War II.

As a member of the Civil Affairs D Team of the U.S. First Infantry Division, he fought at Omaha Beach during the U.S. landing in Normandy on D-Day. As part of a U.S. unit attached to the French Second Armored Division, Seymour was involved in the liberation of Paris. After his unit captured the German SS barracks on the Place de la Republique in Paris, it was overrun by cheering crowds; the Jewish people in Paris were finally able to come out of hiding, wearing the yellow stars that were used to segregate them. Of this time, Seymour recounts a powerful incident: "As their enthusiasm settled down, we were asked a devastating question: 'What is the will of the Americans. Are we still to wear our yellow stars?' Without a second's hesitation, we tore the stars off the clothes of

those nearest us and put them on our uniforms. The question had flooded us. We couldn't speak. The word had spread quickly. 'We are free!'"

His bravery and courage will never be forgotten. He was awarded three Bronze Battle Stars by the U.S. and the Croix de Guerre by the French government, given to individuals who distinguish themselves heroically in acts of bravery against the enemy.

Seymour's experience as a World War II veteran helped shape his deep sense of responsibility. He said "This experience reestablished my identity. I am a Jew who knows that I must forever be vigilant about the human rights not only of my people but of all people . . ."

After returning to Chicago a war hero, he married Anita on January 14, 1946. They soon visited California, where Anita's parents lived. As Anita recounts their trip, there was ice on the ground in Chicago when they took off and it was 80 degrees in California when they landed; she refused to go back. Seymour and Anita thus ended up in my beautiful home state, where they lived the California dream with their three wonderful children: David, Lorraine and Billy.

Their children were deeply influenced by their father. Seymour taught his three children that they have a responsibility as Jews and Americans to give back to society and do the right thing.

Once in California, Seymour easily found a job first as a steelworker and then a typographer. As a typographer, he worked his way up to foreman and ended up buying the business, Ad Compositors, which was one of the largest of its kind in Southern California. He was a lifelong member of the International Typographical Union. Seymour had previously been an organizer for the Congress of Industrial Organizations, CIO, before it became the AFL-CIO.

While living in West Los Angeles with his family, Seymour was a co-founder and leader of Neighbors United, an organization that worked to promote racial harmony and maintain diversity in neighborhoods at a time of racial strife in L.A. He was also active in the Public Affairs Committee of the Westside Jewish Community Center and the Urban Affairs Committee of the Los Angeles Board of Education, working to desegregate the Los Angeles public schools.

Seymour helped elect Mayor Tom Bradley, Los Angeles's first African-American mayor. Seymour was also involved with the L.A. City Human Relations Commission and the Mayor's Advisory Committee.

Seymour was President of the Citizen's Advisory Committee for Pan Pacific Park, helping to coordinate funding for this park. Mayor Richard Riordan officially named him the "Father of Pan Pacific Park" for his instrumental role in creating this public park on the Westside of Los Angeles.

Never one to rest on his laurels, in his later years he was active as the Los

Angeles County Political Coordinator for the AARP.

Seymour Robinson is survived by his beloved wife Anita; his children David, Lorraine and Billy Robinson; and his granddaughters Rachel and Mara Woods-Robinson.

I am proud to have called Seymour my friend. Seymour was never afraid to speak his mind when he saw injustice. He had a deep sense of right and wrong and was very persuasive in convincing others to get involved in the fight for social justice. He was an inspiration to all who knew him and a hero to this nation. He will be greatly missed.●

HONORING JONATHON SOLOMON

● Mr. KERRY. Mr. President, I would like to take a moment to recognize the life and legacy of a great Native American leader, mentor, and friend. This summer, Alaska and the Nation lost Jonathon Solomon, a Gwich'in Athabascan elder and lifelong environmental advocate, at the age of 74 in Anchorage. Jonathon's life was dedicated to the defense of Native rights, and he was best known throughout the country for his indefatigable advocacy of Gwich'in lands, most especially the Arctic National Wildlife Refuge.

Born in Fort Yukon, Solomon began his advocacy for the Refuge in the 1970s through his fight for subsistence rights and the protection of the Porcupine caribou herd. This work brought him all over the country, including numerous trips to Washington DC. I had the special opportunity to meet Jonathon during one of these trips, and I quickly learned that he was an eloquent speaker, strong debater, and a masterful advocate. He spoke strongly about the importance of the Coastal Plain of the Arctic Refuge, the birthplace of caribou upon which the Gwich'in have relied for their existence for generations.

Jonathon's work will live on through the Gwich'in Steering Committee, a nonprofit group which he helped to found during the first united meeting of the Gwich'in people in 1988. I am proud to have a part in carrying on Jonathon's legacy through my continued and unwavering support for the protection of the Arctic National Wildlife Refuge. Please join me and many others across this Nation in honoring a fallen environmental hero.●

REMEMBERING DETECTIVE MICHAEL THOMAS

● Mr. SALAZAR. Mr. President, please allow me to take a moment to commemorate the loss of a Colorado police officer last week. He was killed in an act of senseless violence, a victim of a random shooting while he was on duty. Detective Michael Thomas proudly served a 24-year career with the Aurora Police Department, and had been promoted to detective last April, where he worked on narcotics cases.

Mike Thomas graduated from Hinkley High School in Aurora in 1972,

and joined the U.S. Air Force. There, he became a mechanic for F-16 fighter planes, and eventually wound up working with the Air Force's precision flight unit, the Thunderbirds. But after 10 years in the Air Force, Mike retired, leaving behind his Air Force uniform of service for another: that of the Aurora Police Department.

During his career in the patrol and canine units and as a detective, Detective Thomas was decorated for service more than 12 times. Among the awards Detective Thomas received was the Medal of Honor, the Aurora Police Department's highest award, in 1992. Detective Thomas received the award for disarming a suspect armed with a knife in October 1991.

Aurora Police Chief Daniel Oates said last week, "There was no one who didn't like Mike Thomas." Stories abound of Detective Thomas's generosity of spirit, his thoughtful nature, and attention to detail that made him such an outstanding policeman. One fellow officer recalled the impression that Thomas made upon him about following through: after every call, Mike Thomas would make sure to ask those he was helping if they were satisfied with the service he had provided them.

Detective Thomas will be interred today at Fort Logan National Cemetery in Denver. He will be surrounded by his family of the Aurora Police Department, and in the thoughts and prayers of police officers and their families around our Nation.

To Detective Thomas's daughter, Nicole, I can only offer the profound thanks of our community and Nation during this time of grief. Your father's sacrifice for the greater good fills each of us with deep respect and humbles all of us.●

TRIBUTE TO LIEUTENANT CHRIS HART

● Mr. THUNE. Mr. President, I wish to recognize Navy Lieutenant Chris Hart of Rapid City, SD. Lieutenant Hart was awarded the Bronze Star Medal with Valor for his courageous service in support of Operation Iraqi Freedom.

Lieutenant Hart served as Explosive Ordinance Disposal Team Officer-in-Charge with Multinational Forces Iraq, Multinational Division West from July to September 2005. He took part in 52 combat operations, and showed outstanding leadership in the face of enemy fire. Thanks to Lieutenant Hart's efforts, insurgents were denied explosive materials and thwarted in their attempts to cause harm. Lieutenant Hart's service is a shining example of the dedication and bravery that makes America's soldiers the greatest in the world.

It gives me great pleasure to rise in congratulating Lieutenant Hart for his heroic service in defense of our Nation and our freedoms.●

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 which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

At 11:56 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 383. An act to designate the Ice Age Floods National Geologic Route, and for other purposes.

H.R. 1344. An act to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 1515. An act to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes.

H.R. 1796. An act to amend the National Trails System Act to designate the route of the Mississippi River from its headwaters in the State of Minnesota to the Gulf of Mexico for study for potential addition to the National Trails System as a national scenic trail, national historic trail, or both, and for other purposes.

H.R. 3534. An act 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 for other purposes.

H.R. 3871. An act to authorize the Secretary of the Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail.

H.R. 3961. An act to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver/Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park.

H.R. 4275. An act to amend Public Law 106-348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

H.R. 4382. An act to provide for the conveyance of certain land in Clark County, Nevada, for use by the Nevada National Guard.

H.R. 4588. An act to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984.

H.R. 5079. An act to update the management of Oregon water resources, and for other purposes.

H.R. 5132. An act to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Monroe County, Michigan, relating to the Battles of the River Raisin during the War of 1812.

H.R. 5224. An act to designate the facility of the United States Postal Service located at 350 Uinta Drive in Green River, Wyoming, as the "Curt Gowdy Post Office Building".

H.R. 5323. An act to require the Secretary of Homeland Security to provide for ceremonies on or near Independence Day for administering oaths of allegiance to legal immigrants whose applications for naturalization have been approved.

H.R. 5454. An act to authorize salary adjustments for Justices and judges of the United States for fiscal year 2007.

H.R. 5857. An act to designate the facility of the United States Postal Service located at 1501 South Cherrybell Avenue in Tucson, Arizona, as the "Morris K. 'Mo' Udall Post Office Building".

H.R. 5861. An act to amend the National Historic Preservation Act, and for other purposes.

H.R. 5923. An act to designate the facility of the United States Postal Service located at 29-50 Union Street in Flushing, New York, as the "Dr. Leonard Price Stavisky Post Office".

H.R. 6102. An act to designate the facility of the United States Postal Service located at 200 Lawyers Road, NW in Vienna, Virginia, as the "Captain Christopher Petty Post Office Building".

The message also announced that the House has passed the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 430. Concurrent resolution recognizing the accomplishments of the American Council of Young Political Leaders for providing 40 years of international exchange programs, increasing international dialogue, and enhancing global understanding, and commemorating its 40th anniversary.

H. Con. Res. 471. Concurrent resolution congratulating The Professional Golfers' Association of America on its 90th anniversary and commending the members of The Professional Golfers' Association of America and The PGA Foundation for the charitable contributions they provide to the United States.

H. Con. Res. 480. Concurrent resolution to correct the enrollment of the bill H.R. 3127.

The message further announced that the House has passed the following bills, without amendment:

S. 1275. An act to designate the facility of the United States Postal Service located at 7172 North Tongass Highway, Ward Cove, Alaska, as the "Alice R. Brusich Post Office Building".

S. 1323. An act to designate the facility of the United States Postal Service located on Lindbald Avenue, Girdwood, Alaska, as the "Dorothy and Connie Hibbs Post Office Building".

S. 2690. An act to designate the facility of the United States Postal Service located at 8801 Sudley Road in Manassas, Virginia, as the "Harry J. Parrish Post Office".

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 683) to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment.

The message further announced that the House agrees to the amendment of

the Senate to the bill (H.R. 1036) to amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2066) to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3127) to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3508) to authorize improvements in the operation of the government of the District of Columbia, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4588. An act to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3936. A bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 860. A bill to amend the National Assessment of Educational Progress Authorization Act to require State academic assessments of student achievement in United States history and civics, and for other purposes (Rept. No. 109-348).

By Mr. MCCAIN, from the Committee on Indian Affairs, without amendment:

S. 3687. A bill to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes (Rept. No. 109-349).

By Mr. COCHRAN, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2007" (Rept. No. 109-350).

By Mr. CRAPO, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 3938. An original bill to reauthorize the Export-Import Bank of the United States.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. INHOFE for the Committee on Environment and Public Works.

*Roger Romulus Martella, Jr., of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

*Brigadier General Bruce Arlan Berwick, United States Army, to be a Member of the Mississippi River Commission.

*Colonel Gregg F. Martin, United States Army, to be a Member of the Mississippi River Commission.

*Brigadier General Robert Crear, United States Army, to be a Member and President of the Mississippi River Commission.

*Rear Admiral Samuel P. De Bow, Jr., NOAA, to be a Member of the Mississippi River Commission.

*William H. Graves, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2007.

By Mr. SPECTER for the Committee on the Judiciary.

Kent A. Jordan, of Delaware, to be United States Circuit Judge for the Third Circuit.

John Alfred Jarvey, of Iowa, to be United States District Judge for the Southern District of Iowa.

Sara Elizabeth Lioi, of Ohio, to be United States District Judge for the Northern District of Ohio.

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

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BROWNBACK:

S. 3935. A bill to direct the Federal Trade Commission to prescribe rules to prohibit deceptive conduct in the rating of video and computer games and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FRIST (for himself, Mr. REID, Mr. DOMENICI, Mr. BINGAMAN, Mr. STEVENS, Mr. INOUE, Mr. ENZI, Mr. KENNEDY, Mr. ENSIGN, Mr. LIEBERMAN, Mr. ALEXANDER, Ms. MIKULSKI, Mrs. HUTCHISON, Mr. NELSON of Florida, Mr. BURNS, Mrs. CLINTON, Mr. ALLEN, Ms. CANTWELL, Mr. CORNYN, Mr. KERRY, Mr. TALENT, Mr. SALAZAR, Mr. CRAIG, Ms. LANDRIEU, Mr. ISAKSON, Mr. MENENDEZ, Mr. SMITH, Mr. KOHL, Mr. VOINOVICH, Mr. ROBERTS, and Mr. COLEMAN):

S. 3936. A bill to invest in innovation and education to improve the competitiveness of the United States in the global economy; read the first time.

By Mr. SCHUMER:

S. 3937. A bill to require the Federal Aviation Administration to finalize the proposed rule relating to the reduction of fuel tank

flammability exposure, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAPO:

S. 3938. An original bill to reauthorize the Export-Import Bank of the United States; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. VITTER (for himself, Mr. INHOFE, Mr. BROWNBACK, and Mr. SANTORUM):

S. 3939. A bill to require the Food and Drug Administration to establish restrictions regarding the qualifications of physicians to prescribe the abortion drug commonly known as RU-486; to the Committee on Health, Education, Labor, and Pensions.

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

S. 3940. A bill to amend the Internal Revenue Code of 1986 to extend and expand tax incentives that promote affordable education; to the Committee on Finance.

By Mr. SANTORUM:

S. 3941. A bill to amend the Internal Revenue Code of 1986 to fully allow students to live in units eligible for the low-income housing credit, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 3942. A bill to establish the Paterson Great Falls National Park in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself, Mr. DODD, and Mr. FEINGOLD):

S. 3943. A bill to amend the Help America Vote Act of 2002 to reimburse jurisdictions for amounts paid or incurred in preparing, producing, and using contingency paper ballots in the November 7, 2006, Federal general election; to the Committee on Rules and Administration.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. CLINTON, Mr. SCHUMER, Mr. OBAMA, Mr. DURBIN, and Mr. NELSON of Florida):

S. 3944. A bill to provide for a one year extension of programs under title XXVI of the Public Health Service Act; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Mrs. MURRAY, Mr. LAUTENBERG, Mrs. BOXER, Mr. MENENDEZ, Ms. CANTWELL, Mr. KENNEDY, Mr. INOUE, Mr. KERRY, Mr. JEFFORDS, and Mr. CHAFFEE):

S. 3945. A bill to provide for the provision by hospitals of emergency contraceptives to women, and post-exposure prophylaxis for sexually transmitted disease to individuals, who are survivors of sexual assault; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. LANDRIEU:

S. Res. 585. A resolution commending the New Orleans Saints of the National Football League for winning their Monday Night Football game on Monday, September 25, 2006 by a score of 23 to 3; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. Res. 586. A resolution celebrating 40 years of achievements of medical coders, and encouraging the medical coding community to continue providing accurate medical claims and statistical reporting to the peo-

ple of the United States and to the world; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM (for himself, Mr. MARTINEZ, and Mr. COLEMAN):

S. Res. 587. A resolution expressing concern relating to the threatening behavior of the Islamic Republic of Iran and the ideological alliance that exists between the countries of Cuba and Venezuela, and supporting the people of Iran, Cuba, and Venezuela in the quest of those peoples to achieve a truly democratic form of government; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 474

At the request of Mr. SMITH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 474, a bill to establish the Mark O. Hatfield-Elizabeth Furse Scholarship and Excellence in Tribal Governance Foundation, and for other purposes.

S. 503

At the request of Mr. BOND, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 1141

At the request of Mr. COCHRAN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1141, a bill to authorize the Secretary of Homeland Security to regulate ammonium nitrate.

S. 1353

At the request of Mr. REID, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1915

At the request of Mr. ENSIGN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 2135

At the request of Mr. INOUE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2135, a bill to direct the Secretary of Transportation to report to Congress concerning proposed changes to long-standing policies that prohibit foreign interests from exercising actual control over the economic, competitive, safety, and security decisions

of United States airlines, and for other purposes.

S. 2154

At the request of Mr. OBAMA, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2414

At the request of Mr. BAYH, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2414, a bill to amend the Internal Revenue Code of 1986 to require broker reporting of customer's basis in securities transactions, and for other purposes.

S. 2491

At the request of Mr. CORNYN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Arizona (Mr. KYL), the Senator from Maine (Ms. COLLINS) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 3128

At the request of Mr. BURR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 3128, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 3238

At the request of Mr. CORNYN, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. BENNETT) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 3238, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

S. 3325

At the request of Mr. BUNNING, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3325, a bill to promote coal-to-liquid fuel activities.

S. 3519

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3519, a bill to reform the State inspection of meat and poultry in the United States, and for other purposes.

S. 3535

At the request of Mr. TALENT, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3535, a bill to modernize and update the National Housing Act and to enable the Federal Housing Administration to use risk based pricing to more effectively reach underserved borrowers, and for other purposes.

S. 3623

At the request of Mr. BUNNING, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3623, a bill to promote coal-to-liquid fuel activities.

S. 3696

At the request of Mr. BROWNBACKE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3696, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 3705

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3705, a bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes.

S. 3771

At the request of Mr. HATCH, the names of the Senator from Montana (Mr. BAUCUS), the Senator from North Dakota (Mr. CONRAD) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 3771, 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.

At the request of Mr. DAYTON, his name was added as a cosponsor of S. 3771, *supra*.

S. 3787

At the request of Mr. SANTORUM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3787, a bill to establish a congressional Commission on the Abolition of Modern-Day Slavery.

S. 3814

At the request of Mr. ROBERTS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3814, a bill to amend part B of title XVIII of the Social Security Act to restore the Medicare treatment of ownership of oxygen equipment to that in effect before enactment of the Deficit Reduction Act of 2005.

S. 3855

At the request of Mr. CONRAD, the names of the Senator from Hawaii (Mr. INOUE), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 3855, a bill to provide emergency agricultural disaster assistance, and for other purposes.

S. 3862

At the request of Mr. TALENT, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of

S. 3862, a bill to amend the Animal Health Protection Act to prohibit the Secretary of Agriculture from implementing or carrying out a National Animal Identification System or similar requirement, to prohibit the use of Federal funds to carry out such a requirement, and to require the Secretary to protect information obtained as part of any voluntary animal identification system.

S. 3877

At the request of Mrs. FEINSTEIN, the names of the Senator from Indiana (Mr. BAYH), the Senator from Michigan (Mr. LEVIN) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 3877, a bill entitled the "Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006".

S. 3880

At the request of Mr. INHOFE, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Kansas (Mr. BROWNBACKE) were added as cosponsors of S. 3880, a bill to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

S. 3900

At the request of Mr. GREGG, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 3900, a bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of health care, to provide the public with information on provider and supplier performance, and to enhance the education and awareness of consumers for evaluating health care services through the development and release of reports based on Medicare enrollment, claims, survey, and assessment data.

S. 3912

At the request of Mr. ENSIGN, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3912, a bill to amend title XVIII of the Social Security Act to extend the exceptions process with respect to caps on payments for therapy services under the Medicare program.

S. 3913

At the request of Mr. ROCKEFELLER, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Rhode Island (Mr. REED) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 3913, a bill to amend title XXI of the Social Security Act to eliminate funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007.

S. RES. 549

At the request of Mr. SANTORUM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 549, a resolution expressing the sense of the Senate regarding modern-day slavery.

S. RES. 572

At the request of Mr. BURNS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 572, a resolution expressing the sense of the Senate with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month.

AMENDMENT NO. 5023

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 5023 intended to be proposed to H.R. 6061, a bill to establish operational control over the international land and maritime borders of the United States.

AMENDMENT NO. 5028

At the request of Mr. SALAZAR, the names of the Senator from Rhode Island (Mr. REED), the Senator from California (Mrs. BOXER) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 5028 intended to be proposed to H.R. 6061, a bill to establish operational control over the international land and maritime borders of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRIST (for himself, Mr. REID, Mr. DOMENICI, Mr. BINGAMAN, Mr. STEVENS, Mr. INOUE, Mr. ENZI, Mr. KENNEDY, Mr. ENSIGN, Mr. LIEBERMAN, Mr. ALEXANDER, Ms. MIKULSKI, Mrs. HUTCHISON, Mr. NELSON of Florida, Mr. BURNS, Mrs. CLINTON, Mr. ALLEN, Ms. CANTWELL, Mr. CORNYN, Mr. KERRY, Mr. TALENT, Mr. SALAZAR, Mr. CRAIG, Ms. LANDRIEU, Mr. ISAKSON, Mr. MENENDEZ, Mr. SMITH, Mr. KOHL, Mr. VOINOVICH, Mr. ROBERTS, and Mr. COLEMAN):

S. 3936. A bill to invest in innovation and education to improve the competitiveness of the United States in the global economy; read the first time.

Mr. FRIST. Mr. President, I rise today to introduce the National Competitiveness Investment Act of 2006. Unfamiliar as it might sound to some, I am joined by the Democratic Leader, Senator REID, on this important legislation.

This truly is a bipartisan bill. It reflects the fact that when it comes to our country's economic future, there is wide bipartisan support for those policies that will keep the United States competitive in this ever changing, dynamic, global economy of the 21st century.

The bill we are introducing today is a product of many Senators who have come together . . . who put aside political affiliations . . . to craft a broad comprehensive bill. The legislation has evolved over the course of the 109th Congress.

Two years ago, under the leadership of Senators DOMENICI, ALEXANDER, and

BINGAMAN, the Senate Energy Committee asked the National Academies what were those policies that—if enacted—would enhance the science and technology enterprise so that the United States could successfully compete, prosper, and be secure in this new century.

Out of that request, the National Academies created a high level committee of experts headed by the respected former CEO of Lockheed, Norm Augustine.

Chairman Augustine put the problem in stark terms when he wrote last December: "In the five decades since I began working in the aerospace industry, I have never seen American business and academic leaders as concerned about this nation's future prosperity as they are today."

The U.S. today has the strongest scientific and technological enterprise in the world, including the best research universities. But there is growing evidence and recognition that our educational system is failing in those areas that have directly underpinned our strength—science, engineering, and mathematics. We must invest for the future in those areas if we are to maintain our technological edge in the world.

The Augustine report entitled "Rising Above the Gathering Storm" did identify four broad areas for policy action. These were: 1. Increase the talent pool by improving K-12 science and math education. 2. Strengthen the Nation's traditional commitment to research. 3. Increase the talent pool by improving higher education focus on training math and science teachers. 4. Improve incentives, primarily through the tax code, for innovation.

The President's budget also recognizes the need to target Federal resources on those areas that will allow the country to continue to lead in innovation.

The President's "American Competitiveness Initiative" similarly focuses on increasing resources for basic research and science, and by filling gaps in our education competitiveness agenda with expanded "Math Now", Adjunct Teacher Corps, and Advanced Placement and International Baccalaureate programs.

Trying to put all this into one piece of legislation has been a challenge. Indeed, at least three different Senate Committees—Energy, Commerce, and HELP—all have jurisdiction over programs and policies in this area. This does not even address tax policies under the jurisdiction of the Finance Committee.

So in July I directed the three major Senate Committees with responsibility for authorizing legislation to combine their various proposals into one bill. The bill Senator REID and I introduce today is the result of a lot of hard work over the summer and August recess month.

First I want to acknowledge the leadership of Senator ENSIGN, Chairman of

the Commerce Subcommittee on Technology, Innovation, and Competitiveness in helping to produce this legislation.

Second, I thank the Chairmen and Ranking Members of Energy, Commerce, and the HELP Committees for their dedication to this project—Senators DOMENICI, BINGAMAN, STEVENS, INOUE, ENZI, and KENNEDY.

Finally, Senators ALEXANDER, LIEBERMAN, HUTCHISON, NELSON, and MIKULSKI have contributed their time and insights into this important legislation and I am sure there are others I have failed to mention.

While the legislation does not address all of the issues raised in the various studies—it is doubtful anyone piece of legislation could—it nonetheless is a start, it is a good first step, and of course it is a bipartisan first step.

The legislation would, among other things: 1. Authorize a doubling of the funding for basic Federal research over the next 5 years at the National Science Foundation, and significantly expand funding for basic research at National Institute of Standards and Technology, the Department of Energy's Office of Science, and NASA. 2. Recruit and train needed new math and science teachers. 3. Create new Teachers Institutes to improve the teaching techniques for math and science. 4. Create a DOE—DARPA dedicated to the goal of increasing innovation and competitive breakthroughs in technology. 5. Expand scholarship programs to recruit and train math and science teachers at the K-12 level. 6. Increase the number of students taking Advanced Placement courses and entering International Baccalaureate programs, and 7. Increase funding for "early career" researchers.

Authorizations for these programs would total \$73 billion over the next five years, less than \$2.0 billion above the President's request.

When we consider that over the next five years our economy will exceed \$76 trillion—a 1 percent investment for the future seems a small price to pay for our continued economic security and leadership in the world.

This legislation is the correct thing to do for the country's future economic security.

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. 3936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Competitiveness Investment Act".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into 4 divisions as follows:

- (1) DIVISION A.—Commerce and Science.
- (2) DIVISION B.—Department of Energy.

(3) DIVISION C.—Education.
 (4) DIVISION D.—National Science Foundation.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—COMMERCE AND SCIENCE

Sec. 1001. Short title.

TITLE I—OFFICE OF SCIENCE AND TECHNOLOGY POLICY; GOVERNMENT-WIDE SCIENCE

Sec. 1101. National Science and Technology Summit.

Sec. 1102. Study on barriers to innovation.

Sec. 1103. National Innovation Medal.

Sec. 1104. Release of scientific research results.

Sec. 1105. Semiannual Science, Technology, Engineering, and Mathematics Days.

Sec. 1106. Study of service science.

TITLE II—INNOVATION PROMOTION

Sec. 1201. President's Council on Innovation and Competitiveness.

Sec. 1202. Innovation acceleration research.

TITLE III—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Sec. 1301. NASA's contribution to innovation.

Sec. 1302. Aeronautics Institute for Research.

Sec. 1303. Basic Research enhancement.

Sec. 1304. Aging workforce issues program.

Sec. 1305. Conforming amendments.

Sec. 1306. Fiscal year 2007 basic science and research funding.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Sec. 1401. Authorization of appropriations.

Sec. 1402. Amendments to the Stevenson-Wylder Technology Innovation Act of 1980.

Sec. 1403. Innovation acceleration.

Sec. 1404. Manufacturing extension.

Sec. 1405. Experimental Program to Stimulate Competitive Technology.

Sec. 1406. Technical amendments to the National Institute of Standards and Technology Act and other technical amendments.

TITLE V—OCEAN AND ATMOSPHERIC PROGRAMS

Sec. 1501. Ocean and atmospheric research and development program.

Sec. 1502. NOAA ocean and atmospheric science education programs.

DIVISION B—DEPARTMENT OF ENERGY

Sec. 2001. Short title.

Sec. 2002. Definitions.

Sec. 2003. Mathematics, science, and engineering education at the Department of Energy.

Sec. 2004. Department of Energy early-career research grants.

Sec. 2005. Advanced Research Projects Authority-Energy.

Sec. 2006. Authorization of appropriations for the Department of Energy for basic research.

Sec. 2007. Discovery science and engineering innovation institutes.

Sec. 2008. Protecting America's Competitive Edge (PACE) graduate fellowship program.

Sec. 2009. Title IX compliance.

Sec. 2010. High-risk, high-reward research.

Sec. 2011. Distinguished scientist program.

DIVISION C—EDUCATION

Sec. 3001. Findings.

Sec. 3002. Definitions.

TITLE I—TEACHER ASSISTANCE

Subtitle A—Teachers for a Competitive Tomorrow

Sec. 3111. Purpose.

Sec. 3112. Definitions.

Sec. 3113. Programs for baccalaureate degrees in mathematics, science, engineering, or critical foreign languages, with concurrent teacher certification.

Sec. 3114. Programs for master's degrees in mathematics, science, or critical foreign languages education.

Sec. 3115. General provisions.

Sec. 3116. Authorization of appropriations.

Subtitle B—Advanced Placement and International Baccalaureate Programs

Sec. 3121. Purpose.

Sec. 3122. Definitions.

Sec. 3123. Advanced Placement and International Baccalaureate programs.

TITLE II—MATH NOW

Sec. 3201. Math Now for elementary school and middle school students program.

TITLE III—FOREIGN LANGUAGE PARTNERSHIP PROGRAM

Sec. 3301. Findings and purpose.

Sec. 3302. Definitions.

Sec. 3303. Program authorized.

Sec. 3304. Authorization of appropriations.

TITLE IV—ALIGNMENT OF EDUCATION PROGRAMS

Sec. 3401. Alignment of secondary school graduation requirements with the demands of 21st century postsecondary endeavors and support for P-16 education data systems.

DIVISION D—NATIONAL SCIENCE FOUNDATION

Sec. 4001. Authorization of appropriations.

Sec. 4002. Strengthening of education and human resources directorate through equitable distribution of new funds.

Sec. 4003. Graduate fellowships and graduate traineeships.

Sec. 4004. Professional science master's degree programs.

Sec. 4005. Increased support for science education through the National Science Foundation.

Sec. 4006. Meeting critical national science needs.

Sec. 4007. Reaffirmation of the merit-review process of the National Science Foundation.

Sec. 4008. Experimental Program to Stimulate Competitive Research.

Sec. 4009. Encouraging participation.

Sec. 4010. Cyberinfrastructure.

Sec. 4011. Federal information and communications technology research.

Sec. 4012. Robert Noyce Teacher Scholarship Program.

Sec. 4013. Sense of the Senate regarding the mathematics and science partnership programs of the Department of Education and the National Science Foundation.

Sec. 4014. National Science Foundation teacher institutes for the 21st century.

DIVISION A—COMMERCE AND SCIENCE

SEC. 1001. SHORT TITLE.

This division may be cited as the “American Innovation and Competitiveness Act of 2006”.

TITLE I—OFFICE OF SCIENCE AND TECHNOLOGY POLICY; GOVERNMENT-WIDE SCIENCE

SEC. 1101. NATIONAL SCIENCE AND TECHNOLOGY SUMMIT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the

President shall convene a National Science and Technology Summit to examine the health and direction of the United States' science and technology enterprises. The Summit shall include representatives of industry, small business, labor, academia, State government, Federal research and development agencies, non-profit environmental and energy policy groups concerned with science and technology issues, and other nongovernmental organizations.

(b) REPORT.—Not later than 90 days after the date of the conclusion of the Summit, the President shall issue a report on the results of the Summit. The report shall identify key research and technology challenges and recommendations for areas of investment for Federal research and technology programs to be carried out during the 5-year period beginning on the date the report is issued.

(c) ANNUAL EVALUATION.—Beginning in 2007, the Director of the Office of Science and Technology Policy shall publish and submit to Congress an annual report that contains recommendations for areas of investment for Federal research and technology programs, including a justification for each area identified in the report. Each report submitted during the 5-year period beginning on the date of the conclusion of the Summit shall take into account any recommendations made by the Summit.

SEC. 1102. STUDY ON BARRIERS TO INNOVATION.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall enter into a contract with the National Academy of Sciences to conduct and complete a study to identify, and to review methods to mitigate, new forms of risk for businesses beyond conventional operational and financial risk that affect the ability to innovate, including studying and reviewing—

(1) incentive and compensation structures that could effectively encourage long-term value creation and innovation;

(2) methods of voluntary and supplemental disclosure by industry of intellectual capital, innovation performance, and indicators of future valuation;

(3) means by which government could work with industry to enhance the legal and regulatory framework to encourage the disclosures described in paragraph (2);

(4) practices that may be significant deterrents to United States businesses engaging in innovation risk-taking compared to foreign competitors;

(5) costs faced by United States businesses engaging in innovation compared to foreign competitors, including the burden placed on businesses by high and rising health care costs;

(6) means by which industry, trade associations, and universities could collaborate to support research on management practices and methodologies for assessing the value and risks of longer term innovation strategies;

(7) means to encourage new, open, and collaborative dialogue between industry associations, regulatory authorities, management, shareholders, labor, and other concerned interests to encourage appropriate approaches to innovation risk-taking;

(8) incentives to encourage participation among institutions of higher education, especially those in rural and underserved areas, to engage in innovation;

(9) relevant Federal regulations that may discourage or encourage innovation;

(10) the extent to which Federal funding promotes or hinders innovation; and

(11) the extent to which individuals are being equipped with the knowledge and skills

necessary for success in the 21st century workforce, as measured by—

(A) elementary school and secondary school student academic achievement on the State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965, especially in mathematics, science, and reading;

(B) the rate of student entrance into institutions of higher education by type of institution, and barriers to access to institutions of higher education;

(C) the rates of—

(i) students successfully completing post-secondary education programs; and

(ii) certificates, associate degrees, and baccalaureate degrees awarded in the fields of science, technology, engineering, and mathematics; and

(D) access to, and availability of, high quality job training programs.

(b) **REPORT REQUIRED.**—Not later than 1 year after entering into the contract required by subsection (a) and 4 years after entering into the contract required by subsection (a), the National Academy of Sciences shall submit to Congress a report on the study conducted under such subsection.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the National Academy of Sciences \$1,000,000 for fiscal year 2007 for the purpose of carrying out the study required under this section.

SEC. 1103. NATIONAL INNOVATION MEDAL.

Section 16 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3711) is amended—

(1) by striking the section heading and inserting “**SEC. 16. NATIONAL TECHNOLOGY AND INNOVATION MEDAL.**”; and

(2) in subsection (a), by striking “Technology Medal” and inserting “Technology and Innovation Medal”.

SEC. 1104. RELEASE OF SCIENTIFIC RESEARCH RESULTS.

(a) **PRINCIPLES.**—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, in consultation with the Director of the Office of Management and Budget and the heads of all Federal civilian agencies that conduct scientific research, shall develop and issue an overarching set of principles to ensure the communication and open exchange of data and results to other agencies, policymakers, and the public of research conducted by a scientist employed by a Federal civilian agency and to prevent the intentional or unintentional suppression or distortion of such research findings. The principles shall encourage the open exchange of data and results of research undertaken by a scientist employed by such an agency and shall be consistent with existing Federal laws, including chapter 18 of title 35, United States Code (commonly known as the “Bayh-Dole Act”).

(b) **IMPLEMENTATION.**—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall ensure that all civilian Federal agencies that conduct scientific research develop specific policies and procedures regarding the public release of data and results of research conducted by a scientist employed by such an agency consistent with the principles established under subsection (a). Such policies and procedures shall—

(1) specifically address what is and what is not permitted or recommended under such policies and procedures;

(2) be specifically designed for each such agency;

(3) be applied uniformly throughout each such agency; and

(4) be widely communicated and readily accessible to all employees of each such agency and the public.

SEC. 1105. SEMIANNUAL SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS DAYS.

It is the sense of Congress that the Director of the Office of Science and Technology Policy should—

(1) encourage all elementary and middle schools to observe a Science, Technology, Engineering, and Mathematics Day twice in every school year for the purpose of bringing in science, technology, engineering, and mathematics mentors to provide hands-on lessons to excite and inspire students to pursue the science, technology, engineering, and mathematics fields (including continuing education and career paths);

(2) initiate a program, in consultation with Federal agencies and departments, to provide support systems, tools (from existing outreach offices), and mechanisms to allow and encourage Federal employees with scientific, technological, engineering, or mathematical responsibilities to reach out to local classrooms on such Science, Technology, Engineering, and Mathematics Days to instruct and inspire school children, focusing on real life science, technology, engineering, and mathematics-related applicable experiences along with hands-on demonstrations in order to demonstrate the advantages and direct applications of studying the science, technology, engineering, and mathematics fields; and

(3) promote Science, Technology, Engineering, and Mathematics Days involvement by private sector and institutions of higher education employees in a manner similar to the Federal employee involvement described in paragraph (2).

SEC. 1106. STUDY OF SERVICE SCIENCE.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that, in order to strengthen the competitiveness of United States enterprises and institutions and to prepare the people of the United States for high-wage, high-skill employment, the Federal Government should better understand and respond strategically to the emerging management and learning discipline known as service science.

(b) **STUDY.**—Not later than 270 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, through the National Academy of Sciences, shall conduct a study and report to Congress regarding how the Federal Government should support, through research, education, and training, the emerging management and learning discipline known as service science.

(c) **OUTSIDE RESOURCES.**—In conducting the study under subsection (b), the National Academy of Sciences shall consult with leaders from 2- and 4-year institutions of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), leaders from corporations, and other relevant parties.

(d) **SERVICE SCIENCE DEFINED.**—In this section, the term “service science” means curricula, training, and research programs that are designed to teach individuals to apply scientific, engineering, and management disciplines that integrate elements of computer science, operations research, industrial engineering, business strategy, management sciences, and social and legal sciences, in order to encourage innovation in how organizations create value for customers and shareholders that could not be achieved through such disciplines working in isolation.

TITLE II—INNOVATION PROMOTION

SEC. 1201. PRESIDENT'S COUNCIL ON INNOVATION AND COMPETITIVENESS.

(a) **IN GENERAL.**—The President shall establish a President's Council on Innovation and Competitiveness.

(b) **DUTIES.**—The Council's duties shall include—

(1) monitoring implementation of public laws and initiatives for promoting innovation, including policies related to research funding, taxation, immigration, trade, and education that are proposed in this Act or in any other Act;

(2) providing advice to the President with respect to global trends in competitiveness and innovation and allocation of Federal resources in education, job training, and technology research and development considering such global trends in competitiveness and innovation;

(3) in consultation with the Director of the Office of Management and Budget, developing a process for using metrics to assess the impact of existing and proposed policies and rules that affect innovation capabilities in the United States;

(4) identifying opportunities and making recommendations for the heads of executive agencies to improve innovation, monitoring, and reporting on the implementation of such recommendations;

(5) developing metrics for measuring the progress of the Federal Government with respect to improving conditions for innovation, including through talent development, investment, and infrastructure improvements; and

(6) submitting to the President and Congress an annual report on such progress.

(c) **MEMBERSHIP AND COORDINATION.**—

(1) **MEMBERSHIP.**—The Council shall be composed of the Secretary or head of each of the following:

- (A) The Department of Commerce.
- (B) The Department of Defense.
- (C) The Department of Education.
- (D) The Department of Energy.
- (E) The Department of Health and Human Services.
- (F) The Department of Homeland Security.
- (G) The Department of Labor.
- (H) The Department of the Treasury.
- (I) The National Aeronautics and Space Administration.
- (J) The Securities and Exchange Commission.
- (K) The National Science Foundation.
- (L) The Office of the United States Trade Representative.
- (M) The Office of Management and Budget.
- (N) The Office of Science and Technology Policy.
- (O) The Environmental Protection Agency.
- (P) Any other department or agency designated by the President.

(2) **CHAIRPERSON.**—The Secretary of Commerce shall serve as Chairperson of the Council.

(3) **COORDINATION.**—The Chairperson of the Council shall ensure appropriate coordination between the Council and the National Economic Council, the National Security Council, and the National Science and Technology Council.

(4) **MEETINGS.**—The Council shall meet on a semi-annual basis at the call of the Chairperson and the initial meeting of the Council shall occur not later than 6 months after the date of enactment of this Act.

(d) **DEVELOPMENT OF INNOVATION AGENDA.**—

(1) **IN GENERAL.**—The Council shall develop a comprehensive agenda for strengthening the innovation and competitiveness capabilities of the Federal Government, State governments, academia, and the private sector in the United States.

(2) CONTENTS.—The comprehensive agenda required by paragraph (1) shall include the following:

(A) An assessment of current strengths and weaknesses of the United States investment in research and development.

(B) Recommendations for addressing weaknesses and maintaining the United States as a world leader in research and development and technological innovation.

(C) Recommendations for strengthening the innovation and competitiveness capabilities of the Federal government, State governments, academia, and the private sector in the United States.

(3) ADVISORS.—

(A) RECOMMENDATION.—Not later than 30 days after the date of enactment of this Act, the National Academy of Sciences, in consultation with the National Academy of Engineering, the Institute of Medicine, and the National Research Council, shall develop and submit to the President a list of 50 individuals that are recommended to serve as advisors to the Council during the development of the comprehensive agenda required by paragraph (1). The list of advisors shall include appropriate representatives from the following:

(i) The private sector of the economy.

(ii) Labor.

(iii) Various fields including information technology, energy, engineering, high-technology manufacturing, health care, and education.

(iv) Scientific organizations.

(v) Academic organizations and other non-governmental organizations working in the area of science or technology.

(B) DESIGNATION.—Not later than 30 days after the date that the National Academy of Sciences submits the list of recommended individuals to serve as advisors, the President shall designate 50 individuals to serve as advisors to the Council.

(C) REQUIREMENT TO CONSULT.—The Council shall develop the comprehensive agenda required by paragraph (1) in consultation with the advisors.

(4) INITIAL SUBMISSION AND UPDATES.—

(A) INITIAL SUBMISSION.—Not later than 1 year after the date of enactment of this Act, the Council shall submit to Congress and the President the comprehensive agenda required by paragraph (1).

(B) UPDATES.—At least once every 2 years, the Council shall update the comprehensive agenda required by paragraph (1) and submit each such update to Congress and the President.

(C) TECHNICAL AMENDMENT.—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)) is amended by striking “an” in the first sentence and inserting “a distinct”.

(f) OPTIONAL ASSIGNMENT.—Notwithstanding subsection (a) and paragraphs (1) and (2) of subsection (c), the President may designate an existing council to carry out the requirements of this section.

SEC. 1202. INNOVATION ACCELERATION RESEARCH.

(a) PROGRAM ESTABLISHED.—The President, through the head of each Federal research agency, shall establish a program, to be known as the Innovation Acceleration Research Program, to support and promote innovation in the United States through research projects that can yield results with far-ranging or wide-ranging implications but are considered too novel or span too diverse a range of disciplines to fare well in the traditional peer review process. Priority in the awarding of grants under this program shall be given to research projects that—

(1) meet fundamental technology or scientific challenges;

(2) involve multidisciplinary work; and

(3) involve a high degree of novelty.

(b) DEPARTMENTS AND AGENCIES.—

(1) FUNDING GOALS.—The President shall ensure that it is the goal of each Executive agency (as defined in section 105 of title 5, United States Code) that finances research in science, mathematics, engineering, and technology to allocate approximately 8 percent of the agency's total annual research and development budget to funding research, including grants, under the Innovation Acceleration Research Program.

(2) ADMINISTRATION.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the head of each Executive agency participating in the Innovation Acceleration Research Program under paragraph (1) shall submit to the Director of the Office of Science and Technology Policy and the Director of the Office of Management and Budget a plan for implementing the research program within such Executive agency. An implementation plan may incorporate existing initiatives of the Executive agencies that promote research in innovation as described in subsection (a).

(B) REQUIRED METRICS.—

(i) IN GENERAL.—The head of each Executive agency submitting an implementation plan pursuant to subparagraph (A) shall include metrics upon which grant funding decisions will be made and metrics for assessing the success of the grants awarded.

(ii) METRICS FOR BASIC RESEARCH.—The metrics developed under clause (i) to assess basic research programs shall assess management of the programs and shall not assess specific scientific outcomes of the research conducted by the programs.

(C) GRANT DURATION AND RENEWALS.—

(i) IN GENERAL.—Any grants issued by an Executive agency under this section shall be for a period not to exceed 3 years.

(ii) EVALUATION.—Not later than 90 days prior to the expiration of a grant issued under this section, the Executive agency that approved the grant shall complete an evaluation of the effectiveness of the grant based on the metrics established pursuant to subparagraph (B). In its evaluation, the Executive agency shall consider the extent to which the program funded by the grant met the goals of quality improvement and job creation.

(iii) PUBLICATION OF REVIEW.—The Executive agency shall publish and make available to the public the review of each grant approved pursuant to this section.

(iv) FAILURE TO MEET METRICS.—Any grant that the Executive agency awarding the grant determines has failed to satisfy any of the metrics developed pursuant to subparagraph (B), shall not be eligible for a renewal.

(v) RENEWAL.—A grant issued under this section that satisfies all of the metrics developed pursuant to subparagraph (B), may be renewed once for a period of not more than 3 years. Additional renewals may be considered only if the head of the Executive agency makes a specific finding that the program being funded involves a significant technology or scientific advance that requires a longer time frame to complete critical research, and the research satisfies all the metrics developed pursuant to subparagraph (B).

(vi) WAIVER.—The head of the Executive agency may authorize a waiver of the requirement of clauses (iv) and (v) related to satisfying metric requirements if he or she determines that the grant failed to meet a small number of metrics and the failure was not significant for the overall performance of the grant.

(c) DEFINITIONS.—In this section:

(1) FEDERAL RESEARCH AGENCY.—The term “Federal research agency” means a major

organizational component of a department or agency of the Federal Government, or other establishment of the Federal Government operating with appropriated funds, that has as its primary purpose the performance of scientific research.

(2) MAJOR ORGANIZATIONAL COMPONENT.—The term “major organizational component”, with respect to a department, agency, or other establishment of the Federal Government, means a component of the department, agency, or other establishment that is administered by an individual whose rate of basic pay is not less than the rate of basic pay payable under level V of the Executive Schedule under section 5316 of title 5, United States Code.

TITLE III—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 1301. NASA'S CONTRIBUTION TO INNOVATION.

(a) PARTICIPATION IN INTERAGENCY ACTIVITIES.—The National Aeronautics and Space Administration shall be a full participant in any interagency effort to promote innovation and economic competitiveness through near-term and long-term basic scientific research and the promotion of science, technology, engineering, and mathematics education.

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

(c) BALANCED SCIENCE PROGRAM AND ROBUST AUTHORIZATION LEVELS.—The balanced science program authorized by section 101(d) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155; 42 U.S.C. 16611) shall be an element of the contribution by the National Aeronautics and Space Administration to such interagency programs. It is the sense of Congress that a robust National Aeronautics and Space Administration, funded at the levels authorized for fiscal years 2007 and 2008 under sections 202 and 203 of such Act (42 U.S.C. 16631 and 16632) and at appropriate levels in subsequent fiscal years would enable a fair balance among science, aeronautics, education, exploration, and human space flight programs and allow full participation in any interagency efforts to promote innovation and economic competitiveness.

(d) ANNUAL REPORT.—

(1) REQUIREMENT.—The Administrator shall submit to Congress and the President an annual report describing the activities conducted pursuant to this section, including a description of the goals and the objective metrics upon which funding decisions were made.

(2) CONTENT.—Each report submitted pursuant to paragraph (1) shall include, with regard to science, technology, engineering, and mathematics education programs, at a minimum, the following:

(A) A description of each program.

(B) The amount spent on each program.

(C) The number of students or teachers served by each program.

(D) Measurement of how each program improved student achievement, including with regard to challenging State achievement standards.

SEC. 1302. AERONAUTICS INSTITUTE FOR RESEARCH.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration shall establish within the Administration an Aeronautics Institute for Research for the purpose of managing the aeronautics research carried out by the Administration.

(2) DIRECTOR.—The Institute shall be headed by a Director with appropriate experience in aeronautics research and development.

(b) DUTIES.—The Institute shall implement the programs authorized under title IV of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155; 42 U.S.C. 16701 et seq.).

(c) COOPERATION WITH OTHER AGENCIES.—

(1) IN GENERAL.—The Institute shall operate in conjunction with relevant programs in the Department of Transportation, the Department of Defense, the Department of Commerce, and the Department of Homeland Security, including the activities of the Joint Planning and Development Office established under the Vision 100—Century of Aviation Reauthorization Act (Public Law 108-176; 117 Stat. 2490).

(2) RESOURCES.—The Director of the Institute may accept assistance, staff, and funding from those Departments and other Federal agencies. Any such funding shall be in addition to funds authorized for aeronautics under the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155; 119 Stat. 2895).

(3) OTHER COORDINATION.—The Director of the Institute may utilize the Next Generation Air Transportation Senior Policy Committee established under section 710 of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108-176; 49 U.S.C. 40101 note) to coordinate its programs with other Departments and agencies.

(d) PARTNERSHIPS.—In developing and carrying out its plans, the Institute shall consult with the public and ensure the participation of experts from the private sector including representatives of commercial aviation, general aviation, aviation labor groups, aviation research and development entities, aircraft and air traffic control suppliers, and the space industry.

SEC. 1303. BASIC RESEARCH ENHANCEMENT.

(a) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Secretary of Energy, the Secretary of Defense, and Secretary of Commerce shall, to the extent practicable, coordinate basic and fundamental research activities related to physical sciences, technology, engineering and mathematics.

(b) ESTABLISHMENT OF BASIC RESEARCH EXECUTIVE COUNCIL.—In order to ensure effective application of resources to basic science activity and to facilitate cooperative basic and fundamental research activities with other governmental organizations, the Administrator of the National Aeronautics and Space Administration shall establish within the Administration a Basic Research Executive Council to oversee the distribution and management of programs and resources engaged in support of basic research activity.

(c) MEMBERSHIP.—The membership of the Basic Research Executive Council shall consist of the most senior agency official representing each of the following areas of research:

- (1) Space Science.
- (2) Earth Science.
- (3) Life and Microgravity Sciences.
- (4) Aeronautical Research.

(d) LEADERSHIP.—The Basic Research Executive Council shall be chaired by an individual appointed for that purpose who shall have, as a minimum, a appropriate graduate degree in a recognizable discipline in the physical sciences, and appropriate experi-

ence in the conduct and management of basic research activity. The Chairman of the Council shall report directly to the Administrator of the National Aeronautics and Space Administration.

(e) SUPPORTING RESOURCES AND PERSONNEL.—The Chairman of the Basic Research Executive Council shall be provided with adequate administrative staff support to conduct the activity and functions of the Council.

(f) DUTIES.—The Basic Research Executive Council shall have, at minimum, the following duties:

(1) To establish criteria for the identification of research activity as basic in nature.

(2) To establish, in consultation with the Office of Science and Technology Policy, the National Science Foundation, the National Academy of Sciences, the National Institutes of Health, and other appropriate external organizations, a prioritization of fundamental research activity to be conducted by the National Aeronautics and Space Administration, to be reviewed and updated on an annual basis, taking into consideration evolving national research priorities.

(3) To monitor, review, and evaluate all basic research activity of the National Aeronautics and Space Administration for compliance with basic research priorities established under paragraph (2).

(4) To make recommendations to the Administrator of the National Aeronautics and Space Administration regarding adjustments in the basic research activities of the Administration to ensure consistency with the research priorities established under this section.

(5) To provide an annual report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives outlining the activities of the Council during the preceding year and the status of basic research activity within the Administration. The initial such report, to serve as a baseline document, shall be provided within 90 days after the establishment and initial operations of the Council.

SEC. 1304. AGING WORKFORCE ISSUES PROGRAM.

It is the sense of Congress that the Administrator of the National Aeronautics and Space Administration should implement a program to address aging work force issues in aerospace that—

(1) documents technical and management experiences before senior people leave the Administration, including—

- (A) documenting lessons learned;
- (B) briefing organizations;
- (C) providing opportunities for archiving lessons in a database; and

(D) providing opportunities for near-term retirees to transition out early from their primary assignment in order to document their career lessons learned and brief new employees prior to their separation from the Administration;

(2) provides incentives for retirees to return and teach new employees about their career lessons and experiences; and

(3) provides for the development of an award to recognize and reward outstanding senior employees for their contributions to knowledge sharing.

SEC. 1305. CONFORMING AMENDMENTS.

Section 101(d) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155; 42 U.S.C. 16611(d)) is amended—

(1) by striking “and” after the semicolon in paragraph (2)(B);

(2) by striking “Act.” in paragraph (2)(C) and inserting “Act; and”;

(3) by adding at the end of paragraph (2) the following:

“(D) the number and content of science activities which are undertaken in support of science missions described in subparagraph (A), and the number and content of science activities which may be considered as fundamental, or basic research, whether incorporated within specific missions or conducted independently of any specific mission.”; and

(4) by adding at the end of paragraph (3) the following:

“(H) How NASA science activities can best be structured to ensure that basic and fundamental research can be effectively maintained and coordinated in response to national goals in competitiveness and innovation, and in contributing to national scientific, technology, engineering and mathematics leadership.”.

SEC. 1306. FISCAL YEAR 2007 BASIC SCIENCE AND RESEARCH FUNDING.

Notwithstanding any other provision of law, the Administrator of the National Aeronautics and Space Administration shall increase funding for basic science and research, including for the Explorer Program, for fiscal year 2007 by \$160,000,000 by transferring such amount for such purpose from accounts of the National Aeronautics and Space Administration. The transfer shall be contingent upon the availability of unobligated balances to the National Aeronautics and Space Administration.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SEC. 1401. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for the use of the National Institute of Standards and Technology—

(1) for fiscal year 2007, \$639,646,000, of which \$110,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program;

(2) for fiscal year 2008, \$703,611,000, of which \$115,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program;

(3) for fiscal year 2009, \$773,972,000, of which \$120,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program;

(4) for fiscal year 2010, \$851,369,000, of which \$125,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program; and

(5) for fiscal year 2011, \$936,506,000, of which \$130,000,000 shall be used for the Hollings Manufacturing Extension Partnership Program.

SEC. 1402. AMENDMENTS TO THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

(a) IN GENERAL.—Section 5 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3704) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) TITLE 5, UNITED STATES CODE.—Section 5314 of title 5, United States Code, is amended by striking “Under Secretary of Commerce for Technology.”.

(2) DEFINITIONS.—Section 4 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703) is amended—

(A) by striking paragraphs (1) and (3); and

(B) by redesignating paragraphs (2) through (13) as paragraphs (1) through (11), respectively.

(3) REPEAL OF AUTHORIZATION.—Section 21(a) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3713(a)) is amended—

(A) in paragraph (1), by striking “sections 5, 11(g), and 16” and inserting “sections 11(g) and 16”; and

(B) in paragraph (2), by striking “\$500,000 is authorized only for the purpose of carrying

out the requirements of the Japanese technical literature program established under section 5(d) of this Act.”.

(4) **HIGH-PERFORMANCE COMPUTING ACT OF 1991.**—Section 208 of the High-Performance Computing Act of 1991 (15 U.S.C. 5528) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(5) **ASSISTIVE TECHNOLOGY ACT OF 1998.**—Section 6(b)(4)(B)(v) of the Assistive Technology Act of 1998 (29 U.S.C. 3005(b)(4)(B)(v)) is amended by striking “the Technology Administration of the Department of Commerce,” and inserting “the National Institute of Standards and Technology.”.

SEC. 1403. INNOVATION ACCELERATION.

(a) **PROGRAM.**—In order to implement section 1202 of this Act, the Director of the National Institute of Standards and Technology shall—

(1) establish a program linked to the goals and objectives of the measurement laboratories, to be known as the “Standards and Technology Acceleration Research Program”, to support and promote innovation in the United States through high-risk, high-reward research; and

(2) set aside, from funds available to the measurement laboratories, an amount equal to not less than 8 percent of the funds available to the Institute each fiscal year for such Program.

(b) **EXTERNAL FUNDING.**—The Director shall ensure that at least 80 percent of the funds available for such Program shall be used to award competitive, merit-reviewed grants, cooperative agreements, or contracts to public or private entities, including businesses and universities. In selecting entities to receive such assistance, the Director shall ensure that the project proposed by an entity has scientific and technical merit and that any resulting intellectual property shall vest in a United States entity that can commercialize the technology in a timely manner. Each external project shall involve at least one small or medium-sized business and the Director shall give priority to joint ventures between small or medium-sized businesses and educational institutions. Any grant shall be for a period not to exceed 3 years.

(c) **COMPETITIONS.**—The Director shall solicit proposals annually to address areas of national need for high-risk, high-reward research, as identified by the Director.

(d) **ANNUAL REPORT.**—Each year the Director shall issue an annual report describing the program’s activities, including include a description of the metrics upon which grant funding decisions were made in the previous fiscal year, any proposed changes to those metrics, metrics for evaluating the success of ongoing and completed grants, and an evaluation of ongoing and completed grants. The first annual report shall include best practices for management of programs to stimulate high-risk, high-reward research.

(e) **ADMINISTRATIVE EXPENSES.**—No more than 5 percent of the finding available to the program may be used for administrative expenses.

(f) **HIGH-RISK, HIGH-REWARD RESEARCH DEFINED.**—In this section, the term “high-risk, high-reward research” means research that—

(1) has the potential for yielding results with far-ranging or wide-ranging implications;

(2) addresses critical national needs related to measurement standards and technology; and

(3) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer review process.

SEC. 1404. MANUFACTURING EXTENSION.

(a) **MANUFACTURING CENTER EVALUATION.**—Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C.

278k(c)(5)) is amended by inserting “A Center that has not received a positive evaluation by the evaluation panel shall be notified by the panel of the deficiencies in its performance and shall be placed on probation for one year, after which time the panel shall re-evaluate the Center. If the Center has not addressed the deficiencies identified by the panel, or shown a significant improvement in its performance, the Director shall conduct a new competition to select an operator for the Center or may close the Center.” after “at declining levels.”.

(b) **FEDERAL SHARE.**—Strike section 25(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(d)) and insert the following:

“(d) **ACCEPTANCE OF FUNDS.**—In addition to such sums as may be appropriated to the Secretary and Director to operate the Centers program, the Secretary and Director also may accept funds from other Federal departments and agencies and under section 2(c)(7) from the private sector for the purpose of strengthening United States manufacturing. Such funds from the private sector, if allocated to a Center or Centers, shall not be considered in the calculation of the Federal share of capital and annual operating and maintenance costs under subsection (c).”.

SEC. 1405. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE TECHNOLOGY.

(a) **IN GENERAL.**—The Director of the National Institutes of Standards and Technology shall re-establish the Experimental Program to Stimulate Competitive Technology. The purpose of the program shall be to strengthen the technological competitiveness of those States that have historically received less Federal research and development funds than a majority of the States have received.

(b) **ARRANGEMENTS.**—In carrying out the program, the Director shall cooperate with State, regional, or local science and technology-based economic development organization and with representatives of small business firms and other appropriate technology-based businesses.

(c) **GRANTS AND COOPERATIVE AGREEMENTS.**—In carrying out the program, the Director may make grants or enter into cooperative agreements to provide for—

(1) technology research and development;

(2) technology transfer from university research;

(3) technology deployment and diffusion; and

(4) the strengthening of technological and innovation capabilities through consortia comprised of—

(A) technology-based small business firms;

(B) industries and emerging companies;

(C) institutions of higher education including community colleges; and

(D) State and local development agencies and entities.

(d) **REQUIREMENTS FOR MAKING AWARDS.**—

(1) **IN GENERAL.**—In making awards under this section, the Director shall ensure that the awards are awarded on a competitive basis that includes a review of the merits of the activities that are the subject of the award, giving special emphasis to those projects which will increase the participation of women, Native Americans (including Native Hawaiians and Alaska Natives), and underrepresented groups in science and technology.

(2) **MATCHING REQUIREMENT.**—The non-Federal share of the activities (other than planning activities) carried out under an award under this subsection shall be not less than 50 percent of the cost of those activities.

(e) **CRITERIA FOR STATES.**—The Director shall establish criteria for achievement by each State that participates in the program.

Upon the achievement of all such criteria, a State shall cease to be eligible to participate in the program.

(f) **COORDINATION.**—To the extent practicable, in carrying out this subsection, the Director shall coordinate the program with other programs of the Department of Commerce.

(g) **REPORT.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Director shall prepare and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a report that meets the requirements of this subsection.

(2) **REQUIREMENTS FOR REPORT.**—The report required by this subsection shall contain—

(A) a description of the structure and procedures of the program;

(B) a management plan for the program;

(C) a description of the merit-based review process to be used in the program;

(D) milestones for the evaluation of activities to be assisted under the program in fiscal year 2008;

(E) an assessment of the eligibility of each State that participates in the Experimental Program to Stimulate Competitive Research of the National Science Foundation to participate in the program under this subsection; and

(F) the evaluation criteria with respect to which the overall management and effectiveness of the program will be evaluated.

SEC. 1406. TECHNICAL AMENDMENTS TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AND OTHER TECHNICAL AMENDMENTS.

(a) **RESEARCH FELLOWSHIPS.**—Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-1) is amended by striking “up to 1 per centum of the” in the first sentence.

(b) **FINANCIAL AGREEMENTS.**—

(1) **CLARIFICATION.**—Section 2(b)(4) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)(4)) is amended by inserting “and grants and cooperative agreements,” after “arrangements.”.

(2) **MEMBERSHIPS.**—Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(A) by striking “and” after the semicolon in paragraph (21);

(B) by redesignating paragraph (22) as paragraph (23); and

(C) by inserting after paragraph (21) the following:

“(22) notwithstanding subsection (b)(4) of this section, the Grants and Cooperative Agreements Act (31 U.S.C. 6301-6308), the Competition in Contracting Act (31 U.S.C. 3551-3556), and the Federal Acquisition Regulations set forth in title 48, Code of Federal Regulations, to expend appropriated funds for National Institute of Standards and Technology memberships in scientific organizations, registration fees for attendance at conferences, and sponsorship of conferences in furtherance of technology transfer; and”.

(c) **WORKING CAPITAL FUND.**—Section 12 of the National Institute of Standards and Development Act (15 U.S.C. 278b) is amended by adding at the end the following:

“(g) **AMOUNT AND SOURCE OF TRANSFERS.**—Not to exceed one-quarter per centum of the amounts appropriated to the Institute for any fiscal year may be transferred to the fund, in addition to any other transfer authority. In addition, funds provided to the Institute from other Federal agencies for the purpose of production of Standard Reference Materials may be transferred to the fund.”.

(d) **OUTDATED SPECIFICATIONS.**—

(1) **REDEFINITION OF METRIC SYSTEM.**—Section 2 of the Act of July 28, 1866, entitled

"An Act to authorize the Use of the Metric System of Weights and Measures" (15 U.S.C. 205; 14 Stat. 339, 340) is amended to read as follows:

"SEC. 2. METRIC SYSTEM DEFINED.

"The metric system of measurement shall be defined as the International System of Units as established in 1960, and subsequently maintained, by the General Conference of Weights and Measures, and as interpreted or modified for the United States by the Secretary of Commerce."

(2) **REPEAL OF REDUNDANT AND OBSOLETE AUTHORITY.**—The Act of July 21, 1950, entitled, "An Act to redefine the units and establish the standards of electrical and photometric measurements of 1950" (15 U.S.C. 223, 224) is hereby repealed.

(3) **IDAHO TIME ZONE.**—Section 3 of the Act of March 19, 1918, (15 U.S.C. 264; commonly known as the Calder Act) is amended—

(A) in the section heading, by striking "third zone" and inserting "fourth zone"; and

(B) by striking "third zone" and inserting "fourth zone".

(4) **STANDARD TIME.**—The first section of the Act of March 19, 1918, (15 U.S.C. 261; commonly known as the Calder Act) is amended—

(A) by inserting "(a) IN GENERAL.—" before "For the purpose";

(B) by striking the second sentence and the extra period after it and inserting "Except as provided in section 3(a) of the Uniform Time Act of 1966, the standard time of the first zone shall be Coordinated Universal Time retarded by 4 hours; that of the second zone retarded by 5 hours; that of the third zone retarded by 6 hours; that of the fourth zone retarded by 7 hours; that of the fifth zone retarded by 8 hours; that of the sixth zone retarded by 9 hours; that of the seventh zone retarded by 10 hours; that of the eighth zone retarded by 11 hours; and that of the ninth zone shall be Coordinated Universal Time advanced by 10 hours."; and

(C) adding at the end the following:

"(b) **COORDINATED UNIVERSAL TIME DEFINED.**—In this section, the term 'Coordinated Universal Time' means the time scale maintained through the General Conference of Weights and Measures and interpreted or modified for the United States by the Secretary of Commerce in coordination with the Secretary of the Navy."

(e) **RETENTION OF DEPRECIATION SURCHARGE.**—Section 14 of the National Institute of Standards and Technology Act (15 U.S.C. 278d) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Within"; and

(2) adding at the end the following:

"(b) **RETENTION OF FEES.**—The Director is authorized to retain all building use and depreciation surcharge fees collected pursuant to OMB Circular A-25. Such fees shall be collected and credited to the Construction of Research Facilities Appropriation Account for use in maintenance and repair of National Institute of Standards and Technology's existing facilities."

(f) **NON-ENERGY INVENTIONS PROGRAM.**—Section 27 of the National Institute of Standards and Technology Act (15 U.S.C. 278m) is repealed.

TITLE V—OCEAN AND ATMOSPHERIC PROGRAMS

SEC. 1501. OCEAN AND ATMOSPHERIC RESEARCH AND DEVELOPMENT PROGRAM.

The Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Director of the National Science Foundation and the Administrator of the National Aeronautics and Space Administration, shall establish a coordinated program of ocean and atmospheric research

and development, in collaboration with academic institutions and other nongovernmental entities, that shall focus on the development of advanced technologies and analytical methods that will promote United States leadership in ocean and atmospheric science and competitiveness in the applied uses of such knowledge.

SEC. 1502. NOAA OCEAN AND ATMOSPHERIC SCIENCE EDUCATION PROGRAMS.

(a) **IN GENERAL.**—The Administrator of the National Oceanic and Atmospheric Administration shall conduct, develop, support, promote, and coordinate formal and informal educational activities at all levels to enhance public awareness and understanding of ocean, coastal, and atmospheric science and stewardship by the general public and other coastal stakeholders, including underrepresented groups in ocean and atmospheric science and policy careers. In conducting those activities, the Administrator shall build upon the educational programs and activities of the agency.

(b) **NOAA SCIENCE EDUCATION PLAN.**—The Administrator, appropriate National Oceanic and Atmospheric Administration programs, ocean atmospheric science and education experts, and interested members of the public shall develop a science education plan setting forth education goals and strategies for the Administration, as well as programmatic actions to carry out such goals and priorities over the next 20 years, and evaluate and update such plan every 5 years.

(c) **CONSTRUCTION.**—Nothing in this section may be construed to affect the application of section 438 of the General Education Provisions Act (20 U.S.C. 1232a) or sections 504 and 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794 and 794d).

DIVISION B—DEPARTMENT OF ENERGY

SEC. 2001. SHORT TITLE.

This division may be cited as the "Protecting America's Competitive Edge Through Energy Act" or the "PACE-Energy Act".

SEC. 2002. DEFINITIONS.

In this division:

(1) **DEPARTMENT.**—The term "Department" means the Department of Energy.

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

(3) **NATIONAL LABORATORY.**—The term "National Laboratory" has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(4) **SECRETARY.**—The term "Secretary" means the Secretary of Energy, acting through the Under Secretary for Science appointed under section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132(b)).

SEC. 2003. MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION AT THE DEPARTMENT OF ENERGY.

(a) **SCIENCE EDUCATION PROGRAMS.**—Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively;

(2) by inserting after subsection (a) the following:

"(b) **ORGANIZATION OF MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION PROGRAMS.**—

"(1) **DIRECTOR OF MATHEMATICS, SCIENCE AND ENGINEERING EDUCATION.**—Notwithstanding any other provision of law, the Secretary, acting through the Under Secretary for Science (referred to in this subsection as the 'Under Secretary'), shall appoint a Direc-

tor of Mathematics, Science, and Engineering Education (referred to in this subsection as the 'Director') with the principal responsibility for administering mathematics, science, and engineering education programs across all functions of the Department.

"(2) **QUALIFICATIONS.**—The Director shall be an individual, who by reason of professional background and experience, is specially qualified to advise the Under Secretary on all matters pertaining to mathematics, science, and engineering education at the Department.

"(3) **DUTIES.**—The Director shall—

"(A) oversee all mathematics, science, and engineering education programs of the Department;

"(B) represent the Department as the principal interagency liaison for all mathematics, science, and engineering education programs, unless otherwise represented by the Secretary or the Under Secretary;

"(C) prepare the annual budget and advise the Under Secretary on all budgetary issues for mathematics, science, and engineering education programs of the Department;

"(D) increase, to the maximum extent practicable, the participation and advancement of women and underrepresented minorities at every level of science, technology, engineering, and mathematics education; and

"(E) perform other such matters related to mathematics, science, and engineering education as are required by the Secretary or the Under Secretary.

"(4) **STAFF AND OTHER RESOURCES.**—The Secretary shall assign to the Director such personnel and other resources as the Secretary considers necessary to permit the Director to carry out the duties of the Director.

"(5) **ASSESSMENT.**—

"(A) **IN GENERAL.**—The Secretary shall offer to enter into a contract with the National Academy of Sciences under which the National Academy, not later than 5 years after, and not later than 10 years after, the date of enactment of this paragraph, shall assess the performance of the mathematics, science, and engineering education programs of the Department.

"(B) **CONSIDERATIONS.**—An assessment under this paragraph shall be conducted taking into consideration, where applicable, the effect of mathematics, science, and engineering education programs of the Department on student academic achievement in math and science.

"(6) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this subsection"; and

(3) by striking subsection (d) (as redesignated by paragraph (1)) and inserting the following:

"(d) **MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION FUND.**—The Secretary shall establish a Mathematics, Science, and Engineering Education Fund, using not less than 0.3 percent of the amount made available to the Department for research, development, demonstration, and commercial application for each fiscal year, to carry out sections 3165, 3166, and 3167."

(b) **CONSULTATION.**—The Secretary shall—

(1) consult with the Secretary of Education regarding activities authorized under subpart B of the Department of Energy Science Education Enhancement Act (as added by subsection (d)(3)) to improve mathematics and science education; and

(2) otherwise make available to the Secretary of Education reports associated with programs authorized under that section.

(c) DEFINITION.—Section 3168 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381d) is amended by adding at the end the following:

“(5) NATIONAL LABORATORY.—The term ‘National Laboratory’ has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).”

(d) MATHEMATICS, SCIENCE, AND ENGINEERING EDUCATION PROGRAMS.—The Department of Energy Science Education Enhancement Act (42 U.S.C. 7381 et seq.) is amended—

(1) by inserting after section 3162 the following:

“Subpart A—Science Education Enhancement”;

(2) in section 3169, by striking “part” and inserting “subpart”; and

(3) by adding at the end the following:

“Subpart B—Mathematics, Science, and Engineering Education Programs

“SEC. 3170. DEFINITIONS.

“In this subpart:

“(1) DIRECTOR.—The term ‘Director’ means the Director of Mathematics, Science, and Engineering Education.

“(2) NATIONAL LABORATORY.—The term ‘National Laboratory’ has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

“CHAPTER 1—ASSISTANCE FOR SPECIALTY SCHOOLS FOR MATHEMATICS AND SCIENCE

“SEC. 3171. SPECIALTY SCHOOLS FOR MATHEMATICS AND SCIENCE.

“(a) PURPOSE.—The purpose of this section is to provide assistance to States to establish or expand public, statewide specialty secondary schools that provide comprehensive mathematics and science (including engineering) education to improve the academic achievement of students in mathematics and science.

“(b) DEFINITION OF SPECIALTY SCHOOL FOR MATHEMATICS AND SCIENCE.—In this chapter, the term ‘specialty school for mathematics and science’ means a public secondary school (including a school that provides residential services to students) that—

“(1) serves students residing in the State in which the school is located; and

“(2) offers to those students a high-quality, comprehensive mathematics and science (including engineering) curriculum designed to improve the academic achievement of students in mathematics and science.

“(c) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—From the amounts authorized under subsection (i), the Secretary, acting through the Director, shall award grants, on a competitive basis, to States in order to provide assistance to the States for the costs of establishing or expanding public, statewide specialty schools for mathematics and science.

“(2) RESOURCES.—The Director shall ensure that appropriate resources of the Department, including the National Laboratories, are available to schools funded under this section in order to—

“(A) increase experiential, hands-on learning opportunities in mathematics and science for students attending such schools; and

“(B) provide ongoing professional development opportunities for teachers employed at such schools.

“(3) ASSISTANCE.—Consistent with sections 3165 and 3166, the Director shall make available necessary funds for a program using scientific and engineering staff of the National Laboratories, during which the staff—

“(A) assists teachers in teaching courses at the schools funded under this section;

“(B) uses National Laboratory scientific equipment in teaching the courses; and

“(C) uses distance education and other technologies to provide assistance described in subparagraphs (A) and (B) to schools funded under this section that are not located near the National Laboratories.

“(4) RESTRICTION.—No State shall receive funding for more than 1 specialty school for mathematics and science for a fiscal year.

“(d) FEDERAL AND NON-FEDERAL SHARES.—

“(1) FEDERAL SHARE.—The Federal share of the costs described in subsection (c)(1) shall not exceed 50 percent.

“(2) NON-FEDERAL SHARE.—The non-Federal share of the costs described in subsection (c)(1) shall be—

“(A) not less than 50 percent; and

“(B) provided from non-Federal sources, in cash or in kind, fairly evaluated, including services.

“(e) APPLICATION.—Each State desiring a grant under this section shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may require that describes—

“(1) the process by which and selection criteria with which the State will select and designate a school as a specialty school for mathematics and science in accordance with this section;

“(2) how the State will ensure that funds made available under this section are used to establish or expand a specialty school for mathematics and science—

“(A) in accordance with the activities described in subsection (g); and

“(B) that has the capacity to improve the academic achievement of all students in all core academic subjects, and particularly in mathematics and science;

“(3) how the State will measure the extent to which the school increases student academic achievement on State academic achievement standards in mathematics and science;

“(4) the curricula and materials to be used in the school;

“(5) the availability of funds from non-Federal sources for the non-Federal share of the costs of the activities authorized under this section; and

“(6) how the State will use technical assistance and support from the Department, including the National Laboratories, and other entities with experience and expertise in mathematics and science education, including institutions of higher education.

“(f) DISTRIBUTION.—In awarding grants under this section, the Director shall—

“(1) ensure a wide, equitable distribution among States that propose to serve students from urban and rural areas; and

“(2) provide equal consideration to States without National Laboratories.

“(g) USES OF FUNDS.—

“(1) IN GENERAL.—A State that receives a grant under this section shall use the funds made available through the grant to—

“(A) employ proven strategies and methods for improving student learning and teaching in mathematics and science;

“(B) integrate into the curriculum of the school comprehensive mathematics and science education, including instruction and assessments that are aligned with the State’s academic content and student academic achievement standards (within the meaning of section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311)), classroom management, professional development, parental involvement, and school management; and

“(C) provide high-quality and continuous teacher and staff professional development.

“(2) SPECIAL RULE.—Grant funds under this section may be used for activities described in paragraph (1) only if the activities are directly related to improving student aca-

demic achievement in mathematics and science.

“(h) EVALUATION AND REPORT.—

“(1) STATE EVALUATION AND REPORT.—

“(A) EVALUATION.—Each State that receives a grant under this section shall develop and carry out an evaluation and accountability plan for the activities funded through the grant that measures the impact of the activities, including measurable objectives for improved student academic achievement on State mathematics and science assessments.

“(B) REPORT.—The State shall submit to the Director a report containing the results of the evaluation and accountability plan.

“(2) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of the PACE-Energy Act, the Director shall submit a report to the appropriate committees of Congress detailing the impact of the activities assisted with funds made available under this section.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) \$10,000,000 for fiscal year 2007;

“(2) \$20,000,000 for fiscal year 2008;

“(3) \$30,000,000 for fiscal year 2009;

“(4) \$40,000,000 for fiscal year 2010; and

“(5) \$50,000,000 for fiscal year 2011.

“CHAPTER 2—EXPERIENTIAL-BASED LEARNING OPPORTUNITIES

“SEC. 3175. EXPERIENTIAL-BASED LEARNING OPPORTUNITIES.

“(a) INTERNSHIPS AUTHORIZED.—

“(1) IN GENERAL.—From the amounts authorized under subsection (f), the Secretary, acting through the Director, shall establish a summer internship program for middle school and secondary school students that shall—

“(A) provide the students with internships at the National Laboratories; and

“(B) promote experiential, hands-on learning in mathematics or science.

“(2) RESIDENTIAL SERVICES.—The Director may provide residential services to students participating in the Internship authorized under this chapter.

“(b) SELECTION CRITERIA.—

“(1) IN GENERAL.—The Director shall establish criteria to determine the sufficient level of academic preparedness necessary for a student to be eligible for an internship under this section.

“(2) PARTICIPATION.—The Director shall ensure the participation of students from a wide distribution of States, including States without National Laboratories.

“(c) PRIORITY.—

“(1) IN GENERAL.—The Director shall give priority for an internship under this section to a student who meets the eligibility criteria described in subsection (b) and who attends a school—

“(A)(i) in which not less than 30 percent of the children enrolled in the school are from low-income families; or

“(ii) that is designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education; and

“(B) for which there is—

“(i) a high percentage of teachers who are not teaching in the academic subject areas or grade levels in which the teachers were trained to teach;

“(ii) a high teacher turnover rate; or

“(iii) a high percentage of teachers with emergency, provisional, or temporary certification or licenses.

“(2) COORDINATION.—The Director shall consult with the Secretary of Education in order to determine whether a student meets the priority requirements of this subsection.

“(d) OUTREACH AND EXPERIENTIAL-BASED PROGRAMS FOR MINORITY STUDENTS.—

“(1) IN GENERAL.—The Secretary, acting through the Director, in cooperation with Hispanic-serving institutions, historically Black colleges and universities, tribally controlled colleges and universities, Alaska Native- and Native Hawaiian-serving institutions, and other minority-serving institutions and nonprofit entities with substantial experience relating to outreach and experiential-based learning projects, shall establish outreach and experiential-based learning programs that will encourage underrepresented minority students in kindergarten through grade 12 to pursue careers in math, science, and engineering.

“(2) COMMUNITY INVOLVEMENT.—The Secretary shall ensure that the programs established under paragraph (1) involve, to the maximum extent practicable—

“(A) participation by parents and educators; and

“(B) the establishment of partnerships with business organizations and appropriate Federal, State, and local agencies.

“(3) DISTRIBUTION.—The Secretary shall ensure that the programs established under paragraph (1) are located in diverse geographic regions of the United States, to the maximum extent practicable.

“(e) EVALUATION AND ACCOUNTABILITY PLAN.—The Director shall develop an evaluation and accountability plan for the activities funded under this chapter that objectively measures the impact of the activities.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2007 through 2011.

“CHAPTER 3—NATIONAL LABORATORIES CENTERS OF EXCELLENCE IN MATHEMATICS AND SCIENCE EDUCATION

“SEC. 3181. NATIONAL LABORATORIES CENTERS OF EXCELLENCE IN MATHEMATICS AND SCIENCE EDUCATION.

“(a) DEFINITION OF HIGH-NEED PUBLIC SECONDARY SCHOOL.—In this chapter, the term ‘high-need public secondary school’ means a secondary school—

“(1) with a high concentration of low-income individuals (as defined in section 1707 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537)); or

“(2) designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education.

“(b) ESTABLISHMENT.—The Secretary shall establish at each of the National Laboratories a program to support a Center of Excellence in Mathematics and Science at 1 high-need public secondary school located in the region of the National Laboratory to provide assistance in accordance with subsection (f).

“(c) PARTNERSHIP.—Each high-need public secondary school selected as a Center of Excellence shall form a partnership with a department that provides training for teachers and principals at an institution of higher education for purposes of compliance with subsection (g).

“(d) SELECTION.—

“(1) IN GENERAL.—The Secretary, acting through the Director, shall establish criteria to guide the National Laboratories in selecting the sites of the Centers of Excellence.

“(2) PROCESS.—The National Laboratories shall select the sites of the Centers of Excellence through an open, widely publicized, and competitive process.

“(e) GOALS.—The Secretary shall establish goals and performance assessments for each Center of Excellence authorized under subsection (b).

“(f) ASSISTANCE.—Consistent with sections 3165 and 3166, the Director shall make available necessary funds for a program using scientific and engineering staff of the National Laboratories, during which the staff—

“(1) assists teachers in teaching courses at the Centers of Excellence in Mathematics and Science; and

“(2) uses National Laboratory scientific equipment in the teaching of the courses.

“(g) SPECIAL RULE.—Each Center of Excellence shall ensure—

“(1) provision of clinical practicum, student teaching, or internship experiences for math and science teacher candidates as part of its teacher preparation program;

“(2) provision of supervision and mentoring for teacher candidates in the teacher preparation program; and

“(3) to the maximum extent practicable, provision of professional development for veteran teachers in the public secondary schools in the region.

“(h) EVALUATION.—The Secretary shall consider the results of performance assessments required under subsection (e) in determining the contract award fee of a National Laboratory management and operations contractor.

“(i) PLAN.—The Director shall—

“(1) develop an evaluation and accountability plan for the activities funded under this chapter that objectively measures the impact of the activities; and

“(2) disseminate information obtained from those measurements.

“(j) NO EFFECT ON SIMILAR PROGRAMS.—Nothing in this section displaces or otherwise affects any similar program being carried out as of the date of enactment of this subpart at any National Laboratory under any other provision of law.

“CHAPTER 4—SUMMER INSTITUTES

“SEC. 3185. SUMMER INSTITUTES.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE PARTNER.—The term ‘eligible partner’ means—

“(A) the mathematics or science (including engineering) department at an institution of higher education, acting in coordination with a department at an institution of higher education that provides training for teachers and principals; or

“(B) a nonprofit entity with expertise in providing professional development for mathematics or science teachers.

“(2) SUMMER INSTITUTE.—The term ‘summer institute’ means an institute, conducted during the summer, that—

“(A) is conducted for a period of not less than 2 weeks;

“(B) includes, as a component, a program that provides direct interaction between students and faculty, including personnel of 1 or more National Laboratories who have scientific expertise; and

“(C) provides for follow-up training, during the academic year, that is conducted in the classroom.

“(b) SUMMER INSTITUTE PROGRAMS AUTHORIZED.—

“(1) PROGRAMS AT THE NATIONAL LABORATORIES.—The Secretary, acting through the Director, shall establish or expand programs of summer institutes at each of the National Laboratories to provide additional training to strengthen the mathematics and science teaching skills of teachers employed at public schools for kindergarten through grade 12, in accordance with the activities authorized under subsections (c) and (d).

“(2) PROGRAMS WITH ELIGIBLE PARTNERS.—

“(A) IN GENERAL.—The Secretary, acting through the Director, shall identify and provide assistance to eligible partners to establish or expand programs of summer institutes that provide additional training to strengthen the mathematics and science teaching skills of teachers employed at public schools for kindergarten through grade 12, in accordance with the activities authorized under subsections (c) and (d).

“(B) ASSISTANCE.—Consistent with sections 3165 and 3166, the Director shall make available necessary funds for a program using scientific and engineering staff of the National Laboratories, during which the staff—

“(i) assists in providing training to teachers at summer institutes; and

“(ii) uses National Laboratory scientific equipment in the training.

“(C) LIMITATION OF AMOUNT.—To carry out this paragraph, the Director may use not more than 50 percent of the amounts authorized under subsection (h) for a fiscal year.

“(c) REQUIRED ACTIVITIES.—Each program authorized under subsection (b) shall—

“(1) create opportunities for enhanced and ongoing professional development for teachers that improves the mathematics and science content knowledge of such teachers;

“(2) include material pertaining to recent developments in mathematics and science pedagogy;

“(3) provide training on the use and integration of technology in the classroom;

“(4) directly relate to the curriculum and academic areas in which the teachers provide instruction;

“(5) enhance the ability of the teachers to understand and use the challenging State academic content standards for mathematics and science and to select appropriate curricula;

“(6) train teachers to use curricula that are—

“(A) based on scientific research;

“(B) aligned with challenging State academic content standards; and

“(C) object-centered, experiment-oriented, and concept- and content-based;

“(7) provide professional development activities, including supplemental and follow-up activities; and

“(8) allow for the exchange of best practices among the participants.

“(d) PERMISSIBLE ACTIVITIES.—A program authorized under subsection (b) may include—

“(1) a program that provides teachers with opportunities to work under the guidance of experienced teachers and college faculty;

“(2) instruction in the use and integration of data and assessments to inform and instruct classroom practice; and

“(3) extended master teacher programs.

“(e) PRIORITY.—To the maximum extent practicable, the Director shall ensure that each summer institute program authorized under subsection (b) provides training to—

“(1) teachers from a wide range of school districts;

“(2) teachers from disadvantaged school districts; and

“(3) teachers from groups underrepresented in the fields of mathematics and science teaching, including women and members of minority groups.

“(f) COORDINATION AND CONSULTATION.—The Director shall consult and coordinate with the Secretary of Education and the Director of the National Science Foundation regarding the implementation of the programs authorized under subsection (b).

“(g) EVALUATION AND ACCOUNTABILITY PLAN.—

“(1) IN GENERAL.—The Director shall develop an evaluation and accountability plan for the activities funded under this section that measures the impact of the activities.

“(2) CONTENTS.—The evaluation and accountability plan shall include—

“(A) measurable objectives to increase the number of mathematics and science teachers who participate in the summer institutes involved; and

“(B) measurable objectives for improved student academic achievement on State mathematics and science assessments.

“(3) REPORT TO CONGRESS.—The Secretary shall submit to Congress with the annual budget submission of the Secretary a report on how the activities assisted under this section improve the mathematics and science teaching skills of participating teachers.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

- “(1) \$15,000,000 for fiscal year 2007;
- “(2) \$25,000,000 for fiscal year 2008;
- “(3) \$40,000,000 for fiscal year 2009;
- “(4) \$50,000,000 for fiscal year 2010; and
- “(5) \$75,000,000 for fiscal year 2011.

“CHAPTER 5—NUCLEAR SCIENCE EDUCATION

“SEC. 3191. NUCLEAR SCIENCE TALENT EXPANSION PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION.

“(a) PURPOSES.—The purposes of this section are—

“(1) to address the decline in the number of and resources available to nuclear science programs of institutions of higher education; and

“(2) to increase the number of graduates with degrees in nuclear science, an area of strategic importance to the economic competitiveness and energy security of the United States.

“(b) DEFINITION OF NUCLEAR SCIENCE.—In this section, the term ‘nuclear science’ includes—

- “(1) nuclear science;
- “(2) nuclear engineering;
- “(3) nuclear chemistry;
- “(4) radio chemistry; and
- “(5) health physics.

“(c) ESTABLISHMENT.—The Secretary, acting through the Director, shall establish in accordance with this section a program to expand and enhance institution of higher education nuclear science educational capabilities.

“(d) NUCLEAR SCIENCE PROGRAM EXPANSION GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—

“(1) IN GENERAL.—The Secretary, acting through the Director, shall award up to 3 competitive grants for each fiscal year to institutions of higher education that establish new academic degree programs in nuclear science.

“(2) ELIGIBILITY.—To be eligible for a grant under this subsection, an applicant shall partner with a National Laboratory or other eligible nuclear-related entity, as determined by the Secretary.

“(3) CRITERIA.—Criteria for a grant awarded under this subsection shall be based on—

“(A) the potential to attract new students to the program;

“(B) academic rigor; and

“(C) the ability to offer hands-on learning opportunities.

“(4) DURATION AND AMOUNT.—

“(A) DURATION.—A grant under this subsection shall be 5 years in duration.

“(B) AMOUNT.—An institution of higher education that receives a grant under this subsection shall be eligible for up to \$1,000,000 for each year of the grant period.

“(5) USE OF FUNDS.—An institution of higher education that receives a grant under this subsection may use the grant to—

“(A) recruit and retain new faculty;

“(B) develop core and specialized course content;

“(C) encourage collaboration between faculty and researchers in the nuclear science field; or

“(D) support outreach efforts to recruit students.

“(e) NUCLEAR SCIENCE COMPETITIVENESS GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—

“(1) IN GENERAL.—The Secretary, acting through the Director shall award up to 10

competitive grants for each fiscal year to institutions of higher education with existing academic degree programs that produce graduates in nuclear science.

“(2) CRITERIA.—Criteria for a grant awarded under this subsection shall be based on the potential for increasing the number and academic quality of graduates in the nuclear sciences who enter into careers in nuclear-related fields.

“(3) DURATION AND AMOUNT.—

“(A) DURATION.—A grant under this subsection shall be 5 years in duration.

“(B) AMOUNT.—An institution of higher education that receives a grant under this subsection shall be eligible for up to \$500,000 for each year of the grant period.

“(4) USE OF FUNDS.—An institution of higher education that receives a grant under this subsection may use the grant to—

“(A) increase the number of graduates in nuclear science that enter into careers in the nuclear science field;

“(B) enhance the teaching of advanced nuclear technologies;

“(C) aggressively pursue collaboration opportunities with industry and National Laboratories;

“(D) bolster or sustain nuclear infrastructure and research facilities of the institution of higher education, such as research and training reactors or laboratories; and

“(E) provide tuition assistance and stipends to undergraduate and graduate students.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) NUCLEAR SCIENCE PROGRAM EXPANSION GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—There are authorized to be appropriated to carry out subsection (d)—

“(A) \$3,000,000 for fiscal year 2007;

“(B) \$9,000,000 for fiscal year 2008;

“(C) \$13,000,000 for fiscal year 2009;

“(D) \$18,000,000 for fiscal year 2010; and

“(E) \$22,500,000 for fiscal year 2011.

“(2) NUCLEAR SCIENCE COMPETITIVENESS GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.—There are authorized to be appropriated to carry out subsection (e)—

“(A) \$5,000,000 for fiscal year 2007;

“(B) \$11,000,000 for fiscal year 2008;

“(C) \$16,500,000 for fiscal year 2009;

“(D) \$22,000,000 for fiscal year 2010; and

“(E) \$27,500,000 for fiscal year 2011.”.

SEC. 2004. DEPARTMENT OF ENERGY EARLY-CAREER RESEARCH GRANTS.

(a) PURPOSE.—It is the purpose of this section to authorize research grants in the Department for early-career scientists and engineers for purposes of pursuing independent research.

(b) DEFINITION OF ELIGIBLE EARLY-CAREER RESEARCHER.—In this section, the term “eligible early-career researcher” means an individual who—

(1) completed a doctorate or other terminal degree not more than 10 years before the date of application for a grant authorized under this section, except as provided in subsection (c)(3); and

(2) has demonstrated promise in the field of science, technology, engineering, mathematics, computer science, or computational science.

(c) GRANT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall award not less than 65 grants per year to outstanding eligible early-career researchers to support the work of such researchers in the Department, particularly at the National Laboratories, or other federally-funded research and development centers.

(2) APPLICATION.—An eligible early-career researcher who desires to receive a grant under this section shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

(3) WAIVER.—The Secretary may find eligible a candidate who has completed a doctorate more than 10 years prior to the date of application if the candidate was unable to conduct research for a period of time because of extenuating circumstances, including military service or family responsibilities.

(4) DURATION AND AMOUNT.—

(A) DURATION.—A grant under this section shall be 5 years in duration.

(B) AMOUNT.—An eligible early career-researcher who receives a grant under this section shall receive up to \$100,000 for each year of the grant period.

(5) USE OF FUNDS.—An eligible early career-researcher who receives a grant under this section shall use the grant funds for basic research in natural sciences, engineering, mathematics, or computer sciences at the Department, particularly the National Laboratories, or other federally-funded research and development center.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(A) \$6,500,000 for fiscal year 2007;

(B) \$13,000,000 for fiscal year 2008;

(C) \$19,500,000 for fiscal year 2009;

(D) \$26,000,000 for fiscal year 2010; and

(E) \$32,500,000 for fiscal year 2011.

SEC. 2005. ADVANCED RESEARCH PROJECTS AUTHORITY-ENERGY.

(a) DEFINITIONS.—In this section:

(1) ADVISORY BOARD.—The term “Advisory Board” means the Advisory Board established under subsection (d).

(2) AUTHORITY.—The term “Authority” means the Advanced Research Projects Authority—Energy established under subsection (b).

(3) DIRECTOR.—The term “Director” means the Director of the Authority appointed under subsection (c)(1).

(4) ENERGY TECHNOLOGY.—The term “energy technology” means technology, including carbon-neutral technology, used for—

(A) fossil energy;

(B) carbon sequestration;

(C) nuclear energy;

(D) renewable energy;

(E) energy distribution; or

(F) energy efficiency technology.

(b) ESTABLISHMENT.—The Secretary shall establish an Advanced Research Projects Authority—Energy to overcome the long-term and high-risk technological barriers in the development of energy technologies.

(c) DIRECTOR.—

(1) APPOINTMENT.—The Secretary shall appoint a Director of the Authority.

(2) QUALIFICATIONS.—The Director shall be an individual who, by reason of professional background and experience, is especially qualified to advise the Secretary on matters pertaining to long-term, high-risk programs to overcome long-term and high-risk technological barriers to the development of energy technologies.

(3) DUTIES.—The Director shall—

(A) employ such qualified technical staff as are necessary to carry out the duties of the Authority, including providing staff for the Advisory Committee;

(B) serve as the selection official for proposals relating to energy technologies that are solicited within the Department;

(C) develop metrics to assist in developing funding criteria and for assessing the success of existing programs;

(D) terminate programs carried out under this section that are not achieving the goals of the programs; and

(E) perform such duties relating to long-term and high-risk technological barriers in the development of energy technologies as are determined to be appropriate by the Secretary.

(d) ADVISORY BOARD.—

(1) **APPOINTMENT.**—The Secretary shall, consistent with the Federal Advisory Committee Act (5 U.S.C. App.), establish, and appoint members to, an Advisory Board to make recommendations to the Secretary and the Director on actions necessary to carry out this section.

(2) **QUALIFICATIONS.**—The Advisory Board shall consist of individuals who, by reason of professional background and experience, are especially qualified to advise the Secretary and the Director on matters pertaining to long-term and high-risk technological barriers in the development of energy technologies.

(3) **TERM.**—A member of the Advisory Board shall be appointed for a term of 5 years.

(4) **INFORMATION.**—Each fiscal year, individuals who carry out energy technology programs of the Department and staff of the Authority shall provide to the Advisory Board written proposals and oral briefings on long-term and high-risk technological barriers that are critical to overcome for the successful development of energy technologies.

(5) **DUTIES.**—Each fiscal year, the Advisory Board shall—

(A) recommend to the Secretary and the Director—

(i) in order of priority, proposals of energy programs of the Department that are critical to overcoming long-term and high-risk technological barriers to enable the successful development of energy technologies; and

(ii) additional programs not covered in the proposals that are critical to overcoming the barriers described in clause (i); and

(B) based on the metrics described in subsection (c)(3)(C), make recommendations to the Secretary and the Director concerning whether programs funded under this section are achieving the goals of the programs.

(e) **REVIEW.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Sciences under which the Academy shall—

(1) conduct reviews during each of calendar years 2009 and 2011 to determine the success of the activities carried out under this section; and

(2) submit to Congress, the Secretary, and the Director a report describing the results of each review.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2007 through 2011.

SEC. 2006. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF ENERGY FOR BASIC RESEARCH.

Section 971(b) of the Energy Policy Act of 2005 (42 U.S.C. 16311(b)) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3)—

(A) by striking “\$5,200,000,000” and inserting “\$4,800,000,000”; and

(B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(4) \$4,945,000,000 for fiscal year 2010; and
“(5) \$5,265,000,000 for fiscal year 2011.”

SEC. 2007. DISCOVERY SCIENCE AND ENGINEERING INNOVATION INSTITUTES.

(a) **IN GENERAL.**—The Secretary shall establish distributed, multidisciplinary institutes (referred to in this section as “Institutes”) centered at National Laboratories to apply fundamental science and engineering discoveries to technological innovations related to the missions of the Department and the global competitiveness of the United States.

(b) **TOPICAL AREAS.**—The Institutes shall support scientific and engineering research and education activities on critical emerging

technologies determined by the Secretary to be essential to global competitiveness, including activities related to—

(1) sustainable energy technologies;
(2) multi-scale materials and processes;
(3) micro- and nano-engineering;
(4) computational and information engineering; and

(5) genomics and proteomics.

(c) **PARTNERSHIPS.**—In carrying out this section, the Secretary shall establish partnerships between the Institutes and—

(1) institutions of higher education to—

(A) train undergraduate and graduate engineering and science students;

(B) develop innovative educational curricula; and

(C) conduct research within the topical areas described in subsection (b);

(2) private industry to develop innovative technologies within the topical areas described in subsection (b);

(3) State and local governments to promote regionally-based commercialization and entrepreneurship; and

(4) financing entities to guide successful technology commercialization.

(d) **MERIT-BASED SELECTION.**—The selection of Institutes under this section shall be merit-based and made through an open, competitive selection process.

(e) **RESTRICTION.**—Not more than 3 Institutes shall receive grants for a fiscal year.

(f) **REVIEW.**—The Secretary shall enter into an agreement with the National Academy of Sciences under which the Academy shall, not later than 3 and 6 years after the date of enactment of this Act—

(1) review the performance of the Institutes under this section; and

(2) submit to Congress and the Secretary a report describing the results of the review.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out the activities of each Institute selected under this section \$10,000,000 for each of fiscal years 2007 through 2011.

SEC. 2008. PROTECTING AMERICA'S COMPETITIVE EDGE (PACE) GRADUATE FELLOWSHIP PROGRAM.

(a) **DEFINITION OF ELIGIBLE STUDENT.**—In this section, the term “eligible student” means a student who attends an institution of higher education that offers a doctoral degree in a field relevant to a mission area of the Department.

(b) **ESTABLISHMENT.**—The Secretary shall establish a graduate fellowship program for eligible students pursuing a doctoral degree in a mission area of the Department.

(c) **SELECTION.**—

(1) **IN GENERAL.**—The Secretary shall award fellowships to eligible students under this section through a competitive merit review process (involving written and oral interviews) that will result in a wide distribution of awards throughout the United States.

(2) **CRITERIA.**—The Secretary shall establish selection criteria for awarding fellowships under this section that require an eligible student to—

(A) pursue a field of science or engineering of importance to the mission area of the Department;

(B) rank in the upper 10 percent of the class of the eligible student;

(C) demonstrate to the Secretary—

(i) the capacity to understand technical topics related to the fellowship that can be derived from the first principles of the technical topics;

(ii) imagination and creativity;

(iii) leadership skills in organizations or intellectual endeavors, demonstrated through awards and past experience; and

(iv) excellent verbal and communication skills to explain, defend, and demonstrate an understanding of technical subjects related to the fellowship; and

(D) be a citizen or legal permanent resident of the United States.

(d) **AWARDS.**—

(1) **AMOUNT.**—A fellowship awarded under this section shall—

(A) provide an annual living stipend; and

(B) cover—

(i) graduate tuition at an institution of higher education; and

(ii) incidental expenses associated with curricula and research at the institution of higher education (including books, computers and software).

(2) **DURATION.**—A fellowship awarded under this section shall be for a period of not greater than 5 years.

(3) **PORTABILITY.**—A fellowship awarded under this section shall be portable with the fellow.

(e) **ADMINISTRATION.**—The Secretary (acting through the Director of Mathematics, Science, and Engineering Education)—

(1) shall administer the program established under this section; and

(2) may enter into a contract with a non-profit entity to administer the program, including the selection and award of fellowships.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **FELLOWSHIPS.**—There are authorized to be appropriated to award fellowships under this section—

(A) \$4,500,000 for 100 fellowships for fiscal year 2007;

(B) \$9,300,000 for 200 fellowships for fiscal year 2008 (including non-expiring fellowships for the prior fiscal year);

(C) \$14,500,000 for 300 fellowships for fiscal year 2009 (including non-expiring fellowships for prior fiscal years);

(D) \$25,000,000 for 500 fellowships for fiscal year 2010 (including non-expiring fellowships for prior fiscal years); and

(E) \$35,500,000 for 700 fellowships for fiscal year 2011 (including non-expiring fellowships for prior fiscal years).

(2) **ADMINISTRATION.**—There are authorized to be appropriated for administrative expenses incurred in carrying out this section—

(A) \$1,000,000 for fiscal year 2007;

(B) \$1,000,000 for fiscal year 2008;

(C) \$1,500,000 for fiscal year 2009;

(D) \$2,500,000 for fiscal year 2010; and

(E) \$3,500,000 for fiscal year 2011.

SEC. 2009. TITLE IX COMPLIANCE.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes actions taken by the Department of Energy to implement the recommendations in the report of the Government Accountability Office numbered 04-639.

(b) **COMPLIANCE.**—To comply with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Secretary of Energy shall annually conduct compliance reviews of at least 2 recipients of Department of Energy grants.

SEC. 2010. HIGH-RISK, HIGH-REWARD RESEARCH.

(a) **DEFINITION OF HIGH-RISK, HIGH-REWARD RESEARCH.**—In this section, the term “high-risk, high reward research” means research that—

(1) has the potential for yielding results with far-ranging implications;

(2) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer review process; and

(3) is supportive of the missions of the sponsoring agency.

(b) **ESTABLISHMENT OF GRANT PROGRAMS.**—

(1) **ENERGY GRANT PROGRAM.**—The Secretary shall establish a grant program to encourage the conduct of high-risk, high-reward research at the Department.

(2) **GEOLOGICAL GRANT PROGRAM.**—The Director of the United States Geological Survey shall establish a grant program to encourage the conduct of high-risk, high-reward research at the United States Geological Survey.

SEC. 2011. DISTINGUISHED SCIENTIST PROGRAM.

(a) **PURPOSE.**—The purpose of this section is to promote scientific and academic excellence through collaborations between institutions of higher education and the National Laboratories.

(b) **ESTABLISHMENT.**—The Secretary shall establish a program to support the joint appointment of distinguished scientists by institutions of higher education and National Laboratories.

(c) **QUALIFICATIONS.**—Successful candidates under this section shall be persons who, by reason of professional background and experience, are able to bring international recognition to the appointing institution of higher education and National Laboratory in their field of scientific endeavor.

(d) **SELECTION.**—A distinguished scientist appointed under this section shall be selected through an open, competitive process.

(e) **APPOINTMENT.**—

(1) **INSTITUTION OF HIGHER EDUCATION.**—An appointment by an institution of higher education under this section shall be filled within the tenure allotment of the institution of higher education at a minimum rank of professor.

(2) **NATIONAL LABORATORY.**—An appointment by a National Laboratory under this section shall be at the rank of the highest grade of distinguished scientist or technical staff of the National Laboratory.

(f) **DURATION.**—An appointment under this section shall be for 6 years, consisting of 2 3-year funding allotments.

(g) **USE OF FUNDS.**—Funds made available under this section may be used for—

(1) the salary of the distinguished scientist and support staff;

(2) undergraduate, graduate, and post-doctoral appointments;

(3) research-related equipment;

(4) professional travel; and

(5) such other requirements as the Director determines are necessary to carry out the purpose of the program.

(h) **REVIEW.**—

(1) **IN GENERAL.**—The appointment of a distinguished scientist under this section shall be reviewed at the end of the first 3-year allotment for the distinguished scientist through an open peer-review process to determine whether the appointment is meeting the purpose of this section under subsection (a).

(2) **FUNDING.**—Funding of the appointment of the distinguished scientist for the second 3-year allotment shall be determined based on the review conducted under paragraph (1).

(i) **COST SHARING.**—To be eligible for assistance under this section, an appointing institution of higher education shall pay at least 50 percent of the total costs of the appointment.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

(1) \$15,000,000 for fiscal year 2007 (to support up to 15 appointments under this section);

(2) \$30,000,000 for fiscal year 2008 (to support up to 30 such appointments);

(3) \$60,000,000 for fiscal year 2009 (to support up to 60 such appointments); and

(4) \$100,000,000 for each of fiscal years 2010 through 2011 (to support up to 100 such appointments).

DIVISION C—EDUCATION

SEC. 3001. FINDINGS.

Congress makes the following findings:

(1) A well-educated population is essential to retaining America's competitiveness in the global economy.

(2) The United States needs to build on and expand the impact of existing programs by taking additional, well-coordinated steps to ensure that all students are able to obtain the knowledge the students need to obtain postsecondary education and participate successfully in the workforce or the Armed Forces.

(3) The next steps must be informed by independent information on the effectiveness of current programs in science, technology, engineering, and mathematics education, and by identification of best practices that can be replicated.

(4) Teacher preparation and elementary school and secondary school programs and activities must be aligned with the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the requirements of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(5) The ever increasing knowledge and skill demands of the 21st century require that secondary school preparation and requirements be better aligned with the knowledge and skills needed to succeed in postsecondary education and the workforce, and States need better data systems to track educational achievement from prekindergarten through baccalaureate degrees.

SEC. 3002. DEFINITIONS.

(a) **ESEA DEFINITIONS.**—Unless otherwise specified in this division, the terms used in this division have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) **OTHER DEFINITIONS.**—In this division:

(1) **CRITICAL FOREIGN LANGUAGE.**—The term “critical foreign language” means a foreign language that the Secretary determines, in consultation with the heads of such Federal departments and agencies as the Secretary determines appropriate, is critical to the national security and economic competitiveness of the United States.

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

TITLE I—TEACHER ASSISTANCE

Subtitle A—Teachers for a Competitive Tomorrow

SEC. 3111. PURPOSE.

The purpose of this subtitle is—

(1) to develop and implement programs to provide integrated courses of study in mathematics, science, engineering, or critical foreign languages, and teacher education, that lead to a baccalaureate degree with concurrent teacher certification; and

(2) to develop and implement 2- or 3-year part-time master's degree programs in mathematics, science, or critical foreign language education for teachers in order to enhance the teachers' content knowledge and pedagogical skills.

SEC. 3112. DEFINITIONS.

In this subtitle:

(1) **CHILDREN FROM LOW-INCOME FAMILIES.**—The term “children from low-income families” means children described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)).

(2) **ELIGIBLE RECIPIENT.**—The term “eligible recipient” means an institution of higher education that receives grant funds under this subtitle on behalf of a department of mathematics, engineering, science, or critical foreign language for use in carrying out activities assisted under this subtitle.

(3) **HIGH-NEED LOCAL EDUCATIONAL AGENCY.**—The term “high-need local educational agency” means a local educational agency or educational service agency—

(A)(i) that serves not fewer than 10,000 children from low-income families;

(ii) for which not less than 20 percent of the children served by the agency are children from low-income families; or

(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary; and

(B)(i) for which there is a high percentage of teachers providing instruction in academic subject areas or grade levels for which the teachers are not highly qualified; or

(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

(4) **HIGHLY QUALIFIED.**—The term “highly qualified” has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and, with respect to special education teachers, in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(5) **PARTNERSHIP.**—The term “partnership” means a partnership that—

(A) shall include—

(i) an eligible recipient;

(ii) a department within the eligible recipient that provides a program of study in mathematics, engineering, science, or critical foreign languages;

(iii)(I) a school or department within the eligible recipient that provides a teacher preparation program; or

(II) a 2-year institution of higher education that has a teacher preparation offering or a dual enrollment program with the eligible recipient; and

(iv) not less than 1 high-need local educational agency and a public school or a consortium of public schools served by the agency; and

(B) may include a nonprofit organization that has the capacity to provide expertise or support to meet the purposes of this subtitle.

(6) **TEACHING SKILLS.**—The term “teaching skills” means the ability to—

(A) increase student achievement;

(B) effectively convey and explain academic subject matter;

(C) employ strategies that—

(i) are based on scientifically based research;

(ii) are specific to academic subject matter; and

(iii) focus on the identification of, and tailoring of academic instruction to, students' specific learning needs, particularly children with disabilities, students who are limited English proficient, and students who are gifted and talented;

(D) conduct ongoing assessment of student learning;

(E) effectively manage a classroom; and

(F) communicate and work with parents and guardians, and involve parents and guardians in their children's education.

SEC. 3113. PROGRAMS FOR BACCALAUREATE DEGREES IN MATHEMATICS, SCIENCE, ENGINEERING, OR CRITICAL FOREIGN LANGUAGES, WITH CONCURRENT TEACHER CERTIFICATION.

(a) **PROGRAM AUTHORIZED.**—From the amounts made available to carry out this section under section 3116(1) and not reserved under section 3115(d) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible recipients to enable partnerships served by the eligible recipients to develop and implement programs to provide courses of study in mathematics,

science, engineering, or critical foreign languages that—

(1) are integrated with teacher education; and

(2) lead to a baccalaureate degree with concurrent teacher certification.

(b) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall—

(1) describe the program for which assistance is sought;

(2) describe how a department of mathematics, science, engineering, or a critical foreign language participating in the partnership will ensure significant collaboration with a teacher preparation program in the development of undergraduate degrees in mathematics, science, engineering, or a critical foreign language, with concurrent teacher certification, including providing student teaching and other clinical classroom experiences;

(3) describe the high-quality research, laboratory, or internship experiences, integrated with coursework, that will be provided under the program;

(4) describe how members of groups that are underrepresented in the teaching of mathematics, science, or critical foreign languages will be encouraged to participate in the program;

(5) describe how program participants will be encouraged to teach in schools determined by the partnership to be most in need, and what assistance in finding employment in such schools will be provided;

(6) describe the ongoing activities and services that will be provided to graduates of the program;

(7) describe how the activities of the partnership will be coordinated with any activities funded through other Federal grants, and how the partnership will continue the activities assisted under the program when the grant period ends;

(8) describe how the partnership will assess the content knowledge and teaching skills of the program participants; and

(9) provide any other information the Secretary may reasonably require.

(c) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Each eligible recipient receiving a grant under this section shall use the grant funds to enable a partnership to develop and implement a program to provide courses of study in mathematics, science, engineering, or a critical foreign language that—

(A) are integrated with teacher education programs that promote effective teaching skills; and

(B) lead to a baccalaureate degree in mathematics, science, engineering, or a critical foreign language with concurrent teacher certification.

(2) PROGRAM REQUIREMENTS.—The program shall—

(A) provide high-quality research, laboratory, or internship experiences for program participants;

(B) provide student teaching or other clinical classroom experiences that—

(i) are integrated with coursework; and

(ii) lead to the participants' ability to demonstrate effective teaching skills;

(C) if implementing a program in which program participants are prepared to teach mathematics or science courses, include strategies for improving student literacy;

(D) encourage the participation of individuals who are members of groups that are underrepresented in the teaching of mathematics, science or critical foreign languages;

(E) encourage participants to teach in schools determined by the partnership to be

most in need, and actively assist the participants in finding employment in such schools;

(F) offer training in the use of and integration of educational technology;

(G) collect data regarding and evaluate, using measurable objectives and benchmarks, the extent to which the program succeeded in—

(i) increasing the percentage of highly qualified mathematics, science, or critical foreign language teachers, including increasing the percentage of such teachers teaching in those schools determined by the partnership to be most in need;

(ii) improving student academic achievement in mathematics and science;

(iii) increasing the number of students in secondary schools enrolled in upper level mathematics and science courses; and

(iv) increasing the numbers of elementary school, middle school, and secondary school students enrolled in and continuing in critical foreign language courses;

(H) collect data on the employment placement of all graduates of the program, including information on how many graduates are teaching and in what kinds of schools;

(I) provide ongoing activities and services to graduates of the program who teach elementary school, middle school, or secondary school, by—

(i) keeping the graduates informed of the latest developments in their respective academic fields; and

(ii) supporting the graduates of the program who are employed in schools in the local educational agency participating in the partnership during the initial years of teaching through—

(I) induction programs;

(II) promotion of effective teaching skills; and

(III) providing opportunities for regular professional development; and

(J) develop recommendations to improve the teacher preparation program participating in the partnership.

(d) ANNUAL REPORT.—Each eligible recipient receiving a grant under this section shall collect and report to the Secretary annually such information as the Secretary may reasonably require, including—

(1) the number of participants in the program;

(2) information on the academic majors of participating students;

(3) the race, gender, income, and disability status of program participants;

(4) the employment placement of program participants as teachers in schools determined by the partnership to be most in need;

(5) the extent to which the program succeeded in meeting the objectives and benchmarks described in subsection (c)(2)(G); and

(6) the data collected under subparagraphs (G) and (H) of subsection (c)(2).

(e) TECHNICAL ASSISTANCE.—From the funds made available under section 3116(1), the Secretary may provide technical assistance to an eligible recipient developing a baccalaureate degree program with concurrent teacher certification, including technical assistance provided through a grant or contract awarded on a competitive basis to an institution of higher education or a technical assistance center.

SEC. 3114. PROGRAMS FOR MASTER'S DEGREES IN MATHEMATICS, SCIENCE, OR CRITICAL FOREIGN LANGUAGES EDUCATION.

(a) PROGRAM AUTHORIZED.—From the amounts made available to carry out this section under section 3116(2) and not reserved under section 3115(d) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible recipients to enable the partnerships served by the eligible recipients to develop and implement 2- or

3-year part-time master's degree programs in mathematics, science, or critical foreign language education for teachers in order to enhance the teacher's content knowledge and teaching skills.

(b) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall describe—

(1) how a department of mathematics, science, or a critical foreign language will ensure significant collaboration with a teacher preparation program in the development of master's degree programs in mathematics, science, or a critical foreign language for teachers that enhance the teachers' content knowledge and teaching skills;

(2) the role of the local educational agency in the partnership in developing and administering the program and how feedback from the local educational agency, school, and participants will be used to improve the program;

(3) how the program will help increase the percentage of highly qualified mathematics, science, or critical foreign language teachers, including increasing the percentage of such teachers teaching in schools determined by the partnership to be most in need;

(4) how the program will—

(A) improve student academic achievement in mathematics and science and increase the number of students taking upper-level courses in such subjects; or

(B) increase the numbers of elementary school, middle school, and secondary school students enrolled and continuing in critical foreign language courses;

(5) how the program will prepare teachers to become more effective mathematics, science, or critical foreign language teachers;

(6) how the program will prepare teachers to assume leadership roles in their schools;

(7) how teachers who are members of groups that are underrepresented in the teaching of mathematics, science, or critical foreign languages and teachers from schools determined by the partnership to be most in need will be encouraged to apply for and participate in the program;

(8) the ongoing activities and services that will be provided to graduates of the program;

(9) how the partnership will continue the activities assisted under the grant when the grant period ends; and

(10) how the partnership will assess, during the program, the content knowledge and teaching skills of teachers participating in the program.

(c) AUTHORIZED ACTIVITIES.—Each eligible recipient receiving a grant under this section shall use the grant funds to develop and implement a 2- or 3-year part-time master's degree program in mathematics, science, or critical foreign language education for teachers in order to enhance the teachers' content knowledge and teaching skills. The program shall—

(1) promote effective teaching skills so the teachers participating in the program become more effective mathematics, science, or critical foreign language teachers;

(2) prepare teachers to assume leadership roles in their schools by participating in activities such as teacher mentoring, development of curricula that integrate state of the art applications of mathematics and science into the classroom, working with school administrators in establishing in-service professional development of teachers, and assisting in evaluating data and assessments to improve student academic achievement;

(3) use high-quality research, laboratory, or internship experiences for program participants that are integrated with coursework;

(4) provide student teaching or clinical classroom experience;

(5) if implementing a program in which participants are prepared to teach mathematics or science courses, provide strategies for improving student literacy;

(6) align the content knowledge in the master's degree program with challenging student academic achievement standards and challenging academic content standards established by the State in which the program is conducted;

(7) encourage the participation of—

(A) individuals who are members of groups that are underrepresented in the teaching of mathematics, science, or critical foreign languages; and

(B) teachers teaching in schools determined by the partnership to be most in need;

(8) offer tuition assistance, based on need, as appropriate; and

(9) evaluate and report on the impact of the program, in accordance with subsection (d).

(d) **EVALUATION AND REPORT.**—Each eligible recipient receiving a grant under this section shall evaluate, using measurable objectives and benchmarks, and provide an annual report to the Secretary regarding, the extent to which the program assisted under this section succeeded in increasing the following:

(1) The number and percentage of mathematics, science, or critical foreign language teachers who have a master's degree and meet 1 or more of the following requirements:

(A) Are teaching in schools determined by the partnership to be most in need, and taught in such schools prior to participation in the program.

(B) Are teaching in schools determined by the partnership to be most in need, and did not teach in such schools prior to participation in the program.

(C) Are members of a group underrepresented in the teaching of mathematics, science, or a critical foreign language.

(2) The retention of teachers who participate in the program.

SEC. 3115. GENERAL PROVISIONS.

(a) **DURATION OF GRANTS.**—The Secretary shall award each grant under this subtitle for a period of not more than 5 years.

(b) **MATCHING REQUIREMENT.**—Each eligible recipient that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (which may be provided in cash or in kind) to carry out the activities supported by the grant.

(c) **SUPPLEMENT, NOT SUPPLANT.**—Grant funds provided under this subtitle shall be used to supplement, and not supplant, other Federal or State funds.

(d) **EVALUATION.**—From amounts made available for any fiscal year under section 3116, the Secretary shall reserve such sums as may be necessary—

(1) to provide for the conduct of an annual independent evaluation, by grant or by contract, of the activities assisted under this subtitle, which shall include an assessment of the impact of the activities on student academic achievement; and

(2) to prepare and submit an annual report on the results of the evaluation described in paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives.

SEC. 3116. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section \$180,000,000 for fiscal year 2007, \$210,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years, of which—

(1)(A) 55.5 percent shall be available to carry out section 3113 for fiscal year 2007; and

(B) 57.1 percent shall be available to carry out section 3113 for fiscal year 2008 and each succeeding fiscal year; and

(2)(A) 44.5 percent shall be available to carry out section 3114 for fiscal year 2007; and

(B) 42.9 percent shall be available to carry out section 3114 for fiscal year 2008 and each succeeding fiscal year.

Subtitle B—Advanced Placement and International Baccalaureate Programs

SEC. 3121. PURPOSE.

It is the purpose of this subtitle—

(1) to raise academic achievement through Advanced Placement and International Baccalaureate programs by increasing, by 70,000, over a 5-year period beginning in 2007, the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages;

(2) to increase, to 700,000 per year, the number of students attending high-need schools who—

(A) take and score a 3, 4, or 5 on an Advanced Placement examination in mathematics, science, or a critical foreign language administered by the College Board; or

(B) achieve a passing score on an examination administered by the International Baccalaureate Organization in such a subject;

(3) to increase the availability of, and enrollment in, Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools; and

(4) to support statewide efforts to increase the availability of, and enrollment in, Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools.

SEC. 3122. DEFINITIONS.

In this subtitle:

(1) **ADVANCED PLACEMENT OR INTERNATIONAL BACCALAUREATE COURSE.**—The term “Advanced Placement or International Baccalaureate course” means a course of college-level instruction provided to middle or secondary school students, terminating in an examination administered by the College Board or the International Baccalaureate Organization, or another such examination approved by the Secretary.

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

(A) a State educational agency;

(B) a local educational agency; or

(C) a partnership consisting of—

(i) a national, regional, or statewide non-profit organization, with expertise and experience in providing Advanced Placement or International Baccalaureate services; and

(ii) a State educational agency or local educational agency.

(3) **LOW-INCOME STUDENT.**—The term “low-income student” has the meaning given the term “low-income individual” in section 1707(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)).

(4) **HIGH CONCENTRATION OF LOW-INCOME STUDENTS.**—The term “high concentration of low-income students” has the meaning given the term in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(2)).

(5) **HIGH-NEED LOCAL EDUCATIONAL AGENCY.**—The term “high-need local educational agency” means a local educational agency or educational service agency described in 3112(3)(A).

(6) **HIGH-NEED SCHOOL.**—The term “high-need school” means a middle school or secondary school—

(A) with a pervasive need for Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages, or for additional Advanced Placement or International Baccalaureate courses in such a subject; and

(B)(i) with a high concentration of low-income students; or

(ii) designated with a school locale code of 6, 7 or 8, as determined by the Secretary.

SEC. 3123. ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE PROGRAMS.

(a) **PROGRAM AUTHORIZED.**—From the amounts appropriated under subsection (1), the Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsection (g).

(b) **DURATION OF GRANTS.**—The Secretary may award grants under this section for a period of not more than 5 years.

(c) **COORDINATION.**—The Secretary shall coordinate the activities carried out under this section with the activities carried out under section 1705 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6535).

(d) **PRIORITY.**—In awarding grants under this section, the Secretary shall give priority to eligible entities that are part of a statewide strategy for increasing the availability of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages, and pre-Advanced Placement or pre-International Baccalaureate courses in such subjects, in high-need schools.

(e) **EQUITABLE DISTRIBUTION.**—The Secretary, to the extent practicable, shall—

(1) ensure an equitable geographic distribution of grants under this section among the States; and

(2) promote an increase in participation in Advanced Placement or International Baccalaureate mathematics, science, and critical foreign language courses and examinations in all States.

(f) **APPLICATION.**—

(1) **IN GENERAL.**—Each eligible entity 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 reasonably require.

(2) **CONTENTS.**—The application shall, at a minimum, include a description of—

(A) the goals and objectives for the project, including—

(i) increasing the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(ii) increasing the number of qualified teachers serving high-need schools who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages to students in the high-need schools;

(iii) increasing the number of Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages that are available to students attending high-need schools; and

(iv) increasing the number of students attending a high-need school, particularly low-income students, who enroll in and pass—

(I) Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages; and

(II) pre-Advanced Placement or pre-International Baccalaureate courses in such a subject (where provided in accordance with subparagraph (B));

(B) how the eligible entity will ensure that students have access to courses, including pre-Advanced Placement and pre-International Baccalaureate courses, that will prepare the students to enroll and succeed in Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(C) how the eligible entity will provide professional development for teachers assisted under this section;

(D) how the eligible entity will ensure that teachers serving high-need schools are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(E) how the eligible entity will provide for the involvement of business and community organizations and other entities, including institutions of higher education, in the activities to be assisted; and

(F) how the eligible entity will use funds received under this section, including how the eligible entity will evaluate the success of its project.

(g) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Each eligible entity that receives a grant under this section shall use the grant funds to carry out activities designed to increase—

(A) the number of qualified teachers serving high-need schools who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages; and

(B) the number of students attending high-need schools who enroll in, and pass, the examinations for such Advanced Placement or International Baccalaureate courses.

(2) PERMISSIVE ACTIVITIES.—The activities described in paragraph (1) may include—

(A) teacher professional development, in order to expand the pool of teachers in the participating State, local educational agency, or high-need school who are qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(B) pre-Advanced Placement or pre-International Baccalaureate course development and professional development;

(C) coordination and articulation between grade levels to prepare students to enroll and succeed in Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages;

(D) purchase of instructional materials;

(E) activities to increase the availability of, and participation in, online Advanced Placement or International Baccalaureate courses in mathematics, science, and critical foreign languages;

(F) reimbursing low-income students attending high-need schools for part or all of the cost of Advanced Placement or International Baccalaureate examination fees;

(G) carrying out subsection (j), relating to collecting and reporting data;

(H) in the case of a State educational agency that receives a grant under this section, awarding subgrants to local educational agencies to enable the local educational agencies to carry out authorized activities described in subparagraphs (A) through (G); and

(I) providing salary increments or bonuses to teachers serving high-need schools who—

(i) become qualified to teach, and teach, Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language; or

(ii) increase the number of low-income students, who take Advanced Placement or International Baccalaureate examinations in mathematics, science, or a critical foreign language with the goal of successfully passing such examinations.

(h) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Subject to paragraph (2), each eligible entity that receives a grant under this section shall provide, toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 200 percent of the amount of the grant, except that an eligible entity that is a high-need local educational agency shall provide an amount equal to not more than 100 percent of the amount of the grant.

(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity described in subparagraph (A) or (B) of section 3122(2), if the Secretary determines that applying the matching requirement to such eligible entity would result in serious hardship or an inability to carry out the authorized activities described in subsection (g).

(i) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal and non-Federal funds available to carry out the activities described in subsection (g).

(j) COLLECTING AND REPORTING REQUIREMENTS.—

(1) REPORT.—Each eligible entity receiving a grant under this section shall collect and report to the Secretary annually such data on the results of the grant as the Secretary may reasonably require, including data regarding—

(A) the number of students enrolling in Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language, and pre-Advanced Placement or pre-International Baccalaureate courses in such a subject, and the distribution of grades those students receive;

(B) the number of students taking Advanced Placement or International Baccalaureate examinations in mathematics, science, or a critical foreign language, and the distribution of scores on those examinations;

(C) the number of teachers receiving training in teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language who will be teaching such courses in the next school year;

(D) the number of teachers becoming qualified to teach Advanced Placement or International Baccalaureate courses in mathematics, science, or a critical foreign language; and

(E) the number of qualified teachers who are teaching Advanced Placement or International Baccalaureate courses in mathematics, science, or critical foreign languages to students in a high-need school.

(2) REPORTING OF DATA.—Each eligible entity receiving a grant under this section shall report data required under paragraph (1)—

(A) disaggregated by subject area;

(B) in the case of student data, disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)); and

(C) to the extent feasible, in a manner that allows comparison of conditions before, during, and after the project.

(k) EVALUATION AND REPORT.—From the amount made available for any fiscal year under subsection (1), the Secretary shall reserve such sums as may be necessary—

(1) to conduct an annual independent evaluation, by grant or by contract, of the pro-

gram carried out under this section, which shall include an assessment of the impact of the program on student academic achievement; and

(2) to prepare and submit an annual report on the results of the evaluation described in paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$58,000,000 for each of the fiscal years 2007 and 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

TITLE II—MATH NOW

SEC. 3201. MATH NOW FOR ELEMENTARY SCHOOL AND MIDDLE SCHOOL STUDENTS PROGRAM.

(a) PURPOSE.—The purpose of this section is to enable all students to reach or exceed grade-level academic achievement standards and to prepare the students to enroll in and pass algebra courses by—

(1) improving instruction in mathematics for students in kindergarten through grade 9 through the implementation of mathematics programs and the support of comprehensive mathematics initiatives that are based on the best available evidence of effectiveness; and

(2) providing targeted help to low-income students who are struggling with mathematics and whose achievement is significantly below grade level.

(b) DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In this section, the term “eligible local educational agency” means a high-need local educational agency (as defined in section 312(3)) serving 1 or more schools—

(1) with significant numbers or percentages of students whose mathematics skills are below grade level;

(2) that are not making adequate yearly progress in mathematics under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); or

(3) in which students are receiving instruction in mathematics from teachers who do not have mathematical content knowledge or expertise in the teaching of mathematics.

(c) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From the amounts appropriated under subsection (k) for any fiscal year, the Secretary is authorized to award grants, on a competitive basis, for not more than 5 years, to State educational agencies to enable the State educational agencies to award grants to eligible local educational agencies to carry out the activities described in subsection (e).

(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications for projects that will implement statewide strategies for improving mathematics instruction and raising the mathematics achievement of students, particularly students in grades 4 through 8.

(d) STATE USES OF FUNDS.—

(1) IN GENERAL.—Each State educational agency that receives a grant under this section for a fiscal year—

(A) shall expend not more than a total of 10 percent of the grant funds to carry out the activities described in paragraphs (2) or (3) for the fiscal year; and

(B) shall use not less than 90 percent of the grant funds to award grants, on a competitive basis, to eligible local educational agencies to enable the eligible local educational agencies to carry out the activities described in subsection (e) for the fiscal year.

(2) MANDATORY USES OF FUNDS.—A State educational agency shall use the grant funds

made available under paragraph (1)(A) to carry out each of the following activities:

(A) PLANNING AND ADMINISTRATION.—Planning and administration, including—

(i) evaluating applications from eligible local educational agencies using peer review teams described in subsection (f)(1)(D);

(ii) administering the distribution of grants to eligible local educational agencies; and

(iii) assessing and evaluating, on a regular basis, eligible local educational agency activities assisted under this section, with respect to whether the activities have been effective in increasing the number of children—

(I) making progress toward meeting grade-level mathematics achievement; and

(II) meeting or exceeding grade-level mathematics achievement.

(B) REPORTING.—Annually providing the Secretary with a report on the implementation of this section as described in subsection (i).

(3) PERMISSIVE USE OF FUNDS; TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—A State educational agency may use the grant funds made available under paragraph (1)(A) for 1 or more of the following technical assistance activities that assist an eligible local educational agency, upon request by the eligible local educational agency, in accomplishing the tasks required to design and implement a project under this section, including assistance in—

(i) selecting and implementing a program of mathematics instruction, or materials and interventions, based on the best available evidence of effectiveness;

(ii) evaluating and selecting diagnostic and classroom based instructional mathematics assessments; and

(iii) identifying eligible professional development providers to conduct the professional development activities described in subsection (e)(1)(B).

(B) GUIDANCE.—The technical assistance described in subparagraph (A) shall be guided by researchers with expertise in the pedagogy of mathematics, mathematicians, and mathematics educators from high-risk, high-achievement schools and eligible local educational agencies.

(c) LOCAL USES OF FUNDS.—

(1) MANDATORY USES OF FUNDS.—Each eligible local educational agency receiving a grant under this section shall use the grant funds to carry out each of the following activities:

(A) To implement mathematics instructional materials and interventions (including intensive and systematic instruction)—

(i) for students in the grades of a participating school as identified in the application submitted under subsection (f)(2)(A); and

(ii) that are based on the best available evidence of effectiveness.

(B) To provide professional development and instructional leadership activities for teachers and, if appropriate, for administrators and other school staff, on the implementation of comprehensive mathematics initiatives designed—

(i) to improve the achievement of students performing significantly below grade level;

(ii) to improve the mathematical content knowledge of the teachers, administrators, and other school staff;

(iii) to increase the use of effective instructional practices; and

(iv) to monitor student progress.

(C) To conduct continuous progress monitoring, which may include the adoption and use of assessments that—

(i) measure student progress and identify areas in which students need help in learning mathematics; and

(ii) reflect mathematics content that is consistent with State academic achievement standards in mathematics described in section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)).

(2) PERMISSIVE USES OF FUNDS.—An eligible local educational agency may use grant funds under this section to—

(A) adopt and use mathematics instructional materials and assessments;

(B) implement classroom-based assessments, including diagnostic or formative assessments;

(C) provide remedial coursework and interventions for students, which may be provided before or after school;

(D) provide small groups with individualized instruction in mathematics;

(E) conduct activities designed to improve the content knowledge and expertise of teachers, such as the use of a mathematics coach, enrichment activities, and interdisciplinary methods of mathematics instruction; and

(F) collect and report performance data.

(f) APPLICATIONS.—

(1) STATE EDUCATIONAL AGENCY.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall include—

(A) an assurance that the core mathematics instructional materials or program, supplemental instructional materials, and intervention programs used by the eligible local educational agencies for the project, are based on the best available evidence of effectiveness and are aligned with State academic achievement standards;

(B) an assurance that eligible local educational agencies will meet the requirements described in paragraph (2);

(C) an assurance that local applications will be evaluated using a peer review process; and

(D) a description of the qualifications of the peer review teams, which shall consist of—

(i) researchers with expertise in the pedagogy of mathematics;

(ii) mathematicians; and

(iii) mathematics educators serving high-risk, high-achievement schools and eligible local educational agencies.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—Each eligible local educational agency desiring a grant under this section shall submit an application to the State educational agency at such time and in such manner as the State educational agency may require. Each application shall include—

(A) an assurance that the eligible local educational agency will provide assistance to 1 or more schools that are—

(i) served by the eligible local educational agency; and

(ii) described in section 3201(b);

(B) a description of the grades kindergarten through grade 9, and of the schools, that will be served;

(C) information, on an aggregate basis, on each school to be served by the project, including such demographic, socioeconomic, and mathematics achievement data as the State educational agency may request;

(D) a description of the core mathematics instructional materials or program, supplemental instructional materials, and intervention programs or strategies that will be used for the project, including an assurance that the programs or strategies and materials are based on the best available evidence of effectiveness and are aligned with State academic achievement standards;

(E) a description of the activities that will be carried out under the grant, including a description of the professional development

that will be provided to teachers, and, if appropriate, administrators and other school staff, and a description of how the activities will support achievement of the purpose of this section;

(F) an assurance that the eligible local educational agency will report to the State educational agency all data on student academic achievement that is necessary for the State educational agency's report under subsection (i);

(G) a description of the eligible entity's plans for evaluating the impact of professional development and leadership activities in mathematics on the content knowledge and expertise of teachers, administrators, or other school staff; and

(H) any other information the State educational agency may reasonably require.

(g) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—

(1) IN GENERAL.—In implementing this section, the Secretary shall not—

(A) endorse, approve, or sanction any mathematics curriculum designed for use in any school; or

(B) engage in oversight, technical assistance, or activities that will require the adoption of a specific mathematics program or instructional materials by a State, local educational agency, or school.

(2) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to authorize or permit the Department of Education, or a Department of Education contractor, to mandate, direct, control, or suggest the selection of a mathematics curriculum, supplemental instructional materials, or program of instruction by a State, local educational agency, or school.

(h) MATCHING REQUIREMENTS.—

(1) STATE EDUCATIONAL AGENCY.—A State educational agency that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant, in cash or in kind, to carry out the activities supported by the grant, of which not more than 20 percent of such 50 percent may be provided by local educational agencies within the State.

(2) WAIVER.—The Secretary may waive all of or a portion of the matching requirement described in paragraph (1) for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the State educational agency; or

(B) providing a waiver best serves the purpose of the program assisted under this section.

(i) PROGRAM PERFORMANCE AND ACCOUNTABILITY.—

(1) INFORMATION.—Each State educational agency receiving a grant under this section shall collect and report to the Secretary annually such information on the results of the grant as the Secretary may reasonably require, including information on—

(A) mathematics achievement data that show the progress of students participating in projects under this section (including, to the extent practicable, comparable data from students not participating in such projects), based primarily on the results of State, school district wide, or classroom-based, assessments, including—

(i) specific identification of those schools and eligible local educational agencies that report the largest gains in mathematics achievement; and

(ii) evidence on whether the State educational agency and eligible local educational agencies within the State have—

(I) significantly increased the number of students achieving at grade level or above in mathematics;

(II) significantly increased the percentages of students described in section

1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)) who are achieving at grade level or above in mathematics;

(III) significantly increased the number of students making significant progress toward meeting grade-level mathematics achievement standards; and

(IV) successfully implemented this section;

(B) the percentage of students in the schools served by the eligible local educational agency who enroll in algebra courses and the percentage of such students who pass algebra courses; and

(C) the progress made in increasing the quality and accessibility of professional development and leadership activities in mathematics, especially activities resulting in greater content knowledge and expertise of teachers, administrators, and other school staff, except that the Secretary shall not require such information until after the third year of a grant awarded under this section.

(2) REPORTING AND DISAGGREGATION.—The information required under paragraph (1) shall be—

(A) reported in a manner that allows for a comparison of aggregated score differentials of student academic achievement before (to the extent feasible) and after implementation of the project assisted under this section; and

(B) disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)).

(3) PRIVACY PROTECTION.—The data in the report shall be reported in a manner that—

(A) protects the privacy of individuals; and

(B) complies with the requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

(j) EVALUATION AND TECHNICAL ASSISTANCE.—

(1) EVALUATION.—

(A) IN GENERAL.—The Secretary shall conduct an annual independent evaluation, by grant or by contract, of the program assisted under this section, which shall include an assessment of the impact of the program on student academic achievement and teacher performance, and may use funds available to carry out this section to conduct the evaluation.

(B) REPORT.—The Secretary shall annually submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives, a report on the results of the evaluation.

(2) TECHNICAL ASSISTANCE.—The Secretary may use funds made available under paragraph (3) to provide technical assistance to prospective applicants and to eligible local educational agencies receiving a grant under this section.

(3) RESERVATION OF FUNDS.—The Secretary may reserve not more than 2.5 percent of funds appropriated under subsection (k) for a fiscal year to carry out this subsection.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$146,700,000 for each of the fiscal years 2007 and 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

TITLE III—FOREIGN LANGUAGE PARTNERSHIP PROGRAM

SEC. 3301. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States faces a shortage of skilled professionals with higher levels of proficiency in foreign languages and area knowledge critical to the Nation's security.

(2) Given the Nation's economic competitiveness interests, it is crucial that our Nation expand the number of Americans who are able to function effectively in the environments in which critical foreign languages are spoken.

(3) Students' ability to become proficient in foreign languages can be addressed by starting language learning at a younger age and expanding opportunities for continuous foreign language education from elementary school through postsecondary education.

(b) PURPOSE.—The purpose of this title is to significantly increase—

(1) the opportunities to study critical foreign languages and the context in which the critical foreign languages are spoken; and

(2) the number of American students who achieve the highest level of proficiency in critical foreign languages.

SEC. 3302. DEFINITIONS.

In this title:

(1) ELIGIBLE RECIPIENT.—The term “eligible recipient” means an institution of higher education that receives grant funds under this title on behalf of a partnership for use in carrying out the activities assisted under this title.

(2) PARTNERSHIP.—The term “partnership” means a partnership that—

(A) shall include—

(i) an institution of higher education; and

(ii) 1 or more local educational agencies; and

(B) may include 1 or more entities that support the purposes of this title.

(3) SUPERIOR LEVEL OF PROFICIENCY.—The term “superior level of proficiency” means level 3, the professional working level, as measured by the Federal Interagency Language Roundtable (ILR) or by other generally recognized measures of superior standards.

SEC. 3303. PROGRAM AUTHORIZED.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants to eligible recipients to enable partnerships served by the eligible recipients to establish articulated programs of study in critical foreign languages that will enable students to advance successfully from elementary school through postsecondary education and achieve higher levels of proficiency in a critical foreign language.

(2) DURATION.—A grant awarded under paragraph (1) shall be for a period of not more than 5 years. A grant may be renewed for not more than 2 additional 5-year periods, if the Secretary determines that the partnership's program is effective and the renewal will best serve the purposes of this title.

(b) APPLICATIONS.—

(1) IN GENERAL.—Each eligible recipient 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.

(2) CONTENTS.—Each application shall—

(A) identify each local educational agency partner, including contact information and letters of commitment, and describe the responsibilities of each member of the partnership, including—

(i) how each of the partners will be involved in planning, developing, and implementing—

(I) program curriculum and materials; and

(II) teacher professional development;

(ii) what resources each of the partners will provide; and

(iii) how the partners will contribute to ensuring the continuity of student progress from elementary school through the postsecondary level;

(B) describe how an articulated curriculum for students will be developed and imple-

mented, which may include the use and integration of technology into such curriculum;

(C) identify target proficiency levels for students at critical benchmarks (such as grades 4, 8, and 12), and describe how progress toward those proficiency levels will be assessed at the benchmarks, and how the program will use the results of the assessments to ensure continuous progress toward achieving a superior level of proficiency at the postsecondary level;

(D) describe how the partnership will—

(i) ensure that students from a program assisted under this title who are beginning postsecondary education will be assessed and enabled to progress to a superior level of proficiency;

(ii) address the needs of students already at, or near, the superior level of proficiency, which may include diagnostic assessments for placement purposes, customized and individualized language learning opportunities, and experimental and interdisciplinary language learning; and

(iii) identify and describe how the partnership will work with institutions of higher education outside the partnership to provide participating students with multiple options for postsecondary education consistent with the purposes of this title;

(E) describe how the partnership will support and continue the program after the grant has expired, including how the partnership will seek support from other sources, such as State and local governments, foundations, and the private sector; and

(F) describe what assessments will be used or, if assessments not available, how assessments will be developed.

(c) USES OF FUNDS.—Grant funds awarded under this title—

(1) shall be used to develop and implement programs at the elementary school level through postsecondary education, consistent with the purpose of this title, including—

(A) the development of curriculum and instructional materials; and

(B) recruitment of students; and

(2) may be used for—

(A) teacher recruitment (including recruitment from other professions and recruitment of native-language speakers in the community) and professional development directly related to the purposes of this title at the elementary school through secondary school levels;

(B) development of appropriate assessments;

(C) opportunities for maximum language exposure for students in the program, such as the creation of immersion environments (such as language houses, language tables, immersion classrooms, and weekend and summer experiences) and special tutoring and academic support;

(D) dual language immersion programs;

(E) scholarships and study-abroad opportunities, related to the program, for postsecondary students and newly recruited teachers who have advanced levels of proficiency in a critical foreign language, except that not more than 20 percent of the grant funds provided to an eligible recipient under this section for a fiscal year may be used to carry out this subparagraph;

(F) activities to encourage community involvement to assist in meeting the purposes of this title;

(G) summer institutes for students and teachers;

(H) bridge programs that allow dual enrollment for secondary school students in institutions of higher education;

(I) programs that expand the understanding and knowledge of historic, geographic, and contextual factors within countries with populations who speak critical foreign languages, if such programs are carried

out in conjunction with language instruction;

(J) research on, and evaluation of, the teaching of critical foreign languages;

(K) data collection and analysis regarding the results of—

- (i) various student recruitment strategies;
- (ii) program design; and
- (iii) curricular approaches; and

(L) the impact of the strategies, program design, and curricular approaches described in subparagraph (K) on increasing—

- (i) the number of students studying critical foreign languages; and
- (ii) the proficiency of the students in the critical foreign languages.

(d) MATCHING REQUIREMENT.—

(1) IN GENERAL.—An eligible recipient that receives a grant under this title shall provide, toward the cost of carrying out the activities supported by the grant, from non-Federal sources, an amount equal to—

(A) 20 percent of the amount of the grant payment for the first fiscal year for which a grant payment is made;

(B) 30 percent of the amount of the grant payment for the second such fiscal year;

(C) 40 percent of the amount of the grant payment for the third such fiscal year; and

(D) 50 percent of the amount of the grant payment for each of the fourth and fifth such fiscal years.

(2) NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) may be provided in cash or in-kind.

(3) WAIVER.—The Secretary may waive all or part of the matching requirement of paragraph (1), for any fiscal year, if the Secretary determines that—

(A) the application of the matching requirement will result in serious hardship for the partnership; or

(B) the waiver will best serve the purposes of this title.

(e) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this title shall be used to supplement, not supplant, other Federal and non-Federal funds available to carry out the activities described in subsection (c).

(f) TECHNICAL ASSISTANCE.—The Secretary shall enter into a contract to establish a technical assistance center to provide technical assistance to partnerships developing critical foreign language programs assisted under this section. The center shall—

(1) assist the partnerships in the development of critical foreign language instructional materials and assessments; and

(2) disseminate promising foreign language instructional practices.

(g) PROGRAM EVALUATION.—

(1) IN GENERAL.—The Secretary may reserve not more than 5 percent of the total amount appropriated for this title for any fiscal year to annually evaluate the programs under this title.

(2) REPORT.—The Secretary shall prepare and annually submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committees on Appropriations of the Senate and House of Representatives, a report on the results of any program evaluation conducted under this subsection.

SEC. 3304. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this title, there are authorized to be appropriated \$22,000,000 for each of the fiscal years 2007 and 2008, and such sums as may be necessary for each of the 3 succeeding fiscal years.

TITLE IV—ALIGNMENT OF EDUCATION PROGRAMS

SEC. 3401. ALIGNMENT OF SECONDARY SCHOOL GRADUATION REQUIREMENTS WITH THE DEMANDS OF 21ST CENTURY POSTSECONDARY ENDEAVORS AND SUPPORT FOR P-16 EDUCATION DATA SYSTEMS.

(a) PURPOSE.—It is the purpose of this section—

(1) to promote more accountability with respect to preparation for higher education, the 21st century workforce, and the Armed Forces, by aligning—

(A) student knowledge, student skills, State academic content standards and assessments, and curricula, in elementary and secondary education, especially with respect to mathematics, science, reading, and, where applicable, engineering and technology; with

(B) the demands of higher education, the 21st century workforce, and the Armed Forces;

(2) to support the establishment or improvement of statewide P-16 education data systems that—

(A) assist States in improving the rigor and quality of elementary and secondary education content knowledge requirements and assessments;

(B) ensure students are prepared to succeed in—

(i) academic credit-bearing coursework in higher education without the need for remediation;

(ii) the 21st century workforce; or

(iii) the Armed Forces; and

(3) enable States to have valid and reliable information to inform education policy and practice.

(b) DEFINITIONS.—In this section:

(1) 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)).

(2) P-16 EDUCATION.—The term “P-16 education” means the educational system from prekindergarten through the conferring of a baccalaureate degree.

(3) STATEWIDE PARTNERSHIP.—The term “statewide partnership” means a partnership that—

(A) shall include—

(i) the Governor of the State or the designee of the Governor;

(ii) the heads of the State systems for public higher education, or, if such a position does not exist, not less than 1 representative of a public degree-granting institution of higher education;

(iii) not less than 1 representative of a technical school;

(iv) not less than 1 representative of a public secondary school;

(v) the chief State school officer;

(vi) the chief executive officer of the State higher education coordinating board;

(vii) not less than 1 public elementary school teacher employed in the State;

(viii) not less than 1 public elementary school teacher certified in early childhood education;

(ix) not less than 1 public secondary school teacher employed in the State;

(x) not less than 1 representative of the business community in the State; and

(xi) not less than 1 member of the Armed Forces; and

(B) may include other individuals or representatives of other organizations, such as a school administrator, a faculty member at an institution of higher education, a member of a civic or community organization, a representative from a private institution of higher education, a dean or similar representative of a school of education at an institution of higher education or a similar

teacher certification or licensure program, or the State official responsible for economic development.

(c) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to States to enable each such State to work with a statewide partnership—

(1) to promote better alignment of content knowledge requirements for secondary school graduation with the knowledge and skills needed to succeed in postsecondary education, the 21st century workforce, or the Armed Forces; or

(2) to establish or improve a statewide P-16 education data system.

(d) PERIOD OF GRANTS; NON-RENEWABILITY.—

(1) GRANT PERIOD.—The Secretary shall award a grant under this section for a period of not more than 3 years.

(2) NON-RENEWABILITY.—The Secretary shall not award a State more than 1 grant under this section.

(e) AUTHORIZED ACTIVITIES.—

(1) GRANTS FOR P-16 ALIGNMENT.—Each State receiving a grant under subsection (c)(1)—

(A) shall use the grant funds for—

(i) identifying and describing the content knowledge and skills students who enter institutions of higher education, the workforce, and the Armed Forces need to have in order to succeed without any remediation based on detailed requirements obtained from institutions of higher education, employers, and the Armed Forces;

(ii) identifying and making changes that need to be made to a State's secondary school graduation requirements, academic content standards, academic achievement standards, and assessments preceding graduation from secondary school in order to align the requirements, standards, and assessments with the knowledge and skills necessary for success in academic credit-bearing coursework in postsecondary education, in the 21st century workforce, and in the Armed Forces without the need for remediation;

(iii) convening stakeholders within the State and creating a forum for identifying and deliberating on education issues that—

(I) involve prekindergarten through grade 12 education, postsecondary education, the 21st century workforce, and the Armed Forces; and

(II) transcend any single system of education's ability to address; and

(iv) implementing activities designed to ensure the enrollment of all elementary school and secondary school students in rigorous coursework, which may include—

(I) specifying the courses and performance levels necessary for acceptance into institutions of higher education; and

(II) developing curricula and assessments aligned with State academic content standards, which assessments may be used as measures of student academic achievement in secondary school as well as for entrance or placement at institutions of higher education, including through collaboration with institutions of higher education in, or State educational agencies serving, other States; and

(B) may use the grant funds for—

(i) developing and making available specific opportunities for extensive professional development for teachers, paraprofessionals, principals, and school administrators, including collection and dissemination of effective teaching practices to improve instruction and instructional support mechanisms;

(ii) identifying changes in State academic content standards, academic achievement standards, and assessments for students in grades preceding secondary school in order

to ensure the students are adequately prepared when the students enter secondary school;

(iii) developing a plan to provide remediation and additional learning opportunities for students who are performing below grade level to ensure that all students will have the opportunity to meet secondary school graduation requirements; or

(iv) identifying and addressing teacher certification needs.

(2) GRANTS FOR STATEWIDE P-16 EDUCATION DATA SYSTEMS.—

(A) ESTABLISHMENT OF SYSTEM.—Each State that receives a grant under subsection (c)(2) shall establish a statewide P-16 education longitudinal data system that—

(i) provides each student, upon enrollment in a public elementary school or secondary school in the State, with a unique identifier, such as a bar code, that—

(I) does not permit a student to be individually identified by users of the system; and

(II) is retained throughout the student's enrollment in P-16 education in the State; and

(ii) meets the requirements of subparagraphs (B) through (E).

(B) IMPROVEMENT OF EXISTING SYSTEM.—Each State that receives a grant under subsection (c)(2) for the improvement of a statewide P-16 education data system may employ, coordinate, or revise an existing statewide data system to establish a statewide longitudinal P-16 education data system that meets the requirements of subparagraph (A), if the statewide longitudinal P-16 education data system produces valid and reliable data.

(C) DATA AND COMPLIANCE WITH FERPA.—The State, through the implementation of the statewide P-16 education data system, shall—

(i) ensure the implementation and use of valid and reliable secondary school dropout data; and

(ii) ensure that the statewide P-16 education data system meets the requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

(D) REQUIRED ELEMENTS OF A STATEWIDE P-16 EDUCATION DATA SYSTEM.—The State shall ensure that the statewide P-16 education data system includes the following elements:

(i) PREKINDERGARTEN THROUGH GRADE 12 EDUCATION AND POSTSECONDARY EDUCATION.—With respect to prekindergarten through grade 12 education and postsecondary education—

(I) a unique statewide student identifier that does not permit a student to be individually identified by users of the system;

(II) student-level enrollment, demographic, and program participation information;

(III) student-level information about the points at which students exit, transfer in, transfer out, drop out, or complete P-16 education programs;

(IV) the capacity to communicate with higher education data systems; and

(V) a State data audit system assessing data quality, validity, and reliability.

(ii) PREKINDERGARTEN THROUGH GRADE 12 EDUCATION.—With respect to prekindergarten through grade 12 education—

(I) yearly test records of individual students with respect to assessments under section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b));

(II) information on students not tested by grade and subject;

(III) a teacher identifier system with the ability to match teachers to students;

(IV) student-level transcript information, including information on courses completed and grades earned; and

(V) student-level college readiness test scores.

(iii) POSTSECONDARY EDUCATION.—With respect to postsecondary education, data that provide—

(I) information regarding the extent to which students transition successfully from secondary school to postsecondary education, including whether students enroll in remedial coursework; and

(II) other information determined necessary to address alignment and adequate preparation for success in postsecondary education.

(E) FUNCTIONS OF THE STATEWIDE P-16 EDUCATION DATA SYSTEM.—In implementing the statewide P-16 education data system, the State shall—

(i) identify factors that correlate to students' ability to successfully engage in and complete postsecondary-level general education coursework without the need for prior developmental coursework;

(ii) identify factors to increase the percentage of low-income and minority students who are academically prepared to enter and successfully complete postsecondary-level general education coursework; and

(iii) use the data in the system to otherwise inform education policy and practice in order to better align student knowledge and skills, and curricula, with the demands of postsecondary education, the 21st century workforce, and the Armed Forces.

(F) APPLICATION.—

(1) IN GENERAL.—Each State 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 reasonably require.

(2) APPLICATION CONTENTS.—Each application submitted under this section shall specify whether the State application is for the conduct P-16 education alignment activities, or the establishment or improvement of a statewide P-16 education data system. The application shall include, at a minimum, the following:

(A) A description of the activities and programs to be carried out with the grant funds and a comprehensive plan for carrying out the activities.

(B) A description of how the concerns and interests of the larger education community, including parents, students, teachers, teacher educators, principals, and school administrators will be represented in carrying out the authorized activities described in subsection (e).

(C) In the case of a State applying for funding for P-16 education alignment, a description of how the State will provide assistance to local educational agencies in implementing rigorous State content knowledge requirements through substantive curricula and other changes the State determines necessary, including scientifically based remediation and acceleration opportunities for students.

(D) In the case of a State applying for funding to establish or improve a statewide P-16 education data system—

(i) a description of and the timetable for the establishment or improvement of such system; and

(ii) an assurance that the State will continue to fund the statewide P-16 education data system after the end of the grant period.

(g) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal, State, and local funds available to carry out the authorized activities described in subsection (e).

(h) MATCHING REQUIREMENT.—Each State that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of

the grant, in cash or in kind, to carry out the activities supported by the grant.

(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require States to provide raw data to the Secretary.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$80,000,000 for fiscal year 2007, \$100,000,000 for fiscal year 2008, and such sums as may be necessary for fiscal year 2009.

DIVISION D—NATIONAL SCIENCE FOUNDATION

SEC. 4001. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the National Science Foundation—

- (1) \$6,232,000,000 for fiscal year 2007;
- (2) \$6,808,000,000 for fiscal year 2008;
- (3) \$7,433,000,000 for fiscal year 2009;
- (4) \$8,446,000,000 for fiscal year 2010; and
- (5) \$11,200,000,000 for fiscal year 2011.

(b) PLAN FOR INCREASED RESEARCH.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Science Foundation, in consultation with the National Science Board, shall submit a comprehensive, multiyear plan that describes how the funds authorized in subsection (a) would be used, if appropriated, to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Science of the House of Representatives.

(2) PLAN REQUIREMENTS.—The Director shall—

(A) develop the plan with a focus on strengthening the Nation's lead in physical science and technology, increasing overall workforce skills in physical science, technology, engineering, and mathematics at all levels, and strengthening innovation by expanding the focus of competitiveness and innovation policy at the regional and local level; and

(B) emphasize spending increased research funds appropriated pursuant to subsection (a) in areas of investment for Federal research and technology programs identified under section 1101(c) of this Act.

SEC. 4002. STRENGTHENING OF EDUCATION AND HUMAN RESOURCES DIRECTORATE THROUGH EQUITABLE DISTRIBUTION OF NEW FUNDS.

(a) PURPOSE.—The purpose of this section is to ensure the continued involvement of experts at the National Science Foundation in improving science, technology, engineering, and mathematics education at the elementary, secondary, and postsecondary school levels by providing annual funding increases for the education and human resources programs of the National Science Foundation that are proportional to the funding increases provided to the Foundation overall.

(b) EQUITABLE DISTRIBUTION OF NEW FUNDS.—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated for the education and human resources programs of the National Science Foundation—

(1) \$1,050,000,000 for fiscal year 2007; and

(2) for each of the fiscal years 2008 through 2011, an amount equal to \$1,050,000,000 increased for each such fiscal year by an amount equal to the percentage increase in the appropriation for the National Science Foundation for such fiscal year above the amount appropriated to the National Science Foundation for fiscal year 2007.

SEC. 4003. GRADUATE FELLOWSHIPS AND GRADUATE TRAINEESHIPS.

(a) GRADUATE RESEARCH FELLOWSHIP PROGRAM.—

(1) IN GENERAL.—During the 5-year period beginning on the date of the enactment of

this Act, the Director of the National Science Foundation shall expand the Graduate Research Fellowship Program of the National Science Foundation so that an additional 1,250 fellowships are awarded to citizens or nationals of the United States or eligible lawful permanent residents under the Program during that period.

(2) **EXTENSION OF FELLOWSHIP PERIOD.**—The Director is authorized to award fellowships under the Graduate Research Fellowship Program for a period of up to 5 years.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated, to provide an additional 250 fellowships under the Graduate Research Fellowship Program during each of the fiscal years 2007 through 2011, the following:

- (A) \$12,000,000 for fiscal year 2007.
- (B) \$24,000,000 for fiscal year 2008.
- (C) \$36,000,000 for fiscal year 2009.
- (D) \$48,000,000 for fiscal year 2010.
- (E) \$60,000,000 for fiscal year 2011.

(b) **INTEGRATIVE GRADUATE EDUCATION AND RESEARCH TRAINEESHIP PROGRAM.**—

(1) **IN GENERAL.**—During the 5-year period beginning on the date of the enactment of this Act, the Director shall expand the Integrative Graduate Education and Research Traineeship program of the National Science Foundation so that an additional 1,250 individuals who are citizens or nationals of the United States or eligible lawful permanent residents are awarded grants under the program during that period.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated, to provide grants to an additional 250 individuals under the Integrative Graduate Education and Research Traineeship program during each of the fiscal years 2007 through 2011, the following:

- (A) \$11,000,000 for fiscal year 2007.
- (B) \$22,000,000 for fiscal year 2008.
- (C) \$33,000,000 for fiscal year 2009.
- (D) \$44,000,000 for fiscal year 2010.
- (E) \$55,000,000 for fiscal year 2011.

(c) **DEFINITION OF ELIGIBLE LAWFUL PERMANENT RESIDENT.**—In this section, the term “eligible lawful permanent resident” means a lawful permanent resident of the United States who declares an intent—

- (1) to apply for United States citizenship; or
- (2) to reside in the United States for not less than 5 years after the completion of a graduate fellowship or traineeship awarded under this section.

SEC. 4004. PROFESSIONAL SCIENCE MASTER'S DEGREE PROGRAMS.

(a) **CLEARINGHOUSE.**—

(1) **DEVELOPMENT.**—The Director of the National Science Foundation shall establish a clearinghouse, in collaboration with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, to share program elements used in successful professional science master's degree programs and other advanced degree programs related to science, mathematics, technology, and engineering.

(2) **AVAILABILITY.**—The Director shall make the clearinghouse of program elements developed under paragraph (1) available to institutions of higher education that are developing professional science master's degree programs.

(b) **PROGRAMS.**—

(1) **PROGRAMS AUTHORIZED.**—The Director shall award grants to 4-year institutions of higher education to facilitate the institutions' creation or improvement of professional science master's degree programs.

(2) **APPLICATION.**—A 4-year institution of higher education desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director may require. The application shall include—

(A) a description of the professional science master's degree program that the institution of higher education will implement;

(B) the amount of funding from non-Federal sources, including from private industries, that the institution of higher education shall use to support the professional science master's degree program; and

(C) an assurance that the institution of higher education shall encourage students in the professional science master's degree program to apply for all forms of Federal assistance available to such students, including applicable graduate fellowships and student financial assistance under titles IV and VII of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq., 1133 et seq.).

(3) **PREFERENCE FOR APPLICANTS WITH ALTERNATIVE FUNDING SOURCES.**—The Director shall give preference in making awards to 4-year institutions of higher education seeking Federal funding to create or improve professional science master's degree programs, to those applicants that secure more than ¾ of the funding for such professional science master's degree programs from sources other than the Federal Government.

(4) **NUMBER OF GRANTS; TIME PERIOD OF GRANTS.**—

(A) **NUMBER OF GRANTS.**—Subject to the availability of appropriated funds, the Director shall award grants under paragraph (1) to a maximum of 200 4-year institutions of higher education.

(B) **TIME PERIOD OF GRANTS.**—Grants awarded under this section shall be for one 3-year term. Grants may be renewed only once for a maximum of 2 additional years.

(5) **EVALUATION AND REPORTS.**—

(A) **DEVELOPMENT OF PERFORMANCE BENCHMARKS.**—Prior to the start of the grant program, the Director of the National Science Foundation, in collaboration with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, shall develop performance benchmarks to evaluate the pilot programs assisted by grants under this section.

(B) **EVALUATION.**—For each year of the grant period, the Director, in consultation with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, shall complete an evaluation of each program assisted by grants under this section. Any program that fails to satisfy the performance benchmarks developed under subparagraph (A) shall not be eligible for further funding.

(C) **REPORT.**—Not later than 180 days after the completion of an evaluation described in subparagraph (B), the Director shall submit a report to Congress that includes—

(i) the results of the evaluation described in subparagraph (B); and

(ii) recommendations for administrative and legislative action that could optimize the effectiveness of the pilot programs, as the Director determines to be appropriate.

(c) **INSTITUTION OF HIGHER EDUCATION DEFINED.**—In this section, the term “institution of higher education” has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to carry out this section—

- (1) \$10,000,000 for fiscal year 2007;
- (2) \$15,000,000 for fiscal year 2008;
- (3) \$18,000,000 for fiscal year 2009; and
- (4) \$20,000,000 for each of the fiscal years 2010 and 2011.

SEC. 4005. INCREASED SUPPORT FOR SCIENCE EDUCATION THROUGH THE NATIONAL SCIENCE FOUNDATION.

(a) **IN GENERAL.**—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to carry out the science, mathematics, engineering, and technology talent expansion program under section 8(7) of the National Science Foundation Authorization Act of 2002 (Public Law 107-368, 116 Stat. 3042)—

- (1) \$33,000,000 for fiscal year 2007;
- (2) \$40,000,000 for fiscal year 2008;
- (3) \$45,000,000 for fiscal year 2009;
- (4) \$50,000,000 for fiscal year 2010; and
- (5) \$55,000,000 for fiscal year 2011.

(b) **PROMOTING OUTREACH AND HIGH QUALITY.**—Section 8(7)(C) of the National Science Foundation Authorization Act of 2002 (Public Law 107-368, 116 Stat. 3042) is amended—

(1) by redesignating clauses (i) through (vi) as subclauses (I) through (VI), respectively, and indenting appropriately;

(2) by striking “include those that promote high quality—” and inserting “include programs that—”

“(i) promote high-quality—”;

(3) in clause (i) (as inserted by paragraph (2))—

(A) in subclause (III) (as redesignated by paragraph (1)), by striking “for students;” and inserting “for students, especially underrepresented minority and female mathematics, science, engineering, and technology students;”;

(B) in subclause (V) (as redesignated by paragraph (1)), by striking “and” after the semicolon;

(C) in subclause (VI) (as redesignated by paragraph (1)), by striking “students.” and inserting “students; and”;

(D) by adding at the end the following:

“(VII) outreach programs that provide middle and secondary school students and their science and math teachers opportunities to increase the students' and teachers' exposure to engineering and technology;”;

(4) by adding at the end the following:

“(ii) finance summer internships for mathematics, science, engineering, and technology undergraduate students;

“(iii) facilitate the hiring of additional mathematics, science, engineering, and technology faculty; and

“(iv) serve as bridges to enable underrepresented minority and female secondary school students to obtain extra mathematics, science, engineering, and technology training prior to entering an institution of higher education.”.

SEC. 4006. MEETING CRITICAL NATIONAL SCIENCE NEEDS.

(a) **IN GENERAL.**—In addition to any other criteria, the Director of the National Science Foundation shall include consideration of the degree to which awards and research activities that otherwise qualify for support by the National Science Foundation may assist in meeting critical national needs in innovation, competitiveness, the physical and natural sciences, technology, engineering, and mathematics.

(b) **PRIORITY TREATMENT.**—The Director shall give priority in the selection of awards and the allocation of National Science Foundation resources to proposed research activities, and grants funded under the National Science Foundation's Research and Related Activities Account, that can be expected to make contributions in physical or natural science, technology, engineering, or mathematics, or that enhance competitiveness or innovation in the United States.

(c) **LIMITATION.**—Nothing in this section shall be construed to restrict or bias the grant selection process against funding other areas of research deemed by the National Science Foundation to be consistent with its mandate nor to change the core mission of the National Science Foundation.

SEC. 4007. REAFFIRMATION OF THE MERIT-REVIEW PROCESS OF THE NATIONAL SCIENCE FOUNDATION.

Nothing in this division or division A, or the amendments made by this division or division A, shall be interpreted to require or recommend that the National Science Foundation—

(1) alter or modify its merit-review system or peer-review process; or

(2) exclude the awarding of any proposal by means of the merit-review or peer-review process.

SEC. 4008. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to the National Science Foundation for the Experimental Program to Stimulate Competitive Research authorized under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g)—

(1) \$125,000,000 for fiscal year 2007; and

(2) for each of fiscal years 2008 through 2011, an amount equal to \$125,000,000 increased for each such year by an amount equal to the percentage increase in the appropriation for the National Science Foundation for such fiscal year above the total amount appropriated to the National Science Foundation for fiscal year 2007.

SEC. 4009. ENCOURAGING PARTICIPATION.

(a) **MENTORING PROGRAM.**—The Director of the National Science Foundation shall establish a program to recruit and provide mentors for women who are interested in careers in science, technology, engineering, and mathematics by pairing such women who are in science, technology, engineering, or mathematics programs of study in secondary school, community college, undergraduate or graduate school with mentors who are working in industry.

(b) **ADDITIONAL LEARNING PROGRAM.**—The Director shall also establish a program to provide grants to community colleges to provide additional learning and other appropriate training to allow women to enter higher-paying technical jobs in fields related to science, technology, engineering, or mathematics.

(c) **APPLICATIONS.**—An institution of higher education, including a community college, desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director may require.

(d) **PROGRAM EVALUATION.**—The Director shall establish metrics to evaluate the success of the programs established under subsections (a) and (b) annually and report the findings and conclusions of the evaluations annually to Congress.

SEC. 4010. CYBERINFRASTRUCTURE.

In order to continue and expand efforts to ensure that research institutions throughout the Nation can fully participate in research programs of the National Science Foundation and collaborate with colleagues throughout the nation, the Director of the National Science Foundation, within 180 days after the date of enactment of this Act, shall develop and publish a plan that describes the current status of broadband access for scientific research purposes in States located in EPSCoR-eligible jurisdictions and outlines actions which can be taken to ensure that such connections are available to enable participation in those

National Science Foundation programs which rely heavily on high-speed networking and collaborations across institutions and regions.

SEC. 4011. FEDERAL INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.

(a) **ADVANCED INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.**—

(1) **NATIONAL SCIENCE FOUNDATION INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.**—The Director of the National Science Foundation shall establish a program of basic research in advanced information and communications technologies focused on enhancing or facilitating the availability and affordability of advanced communications services to all people of the United States. In developing and carrying out the program, the Director shall consult with the Board established under paragraph (2).

(2) **FEDERAL ADVANCED INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH BOARD.**—There is established within the National Science Foundation a Federal Advanced Information and Communications Technology Research Board (referred to in this subsection as “the Board”) which shall advise the Director of the National Science Foundation in carrying out the program authorized under paragraph (1). The Board shall be composed of individuals with expertise in information and communications technologies, including representatives from the National Telecommunications and Information Administration, the Federal Communications Commission, the National Institute of Standards and Technology, and the Department of Defense, and representatives from industry and educational institutions.

(3) **GRANT PROGRAM.**—The Director of the National Science Foundation, in consultation with the Board, shall award grants for basic research into advanced information and communications technologies that will contribute to enhancing or facilitating the availability and affordability of advanced communications services to all people of the United States. Areas of research to be supported through the grants include—

(A) affordable broadband access, including wireless technologies;

(B) network security and reliability;

(C) communications interoperability;

(D) networking protocols and architectures, including resilience to outages or attacks;

(E) trusted software;

(F) privacy;

(G) nanoelectronics for communications applications;

(H) low-power communications electronics;

(I) implementation of equitable access to national advanced fiber optic research and educational networks in noncontiguous States; and

(J) such other related areas as the Director, in consultation with the Board, finds appropriate.

(4) **CENTERS.**—The Director shall award multiyear grants, subject to the availability of appropriations, to institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), nonprofit research institutions affiliated with institutions of higher education, or consortia thereof to establish multidisciplinary Centers for Communications Research. The purpose of the Centers shall be to generate innovative approaches to problems in communications and information technology research, including the research areas described in paragraph (3). Institutions of higher education, nonprofit research institutions affiliated with institutions of higher education, or consortia receiving such grants may partner with 1 or more government laboratories or for-profit

entities, or other institutions of higher education or nonprofit research institutions.

(5) **APPLICATIONS.**—The Director of the National Science Foundation, in consultation with the Board, shall establish criteria for the award of grants under paragraphs (3) and (4). Such grants shall be awarded under the programs on a merit-reviewed competitive basis. The Director shall give priority to grants that offer the potential for revolutionary rather than evolutionary breakthroughs.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) \$40,000,000 for fiscal year 2007;

(B) \$45,000,000 for fiscal year 2008;

(C) \$50,000,000 for fiscal year 2009;

(D) \$55,000,000 for fiscal year 2010; and

(E) \$60,000,000 for fiscal year 2011.

(b) **NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY RESPONSIBILITIES.**—The Director of the National Institute of Standards and Technology shall continue to support research and support standards development in advanced information and communications technologies focused on enhancing or facilitating the availability and affordability of advanced communications services to all people of the United States, in order to implement the Institute's responsibilities under section 2(c)(12) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)(12)). The Director shall support intramural research and cooperative research with institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) and industry.

SEC. 4012. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM.

(a) **IN GENERAL.**—Section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-1) is amended—

(1) in the section heading, by inserting “**TEACHER**” after “**NOYCE**”;

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “to provide scholarships, stipends, and programming designed”;

(ii) by inserting “and to provide scholarships and stipends to students participating in the program” after “science teachers”;

and

(iii) by inserting “Teacher” after “Noyce”;

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking “encourage top college juniors and seniors majoring in” and inserting “recruit and prepare undergraduate students to pursue degrees in”; and

(bb) by striking “to become” and inserting

“and become qualified as”;

(II) in clause (ii)—

(aa) by striking “programs to help scholarship recipients” and inserting “academic courses and clinical teaching experiences designed to prepare students participating in the program”;

(bb) by striking “programs that will result in” and inserting “such preparation as is necessary to meet requirements for”; and

(cc) by striking “licensing; and” and inserting “licensing”;

(III) in clause (iii)—

(aa) by striking “scholarship recipients” and inserting “students participating in the program”;

(bb) by striking “enable the recipients” and inserting “enable the students”; and

(cc) by striking “; or” and inserting “; and”;

(IV) by adding at the end the following:

“(iv) providing summer internships for freshman and sophomore students participating in the program; or”; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i)—

(aa) by striking “encourage” and inserting “recruit and prepare”; and

(bb) by inserting “qualified as” after “to become”; and

(II) by striking clause (ii) and inserting the following:

“(ii) offering academic courses and clinical teaching experiences designed to prepare stipend recipients to teach in elementary schools and secondary schools, including such preparation as necessary to meet requirements for teacher certification or licensing”; and

(C) by adding at the end the following:

“(4) **ELIGIBILITY REQUIREMENT.**—To be eligible for an award under this section, an institution of higher education (or a consortium of such institutions) shall ensure that specific faculty members and staff from the mathematics, science, or engineering department of the institution (or a participating institution of the consortium) and specific education faculty members of the institution (or such participating institution) are designated to carry out the development and implementation of the program. An institution of higher education (or consortium) may also include teachers to participate in developing the pedagogical content of the program and to supervise students participating in the program in their field teaching experiences. No institution of higher education (or consortium) shall be eligible for an award unless faculty from the institution's mathematics, science, or engineering department are active participants in the program.”;

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking “scholarship or stipend”; and

(II) by inserting “and summer internships” after “number of scholarships”; and

(III) by inserting “the type of activities proposed for the recruitment of students to the program,” after “intends to award.”;

(ii) in subparagraph (B)—

(i) by striking “scholarship or stipend”; and

(II) by striking “; and” and inserting “, which may include a description of any existing programs at the applicant's institution that are targeted to the education of science and mathematics teachers and the number of teachers graduated annually from such programs.”; and

(iii) by striking subparagraph (C) and inserting the following:

“(C) a description of the academic courses and clinical teaching experiences required under subparagraph (A)(ii) or B(ii) of subsection (a)(3), including—

“(i) a description of the undergraduate program that will enable a student to graduate in 4 years with a major in mathematics, science, or engineering and to obtain teacher certification or licensing;

“(ii) a description of clinical teaching experiences proposed; and

“(iii) evidence of agreements between the applicant and the schools or school districts that are identified as the locations at which clinical teaching experiences will occur;

“(D) a description of the programs required under subparagraph (A)(iii) or B(iii) of subsection (a)(3), including activities to assist new teachers in fulfilling their service requirements under this section; and

“(E) an identification of the applicant's mathematics, science, or engineering faculty and its education faculty who will carry out the development and implementation of the program as required under subsection (a)(4).”;

(B) in paragraph (2)—

(i) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and

(ii) by inserting after subparagraph (A) the following:

“(B) the extent to which the applicant's mathematics, science, or engineering faculty and its education faculty have worked or will work collaboratively to design new or revised curricula that recognize the specialized pedagogy required to teach mathematics and science effectively in elementary schools and secondary schools.”;

(4) in subsection (c)—

(A) in paragraph (3)—

(i) by striking “\$7,500” and inserting “\$10,000”; and

(ii) by striking “of scholarship support” and inserting “of scholarship support, unless the Director establishes a policy by which part-time students may receive additional years of support”; and

(B) in paragraph (4), by inserting “, with a maximum service requirement of 4 years” after “was received”; and

(5) in subsection (d)—

(A) in paragraph (2), by inserting “and professional achievement” after “academic merit”; and

(B) in paragraph (4), by striking “for each year a stipend was received”; and

(6) in subsection (g)—

(A) in paragraph (1), by inserting “or stipend” after “scholarship”; and

(B) by striking paragraph (2) and inserting the following:

“(2) **REPAYMENT FOR FAILURE TO COMPLETE SERVICE.**—

“(A) **LESS THAN 1 YEAR OF SERVICE.**—If a circumstance described in paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the sum of the total amount of awards received by the individual under this section shall be treated as a loan payable to the Federal Government, consistent with the provisions of part B or D of title IV of the Higher Education Act of 1965, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary of Education in regulations promulgated to carry out this paragraph.

“(B) **1 YEAR OR MORE OF SERVICE.**—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, an amount equal to ½ of the sum of the total amount of awards received by the individual under this section shall be treated as a loan payable to the Federal Government, consistent with the provisions of part B or D of title IV of the Higher Education Act of 1965, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary of Education in regulations promulgated to carry out this paragraph.”;

(7) by redesignating subsection (i) as subsection (k);

(8) by inserting after subsection (h) the following:

“(i) **SCIENCE AND MATHEMATICS SCHOLARSHIP GIFT FUND.**—In accordance with section 11(f) of the National Science Foundation Act of 1950, the Director is authorized to accept donations from the private sector to supplement, but not supplant, scholarships, stipends, or internships associated with the programs under this section.

“(j) **ASSESSMENT OF TEACHER RETENTION.**—Not later than 4 years after the date of enactment of the National Competitiveness Investment Act, the Director shall transmit to Congress a report on the effectiveness of the program carried out under this section regarding the retention of participants in the

teaching profession beyond the service obligation required under this section.”;

(9) in subsection (k) (as redesignated by paragraph (7))—

(A) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(B) by inserting after paragraph (1) the following:

“(2) the term ‘high-need local educational agency’ means a local educational agency or educational service agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)—

“(A)(i) that serves not less than 10,000 children from low-income families;

“(ii) for which not less than 20 percent of the children served by the agency are children from low-income families; or

“(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency, and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary of Education; and

“(B)(i) for which there is a higher percentage of teachers providing instruction in academic subject areas or grade levels for which the teachers are not highly qualified; or

“(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.”;

(C) in paragraph (4) (as redesignated by subparagraph (A)) by inserting “or had a career” after “is working”; and

(10) by adding at the end the following:

“(1) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—Within the amounts authorized to be appropriated by section 4001 of the National Competitiveness Investment Act and except as provided in paragraph (2), there are authorized to be appropriated to the Director for the Robert Noyce Teacher Scholarship Program under this section—

“(A) \$105,000,000 for fiscal year 2007, of which at least \$15,000,000 shall be used for capacity building activities described in clauses (ii) and (iii) of subsection (a)(3)(A) and clauses (ii) and (iii) of subsection (a)(3)(B);

“(B) \$117,000,000 for fiscal year 2008, of which at least \$18,000,000 shall be used for such capacity building activities;

“(C) \$130,000,000 for fiscal year 2009, of which at least \$21,000,000 shall be used for such capacity building activities;

“(D) \$148,000,000 for fiscal year 2010, of which at least \$24,000,000 shall be used for such capacity building activities; and

“(E) \$200,000,000 for fiscal year 2011, of which at least \$27,000,000 shall be used for such capacity building activities.

“(2) **EXCEPTION.**—For any fiscal year for which the funding allocated for activities under this section is less than \$105,000,000, the amount of funding available for capacity building activities described in subparagraphs (A) through (E) of paragraph (1) shall not exceed 15 percent of the allocated funds.”.

(b) **CONFORMING AMENDMENTS.**—

(1) **SECTION 4.**—Section 4 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n note) is amended in the matter preceding paragraph (1) by striking “In this Act:” and inserting “Except as otherwise provided, in this Act:”.

(2) **SECTION 8.**—Section 8(6) of the National Science Foundation Authorization Act of 2002 (Public Law 107-368) is amended—

(A) in the paragraph heading, by inserting “TEACHER” after “NOYCE”; and

(B) by inserting “Teacher” after “Noyce”.

SEC. 4013. SENSE OF THE SENATE REGARDING THE MATHEMATICS AND SCIENCE PARTNERSHIP PROGRAMS OF THE DEPARTMENT OF EDUCATION AND THE NATIONAL SCIENCE FOUNDATION.

It is the sense of the Senate that—

(1) although the mathematics and science education partnership program at the National Science Foundation and the mathematics and science partnership program at the Department of Education practically share the same name, the 2 programs are intended to be complementary, not duplicative;

(2) the National Science Foundation partnership programs are innovative, model reform initiatives that move promising ideas in education from research into practice to improve teacher quality, develop challenging curricula, and increase student achievement in mathematics and science, and Congress intends that the National Science Foundation peer-reviewed partnership programs found to be effective should be put into wider practice by dissemination through the Department of Education partnership programs; and

(3) the Director of the National Science Foundation and the Secretary of Education should have ongoing collaboration to ensure that the 2 components of this priority effort for mathematics and science education continue to work in concert for the benefit of States and local practitioners nationwide.

SEC. 4014. NATIONAL SCIENCE FOUNDATION TEACHER INSTITUTES FOR THE 21ST CENTURY.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Within the amounts authorized to be appropriated by section 4001, there are authorized to be appropriated to carry out the teacher institutes for the 21st century under paragraphs (3) and (7) of section 9(a) of the National Science Foundation Authorization Act of 2002 (as amended by subsection (b)) (42 U.S.C. 1862n(a))—

- (1) \$76,000,000 for fiscal year 2007;
- (2) \$84,000,000 for fiscal year 2008;
- (3) \$94,000,000 for fiscal year 2009;
- (4) \$106,000,000 for fiscal year 2010; and
- (5) \$140,000,000 for fiscal year 2011.

(b) **TEACHER INSTITUTES FOR THE 21ST CENTURY.**—Section 9(a) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n(a)) is amended—

(1) in paragraph (3)(B), by striking “summer or” and inserting “teacher institutes for the 21st century, as described in paragraph (7).”;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

“(7) **TEACHER INSTITUTES FOR THE 21ST CENTURY.**—

“(A) **IN GENERAL.**—Teacher institutes for the 21st century carried out in accordance with paragraph (3)(B) shall—

“(i) be carried out in conjunction with a school served by the local educational agency in the partnership;

“(ii) be science, technology, engineering, and mathematics focused institutes that provide professional development to elementary school and secondary school teachers during the summer;

“(iii) serve teachers who are considered highly qualified (as defined in section 9101 of the Elementary and Secondary Education Act of 1965), teach high-need subjects, and teach in high-need schools (as described in section 1114(a)(1) of the Elementary and Secondary Education Act of 1965);

“(iv) focus on the theme and structure developed by the Director under subparagraph (C);

“(v) be content-based and build on school year curricula that are experiment-oriented,

content-based, and grounded in current research;

“(vi) ensure that the pedagogy component is designed around specific strategies that are relevant to teaching the subject and content on which teachers are being trained, which may include training teachers in the essential components of reading instruction for adolescents in order to improve student reading skills within the subject areas of science, technology, engineering, and mathematics;

“(vii) be a multiyear program that is conducted for a period of not less than 2 weeks per year;

“(viii) provide for direct interaction between participants in and faculty of the teacher institute;

“(ix) have a component that includes the use of the Internet;

“(x) provide for followup training in the classroom during the academic year for a period of not less than 3 days, which may or may not be consecutive, for participants in the teacher institute, except that for teachers in rural local educational agencies, the followup training may be provided through the Internet;

“(xi) provide teachers participating in the teacher institute with travel expense reimbursement and classroom materials related to the teacher institute, and may include providing stipends as necessary; and

“(xii) establish a mechanism to provide supplemental support during the academic year for teacher institute participants to apply the knowledge and skills gained at the teacher institute.

“(B) **OPTIONAL MEMBERS OF THE PARTNERSHIP.**—In addition to the partnership requirement under paragraph (2), an institution of higher education or eligible nonprofit organization (or consortium) desiring a grant for a teacher institute for the 21st century may also partner with a teacher organization, museum, or educational partnership organization.

“(C) **THEME AND STRUCTURE.**—Each year, not later than 180 days before the application deadline for a grant under this section, the Director shall, in consultation with a broad group of relevant education organizations, develop a theme and structure for the teacher institutes of the 21st century supported under paragraph (3)(B).”.

Mr. INOUE. Mr. President, I am proud to join my colleagues from the Commerce, Energy, and Health, Education, Labor, and Pensions Committees in introducing the National Innovation Investment Act. This bill represents the culmination of nearly a year's work by three Committees. We examined the Nation's civilian research and education enterprises and their contributions to innovation and economic competitiveness.

By the broadest definition, the Committee on Commerce, Science, and Transportation is responsible for the economic and commercial health of the country. We have expertise that touches on multiple fields of industry from telecommunications to transportation; from the safety of the home to the security of the homeland; and from marine containers to marine mammals.

At the end of the day, our middle name is “science,” and we brought that perspective to this bipartisan effort to use technology and innovation to address emerging challenges to our national economic competitiveness.

The lynchpin of continued innovation that will lead to economic competitiveness will be educating and inspiring young people to be educated and employed in science- and technology-related disciplines. This bill uses educational programs to inspire students from kindergarten through graduate school to pursue math and science. It also ensures that the Nation's enterprise research is well-funded and focused on the needs of the Nation.

This bill includes a 5-year authorization that would double funding for the National Science Foundation, NSF, and significantly increase funding for the National Institute of Standards and Technology, NIST. The Congress has increased funding for NSF before. This time, with the help of my colleagues and the administration, I hope we can actually provide those dollars to NSF, NIST, and the other priority agencies outlined in the bill.

I am pleased that the Commerce Committee and this group were able to include several provisions related to ocean and atmospheric research and education. The ocean truly is the last frontier on Earth and ocean research and technology may have broad implications for improving health and understanding our environment.

The U.S. Commission on Ocean Policy recognized this potential in their final report and dedicated three chapters to recommendations on ways to improve ocean education, basic research, and technological innovation. Recognizing the allure that the oceans hold for many young people, the Commission viewed ocean education as a tool that could be used to increase general science and math literacy in the U.S., and we have incorporated that notion into this bill.

The United States can and must remain strong and competitive in the face of emerging challenges from the rest of the world. This bill is not the final answer, but it is a starting point. We will begin by strengthening science research and improving education to generate the ideas that U.S. companies can transform into the next breakthrough product.

I would be remiss if I did not mention that this bill contains input from the leadership, the Chairs and ranking members of three major committees, Senators DOMINICI, BINGAMAN, STEVENS, ENZI, KENNEDY, and myself, as well as Senators ENSIGN, LIEBERMAN, ALEXANDER, MIKULSKI, HUTCHISON, and BILL NELSON.

However, the Senate, at large, also must be involved in the process of considering and improving the bill. From the beginning, we have been assured that the bill would be considered in an open process. I support the bill and look forward to its thorough consideration by the Senate.

Mr. KENNEDY. Mr. President, families across America are facing serious challenges in today's global economy. The value of their wages is declining, the cost of living is going up, and many

of their jobs are being shipped overseas.

We must respond to this challenge to ensure that our citizens can achieve the American dream once again. We have the best workers in the world, and we must prepare them to compete and succeed in the global economy.

America has long been at the forefront in innovation, invention, and education. But other countries are catching up and surpassing us.

We are now ranked 28th out of 40 nations in math education.

Since 1975, we have dropped from 3rd to 15th in the world in producing scientists and engineers.

A recent report shows that high school and college graduation rates in the United States have dropped below the average for other developed countries.

Federal investment in research and development has been shrinking as a share of the economy, and government research programs at the National Institutes of Health, the National Science Foundation and the Department of Energy all have less funding this year than they did three years ago.

At the same time, fast-growing countries like China, Ireland and South Korea are realizing the potential for economic growth that comes with investing in innovation. For example, China's total research and development investments rose from \$12.4 billion in 1991 to \$84.6 billion in 2003, an average increase of 17 percent a year. Over the same period, the increase in U.S. investment averaged only 4 to 5 percent annually.

Study after study tells us that we need major new investments in education and research and development to stay ahead. We cannot just tinker at the margins and expect to master our own destiny in the global economy. We have a responsibility to make the investments that are necessary to our progress—a responsibility to our families, to our economy, to our Nation, and to our national security.

Last year, the Council on Competitiveness urged a focus on lifelong skill development—through elementary, secondary and higher education, and workforce training and support, as essential to keeping America on the cutting edge of innovation.

The recent report by the National Academy of Sciences, "Rising Above the Gathering Storm," emphasized these recommendations. Two of the report's four major recommendations involved education as the solution to meeting the global challenge. The report set out a broad roadmap for keeping America competitive, but it prioritized investment in education over all other recommendations.

The National Association of Manufacturers also issued a report urging renewed focus on education and training to keep American businesses competitive.

It is clear that we must act, and today we are taking a step toward putting America back on the right track.

I am pleased to join with a bipartisan group of my colleagues today to introduce the National Competitiveness Investment Act. It is a modest proposal, but it represents an important down-payment on the commitment and sustained investment needed to keep America competitive in the years to come.

The legislation responds to many of the recommendations in the "Gathering Storm" and other recent reports and includes many provisions based on those in the Right TRACK Act, which I introduced earlier this year.

The bill takes important steps to encourage innovation in America as a way to create jobs and move our economy forward. It is often federally funded research that primes the pump for technological, medical and scientific breakthroughs, and the bill doubles basic research funding by the National Science Foundation over the next five years. It also puts us on a strong course to doubling basic research funding at the Department of Energy as well.

The legislation also creates a President's Council on Innovation and Competitiveness, based on successful models being used in established and emerging economies in Europe and Asia. The council will bring together the heads of Federal agencies with leaders in business and academia to develop a comprehensive agenda to promote innovation. Japan for some time has had a similar council, and Ireland, known as the Celtic Tiger, has already had success in expanding its R&D strength since it established its council last year.

The bill also strengthens programs at college and universities to encourage a renewed interest in nuclear science. Massachusetts has long been a leader in nuclear research. There are only three dozen licensed nuclear reactors in the United States, and three of them are located at Massachusetts universities—University of Massachusetts Lowell, Worcester Polytechnic Institute and MIT. These colleges will have a vital role as nuclear science expands, and this bill will help expand their programs and establish new ones to meet the growing demand.

These are important investments, but there is more we can do. We should act to renew the research and development tax credit as soon as possible. The incentive provided by the tax credit has led to quality jobs, better, safer products, greater productivity and a stronger, more robust national economy. A growing number of countries who recognize the importance of research and development spending to future economic growth now offer more generous R&D tax incentives than the United States. The top 6 pharmaceutical companies, and American high tech companies like Microsoft, Intel and GE have all opened advanced R&D facilities in India. We must give American companies the certainty that these incentives will continue to be

there, so that they can choose to maintain these high-skilled jobs here at home, to keep America at the cutting edge as a leader in innovation in the global economy.

These investments also depend on a talented pool of well-trained individuals who can make discoveries and scientific breakthroughs. Jobs in science and engineering are expected to increase 70 percent faster than those in other fields over the next 6 years. To ensure Americans are prepared to hold these jobs, we must improve education at all levels—from the very early years in a child's life all the way through doctoral study and beyond—especially in math, science, engineering and technology.

Although international comparisons of student achievement show that the United States is slipping behind other countries, a closer look shows that the picture is more complex. The real problem lies in the serious and pervasive achievement gap in this country between higher income students and lower income students.

On the most recent test comparing student achievement in industrialized nations, white students in the United States performed better than the average for all countries in both math literacy and problem solving, while their Hispanic and African American peers did worse. Low-income students in the U.S. performed worse than their high-income peers, and also performed worse than other low-income students in over half of the developed countries surveyed.

If we close this achievement gap, and guarantee all children in this country a world-class education, we can put America back at the top of the list. To do so, we should fully fund the No Child Left Behind Act.

We must also invest in teachers. The National Competitiveness Investment Act recognizes and responds to the critical need to recruit and train high quality math, science, technology and engineering teachers to teach in the schools with the greatest need so that we can begin to close the achievement gap and ensure that all American students can compete on a level playing field with their peers in other nations.

Research shows that having a high quality teacher is one of the most important factors in a child's success in school. But almost half of math classes taught in high poverty and high minority schools are taught by teachers without a college major or minor in math or a related field, such as math education, physics or engineering. The problem is even more serious in middle schools—70 percent of math classes in these schools are taught by a teacher who doesn't even have a minor in math or a related field.

The bill provides a 10-fold increase in the Robert Noyce Teacher Scholarship program at the National Science Foundation to recruit math, science, engineering and technology students and professionals to become teachers in high need school districts.

It provides grants to institutions of higher education to create undergraduate programs that integrate the study of math, science, engineering, or critical need foreign language with teacher education, modeled on the successful U-Teach program at the University of Texas. It also helps institutions create part-time master's degree programs to improve the content knowledge and teaching skills of current teachers. In both of these programs, universities would partner with high-need school districts to ensure that these resources will go where they are needed most.

The bill expands the Teacher Institutes for the 21st Century program at the National Science Foundation to provide cutting-edge summer professional development programs for teachers who teach in high-need schools. It also creates a summer institute program in the Department of Energy to strengthen the math and science teaching skills of elementary and secondary school teachers.

Recruitment and training are the first steps, but we must also do more to see that teachers have an incentive to stay in classrooms once they are there. We should provide financial incentives—through fellowships or salary increases—to teachers who commit to teach in the highest need schools, where the unique challenges make the schools the hardest to staff. I look forward to working with my colleagues as the bill moves forward to add this critical component to the effort.

In addition to providing a high quality teacher in every classroom, we must also ensure that children in low income school districts have access to the same college preparatory classes that more affluent school districts are able to provide—and, importantly, that they have the preparation they need to succeed in those classes. To do so, the bill expands access to Advanced Placement and International Baccalaureate classes as well as pre-AP and pre-IB courses, especially in high need schools, and creates a program to improve instruction in math for elementary and middle school students and provide targeted help to students struggling with the subject.

The bill also addresses the critical need to ensure our education system is preparing students for the challenges they face after graduation from high school. According to a recent study, the Nation loses over \$3.7 billion a year in the cost of remedial education and lost earning potential because students are not adequately prepared to enter college when they leave high school.

Many States have recognized the need to better align elementary and secondary school standards, curricula, and assessments with the demands of college, the 21st century workforce and the Armed Forces. This bill provides grants to assist States in those efforts. The grants would support state PreK-16 councils that bring together stakeholders from all levels of the education

community, from the business sector, and from the military to improve the rigor of elementary and secondary education and prepare students for the postsecondary challenges they will face.

These provisions will help spur the development of more rigorous standards and innovative curricula that engages our children in learning to inspire a new generation of scientists and engineers. It will assist states in the work they are doing to create new disciplines in engineering and technology at the elementary school level that allow students to learn the practical applications of math and science. I am proud that the National Center for Technological Literacy at the Museum of Science, Boston is at the forefront of these efforts.

In addition to the education programs at the Department of Education and the National Science Foundation, the legislation relies on the resources of the Department of Energy to assist in the effort to improve math and science education. The National Labs at the Department of Energy can have a critical role in these efforts, and so can the more than 300 colleges and universities across the country conducting research supported by the Department of Energy. I appreciate my colleagues' efforts to ensure that the resources of the Department of Energy are used to enhance educational opportunities for children not only in the states that host National Labs, but across the country.

It is also becoming increasingly important for students to become exposed to and immersed in critical foreign languages and cultures. In recent years, foreign language needs have significantly increased throughout the public and private sector due to the presence of a wider range of security threats, the emergence of new nation states, and the globalization of the U.S. economy. American businesses increasingly need employees experienced in foreign languages and international cultures to manage a culturally diverse workforce. But if students are to become proficient in these critical foreign languages, they must have access to a sustained course of study, beginning in the early grades.

To address these needs, the bill provides grants to enable institutions of higher education and local educational agencies working in partnership to create programs of study in critical foreign languages for students from elementary school through postsecondary education.

All of these programs and investments will help prepare our students to compete in the 21st century, but if we are serious about keeping America competitive, there is more we can and must do.

A college degree is fast becoming the price of admission to participation in the global economy. Eighty percent of the fastest growing jobs in this country will require some postsecondary edu-

cation. A recent study by the Organisation for Economic Co-operation and Development shows that in the United States, earnings of people with a post-secondary degree are 72 percent higher on average than for those with only a high school diploma.

But with soaring costs and stagnant financial aid, college is increasingly out of reach for students and families. Research shows that 400,000 students a year do not go to a four year college because they cannot afford it.

When our troops returned home from World War II, we created the GI Bill and sent them to college to learn the skills they would need in the changing world. The economy reaped an estimated \$7 in benefit for every dollar invested in that effort.

In recent decades however, Federal grant aid has dwindled and the grants provided don't go as far as they used to. Thirty years ago, 77 percent of the federal assistance provided to students was in the form of grants, but in recent years it's 20 percent. The Pell Grant now covers less than 35 percent of the cost of attending college.

To ensure the prosperity of our families and the nation, we must open the doors of college to all by restoring the Pell Grant as the foundation of the student aid system.

Earlier this year, Congress squandered an opportunity to significantly increase aid for low income students. The Senate passed a bill that would have immediately increased the Pell grant from \$4,050 to \$4,500. But this increase was rejected, and the funds instead were used to pay for tax giveaways for the wealthiest Americans.

I know many of my colleagues agree that higher education is the key to keeping America competitive, and I look forward to working with them to ensure that the cost of college is not a barrier to full participation in the new economy.

We must also do more to address the devastating impacts of the global economy on American workers and their families.

American workers are facing global competition that is fundamentally unfair, but this bill does nothing to level the playing field or to help ease the burden of their transition to the global economy. To truly improve our national competitiveness, we must address all aspects of this challenge. We cannot continue to ignore the plight of working Americans.

First, we need to level the playing field in the competition for good jobs. Americans have nothing to fear from competition that's fair. But it's not fair when Americans are competing with foreign workers who lack even basic labor standards, like child labor laws, a minimum wage, or the right to organize. And it's not fair when companies cut costs by exploiting and abusing foreign workers.

We need to exercise global leadership in promoting fair wages and safe working conditions for workers around the

world, reward companies that treat their foreign workforces fairly, and be a strong voice in sanctioning those countries that will not play by the rules.

Beyond these basic steps to level the playing field, we owe a particular duty to those American workers who are losing their jobs because of trade. We all benefit from the lower prices and variety of products that globalization provides, but many of our most vulnerable workers are paying the price. In the manufacturing sector alone, we've lost nearly 3 million manufacturing jobs since 2001, and service sector jobs are now moving overseas as well. These are good, middle-class jobs, with decent wages and benefits that form the core of the American middle class.

Our response to globalization must address the disappearance of good jobs. We must create the good jobs of the future. We must eliminate tax incentives for companies to ship jobs overseas. We must give workers who are at risk of losing their jobs to overseas competition fair warning so that they can plan for their futures. We must strengthen our commitment to help workers who lose their jobs adjust to the new economy, with well-funded training and income assistance programs that ease the transition to new employment.

Fulfilling our commitment to American workers also demands that we give them their fair share of the economic growth that globalization brings. We must raise the minimum wage to \$7.25 an hour, and give workers a stronger voice in the new economy by protecting their right to organize and form a union.

If we truly want to be competitive in the global economy, we need to address these challenges facing the American workforce head on, and give workers greater job security in the present, and better opportunities in the future. I hope that the same bipartisan coalition that has worked together so effectively on this bill can also work together to address these important issues for America's working families.

The legislation we are introducing today is not a complete package. It represents only the beginning of a strong commitment that we will need to build on and sustain if America is to remain competitive in the years ahead. I am proud that the bill has strong bipartisan support, and that support is critical to ensuring these proposals become a reality.

In 2001, there was strong bipartisan support to significantly increase funding to improve our schools through the No Child Left Behind Act. But President Bush's budget this year would mean a cumulative shortfall of \$56 billion in funding since that bill was enacted, and this year he proposed cutting education funding by \$2 billion.

In 2002, we promised to double NSF funding, but last year's appropriation was only two-thirds the level we agreed to four years ago—nearly \$3 billion short of staying on track to that goal.

Words alone will not keep America competitive. This legislation must be more than a promise. I look forward to working with my colleagues as the bill moves forward to ensure that Congress provides the new investments needed to fully support these important proposals.

Americans know how to rise to challenges and come out ahead. We've done it before and we can do it again. When we were called into action in 1957 with the Soviet Sputnik launch, we rose to the challenge by passing the National Defense Education Act and inspiring the nation to ensure that the first footprint on the moon was by an American. We doubled the federal investment in education.

We need the same bold commitment to help the current generation meet and master the global challenges of today and tomorrow. The National Competitiveness Investment Act will start to put America back on track. I look forward to working with my colleagues to improve upon the bill as it moves forward and to expand on these efforts in the months to come.

Mrs. HUTCHISON. Mr. President, several of my colleagues and I have joined with the Senate leadership today in introducing important legislation to address the challenges of innovation and competitiveness that our Nation faces. Among the provisions of this legislation is the recognition and expansion of the significant role that NASA plays in our Nation's search for knowledge and excellence.

NASA already has an outstanding track record of achievement in this area. That record exists because individuals and organizations within NASA have taken the initiative over the years to reach for excellence in their work, just as the agency has sought to reach the stars. I am especially proud that the Johnson Space Center in Houston has played a leading role in these efforts. We all know that it takes dedicated and inspired people to make things happen in any great undertaking.

I would like to recognize the dedicated efforts of one of those people, Gregory W. Hayes, who is retiring at the end of the month from NASA after nearly 34 years at the agency and nearly 25 years of supervisory and managerial experience at the Johnson Space Center in Houston.

Mr. Hayes has made significant and lasting contributions to the Nation's civilian space agency. A few examples will illustrate how the American taxpayer has benefited from Mr. Hayes' distinguished public service career:

His commitment to innovative management of the center's human resources over the decades, including the selection and recruitment of our astronauts as well as the pursuit of innovative workforce practices, has contributed to ensuring that JSC attracts the best and brightest from the Nation's technical talent pool.

His lifelong dedication to encouraging young people's interest in space

exploration has taken many forms including partnering with a local Houston school district to develop a new program in which more than 100 JSC employees volunteer to serve as technical advisors to local schools for math, science, and technology.

His instrumental role in establishing the Aerospace Academy—a partnership among community educational systems that helps to increase the number of technical employees and the number of math and science teachers in the area.

His collaboration with the State of Texas to secure funding for the Texas Aerospace Scholars, a program designed to provide hands-on experience at JSC to high school and college students that will ensure the development of a technical workforce ready for the challenges of the 21st century.

Mr. Hayes also set a compelling example for his colleagues by reaching out to the local community. He served on the Bay Area Houston Economic Partnership board for several years, as well as serving as an advisor on its various task forces; his work promoted the health of the community and the Nation's space program.

In recognition of Mr. Hayes' formidable leadership skills, it is not surprising that the Office of the NASA Administrator recruited him to take a leadership role in establishing and executing the agency's path-finding effort known as the Freedom to Manage, F2M, Task Force for Human Resources. That activity was designed to fulfill the President's Management Agenda charter to identify and remove impediments to efficient and effective ways of doing business. In the course of its work, the task force identified more than 100 potential areas for improvement in human resources—dozens of which were immediately implemented through changes to internal policies and practices.

In addition to his extraordinary contributions to the, human resources and education fields, Mr. Hayes, in his capacity as JSC Director of External Relations, demonstrated great initiative and vision in his efforts to proactively reach out to the emerging commercial space sector and seek innovative collaborative arrangements. Recent examples include his efforts to pursue cooperative agreements with companies such as Bigelow Aerospace, which this past summer launched a pioneering low earth orbiting expandable habitat and has opened a satellite office near JSC; as well as an engineering collaboration with SpaceX—one of the winners of the recently concluded COTS awards. These are but two examples of several other significant partnerships with the entrepreneurial space sector that Mr. Hayes has pursued.

These activities not only support the expanding efforts to enhance innovation and competitiveness but are also consistent with the NASA Authorization Act which I introduced last year and which was signed into law last December. This act strongly encourages

the pursuit of partnerships with the commercial space sector. Mr. Hayes has left a legacy for his successors as they continue policies of encouraging effective partnerships with the emerging commercial space industry.

Given his impressive record as public servant, it is not surprising that Mr. Hayes has been the recipient of the Presidential Meritorious Executive Rank Award as well as NASA's Outstanding Leadership Medal.

On the occasion of Mr. Hayes' departure from his beloved NASA, he can leave knowing that he has left a remarkable record of accomplishment. He serves as an inspiration to NASA's next generation of space leaders who will ensure that the agency utilizes the space shuttle and International Space Station to the fullest extent possible, while developing the next generation human space transportation system and laying the groundwork for the agency's new human space exploration goals of returning to the Moon and then moving on to Mars.

I know I speak for many of my colleagues in paying tribute to the kind of dedication and excellence Mr. Hayes has brought to his government service and in wishing him continued success as he enters a well-deserved new chapter in his remarkable life.

Mr. President, I am delighted to join our distinguished majority and minority leaders in introducing and cosponsoring the National Competitiveness Investment Act. This is an essential and important first step in addressing critical challenges facing our Nation in an increasingly competitive global economy. America must be a leader in scientific research and education. It is in the best interest of both our national and economic security.

This bill renews and expands our national focus on strengthening key areas of research, education, and innovation. It is the product of a truly bipartisan effort, undertaken with the blessing and encouragement of the Senate leadership and by the leadership of the three principal committees with jurisdiction over these matters: the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Health, Education, Labor, and Pensions. I am proud to be part of this bipartisan initiative to provide new resources to support these competitiveness programs.

This legislation increases research investment by doubling the authorized funding levels for the National Science Foundation, NSF, from approximately \$5.6 billion in fiscal year 2006 to \$11.2 billion in fiscal year 2011. It doubles funding for the Department of Energy's Office of Science over 5 years, from \$3.6 billion in Fiscal Year 2006 to over \$5.2 billion in Fiscal Year 2011.

Another vital focus of the bill is to strengthen educational opportunities in science, technology, engineering, mathematics and critical foreign languages. It authorizes competitive

grants to States to promote better coordination of elementary and secondary education with the knowledge and skills needed for success in post-secondary education, the workforce, and the U.S. Armed Forces. Another key emphasis is strengthening the skills of thousands of math and science teachers through support for the Teachers Institutes for the 21st Century Program at NSF.

As chair of the Science and Space Subcommittee of the Commerce Committee, I am especially pleased that this legislation ensures that both NASA and NSF are able to expand their strong traditional roles in fostering technological and scientific excellence. The language we have crafted increases essential NASA funding to support basic research and foster new innovation by calling for full use of existing budget authority that we provided within the 2005 NASA Authorization Act. Under the terms of this legislation, the President could request an additional \$1.4 billion dollars in Fiscal Year 2008 for application toward these activities. By directing NASA's full participation in interagency efforts for competitiveness and innovation—under the more widely known term of the American Competitiveness Initiative—this legislation points the way for the administration to now make use of that additional authority in supporting projects that can help meet these important competitiveness and innovation goals.

Mr. President, this bill represents an important first step in our efforts to meet the increasing challenges to our Nation's competitive posture. I encourage all of my colleagues to join in cosponsoring this bill and working with us at the appropriate time to ensure its passage by this body and its enactment into law.

By Mr. CRAPO:

S. 3938. An original bill to reauthorize the Export-Import Bank of the United States; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

Mr. CRAPO. Mr. President, I want to thank my fellow Banking Committee members for working with me to reauthorize and reform the Export-Import Bank that reflects broad bipartisan agreement among our Committee. I am especially appreciative to Chairman SHELBY, Ranking Member SARBANES, Senator BAYH, and their staffs for all their diligence and hard work.

The Export-Import Bank is the official export credit agency of the United States and the current authorization ends on September 30. Financing is a key element in global trade competition and extending the Bank's programs for five years is a vital and integral component in supporting the export of American-made goods and American provided services for both small and large companies.

At the same time we need to ensure that the Bank's support for trans-

actions not only helps U.S. exports but does not negatively impact domestic companies. The current system still has problems, which has been demonstrated on loan guarantees involving semiconductors, steel, ethanol, and soda ash. This legislation seeks to improve the process by making it more predictable, transparent, and by involving interested stakeholders in the process. First, it would require the Bank to maintain a list of sensitive areas where export financing is unlikely to be provided. Second, it requires detailed information to the public regarding the proposed financing at an early stage and in an adequate way so that input can be brought to bear by those who have the expertise on the specific proposal and industries involved. Third, it establishes protections against circumvention of U.S. trade remedy orders.

There is also a lot of concern that the Bank has not met its 20 percent small business mandate and this legislation builds upon structural changes to make sure the small business community has an advocate to advance its needs and address its concerns. First, it establishes a Small Business Division, headed by a Senior Vice President who reports directly to the Bank President. Second, it establishes a Small Business Committee, chaired by the Senior Vice President of the Small Business Division. Third, it requires Ex-Im to authorize banks to process medium-term transactions on behalf of Ex-Im to facilitate the approval of such transactions.

Additionally this section would also require that Ex-Im's Senior Vice President be notified of any staff recommendations for denial or withdrawal of an application for support involving a small business at least two days prior to a final decision. I would like to thank Senator HAGEL for his work to make sure that Ex-Im does not deny small business transactions without giving the Senior Vice President for small business an opportunity to advocate on behalf of the small businesses.

Due to Senator HAGEL's efforts, Ex-Im has pledged that it will further strengthen this notification provision by administratively granting the Senior Vice President of the Small Business Division the authority to request an additional two days to review notices of staff recommendations for denial or withdrawal.

Finally, the legislation clarifies that case-by-case decisions on whether to award tied aid credits shall be made by the Board of Directors of Ex-Im, subject to a veto by the President of the United States. It is very troubling that no tied aid has been approved since the last reauthorization.

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. 3938

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 "Export-Import Bank Reauthorization Act of 2006".

SEC. 2. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking "2006" and inserting "2011".

SEC. 3. SUB-SAHARAN AFRICA ADVISORY COMMITTEE.

Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking "2006" and inserting "2011".

SEC. 4. EXTENSION OF AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

Section 1(c) of Public Law 103-428 (12 U.S.C. 635 note; 108 Stat. 4376) is amended by striking "2001" and inserting "2011".

SEC. 5. DESIGNATION OF SENSITIVE COMMERCIAL SECTORS AND PRODUCTS.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)) is amended by adding at the end the following new paragraph:

"(5) DESIGNATION OF SENSITIVE COMMERCIAL SECTORS AND PRODUCTS.—Not later than 120 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall submit a list to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, which designates sensitive commercial sectors and products with respect to which the provision of financing support by the Bank is deemed unlikely by the President of the Bank due to the significant potential for a determination that such financing support would result in an adverse economic impact on the United States. The President of the Bank shall review on an annual basis thereafter the list of sensitive commercial sectors and products and the Bank shall submit an updated list to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such sectors and products."

SEC. 6. INCREASING EXPORTS BY SMALL BUSINESS.

(a) IN GENERAL.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a) is amended by adding at the end the following:

"(f) SMALL BUSINESS DIVISION.—

"(1) ESTABLISHMENT.—There is established a Small Business Division (in this subsection referred to as the 'Division') within the Bank in order to—

"(A) carry out the provisions of subparagraphs (E) and (I) of section 2(b)(1) relating to outreach, feedback, product improvement, and transaction advocacy for small business concerns;

"(B) advise and seek feedback from small business concerns on the opportunities and benefits for small business concerns in the financing products offered by the Bank, with particular emphasis on conducting outreach, enhancing the tailoring of products to small business needs and increasing loans to small business concerns;

"(C) maintain liaison with the Small Business Administration and other departments and agencies in matters affecting small business concerns; and

"(D) provide oversight of the development, implementation, and operation of technology improvements to strengthen small business outreach, including the technology improvement required by section 2(b)(1)(E)(x).

"(2) MANAGEMENT.—The President of the Bank shall appoint an officer, who shall rank not lower than senior vice president and whose sole executive function shall be to manage the Division. The officer shall—

"(A) have substantial recent experience in financing exports by small business concerns; and

"(B) advise the Board, particularly the director appointed under section 3(c)(8)(B) to represent the interests of small business, on matters of interest to, and concern for, small business.

"(3) STAFF.—

"(A) DEDICATED PERSONNEL.—The President of the Bank shall ensure that each operating division within the Bank has staff that specializes in processing transactions that primarily benefit small business concerns.

"(B) RESPONSIBILITIES.—The small business specialists shall be involved in all aspects of processing applications for loans, guarantees, and insurance to support exports by small business concerns, including the approval or disapproval, or staff recommendations of approval or disapproval, as applicable, of such applications. In carrying out these responsibilities, the small business specialists shall consider the unique business requirements of small businesses and shall develop exporter performance criteria tailored to small business exporters.

"(C) APPROVAL AUTHORITY.—In an effort to maximize the speed and efficiency with which the Bank processes transactions primarily benefitting small business concerns, the small business specialists shall be authorized to approve applications for working capital loans and guarantees, and insurance in accordance with policies and procedures established by the Board.

"(D) IDENTIFICATION.—The Bank shall prominently identify the small business specialists on its website and in promotional material.

"(E) EMPLOYEE EVALUATIONS.—The evaluation of staff designated by the President of the Bank under subparagraph (A), including annual reviews of performance of duties related to transactions in support of exports by small business concerns, and any resulting recommendations for salary adjustments, promotions, and other personnel actions, shall address the criteria established pursuant to subsection (g)(2)(B)(iii) and shall be conducted by the manager of the relevant operating division following consultation with the senior vice president of the Division.

"(F) STAFF RECOMMENDATIONS.—Staff recommendations of denial or withdrawal for medium-term applications, exporter held multi-buyer policies, single buyer policies, and working capital applications processed by the Bank shall be transmitted to the Senior Vice President of the Division not later than 2 business days before a final decision.

"(4) RULE OF INTERPRETATION.—Nothing in this Act shall be construed to prevent the delegation to the Division of any authority necessary to carry out subparagraphs (E) and (I) of section 2(b)(1).

"(g) SMALL BUSINESS COMMITTEE.—

"(1) ESTABLISHMENT.—There is established a management committee to be known as the 'Small Business Committee'.

"(2) PURPOSE AND DUTIES.—

"(A) PURPOSE.—The purpose of the Small Business Committee shall be to coordinate the Bank's initiatives and policies with respect to small business concerns, including the timely processing and underwriting of transactions involving direct exports by small business concerns, and the development and coordination of efforts to implement new or enhanced Bank products and services pertaining to small business concerns.

"(B) DUTIES.—The duties of the Small Business Committee shall be determined by the President of the Bank and shall include the following:

"(i) Assisting in the development of the Bank's small business strategic plans, including the Bank's plans for carrying out section 2(b)(1)(E) (v) and (x), and measuring and reporting in writing to the President of the Bank, at least once a year, on the Bank's progress in achieving the goals set forth in the plans.

"(ii) Evaluating and reporting in writing to the President of the Bank, at least once a year, with respect to—

"(I) the performance of each operating division of the Bank in serving small business concerns;

"(II) the impact of processing and underwriting standards on transactions involving direct exports by small business concerns; and

"(III) the adequacy of the staffing and resources of the Small Business Division.

"(iii) Establishing criteria for evaluating the performance of staff designated by the President of the Bank under section 3(f)(3)(A).

"(iv) Coordinating with other United States Government departments and agencies the provision of services to small business concerns.

"(3) COMPOSITION.—

"(A) CHAIRPERSON.—The Chairperson of the Small Business Committee shall be the senior vice president of the Small Business Division. The Chairperson shall have the authority to call meetings of the Small Business Committee, set the agenda for Committee meetings, and request policy recommendations from the Committee's members.

"(B) OTHER MEMBERS.—Except as otherwise provided in this subsection, the President of the Bank shall determine the composition of the Small Business Committee, and shall appoint or remove the members of the Small Business Committee. In making such appointments, the President of the Bank shall ensure that the Small Business Committee is comprised of—

"(i) the senior managing officers responsible for underwriting and processing transactions; and

"(ii) other officers and employees of the Bank with responsibility for outreach to small business concerns and underwriting and processing transactions that involve small business concerns.

"(4) REPORTING.—The Chairperson shall provide to the President of the Bank minutes of each meeting of the Small Business Committee, including any recommendations by the Committee or its individual members."

(b) ENHANCE DELEGATED LOAN AUTHORITY FOR MEDIUM TERM TRANSACTIONS.—

(1) IN GENERAL.—The Export-Import Bank of the United States shall seek to expand the exercise of authority under section 2(b)(1)(E)(vii) of the Export-Import Bank Act of 1945 (6 U.S.C. 635(b)(1)(E)(vii)) with respect to medium term transactions for small business concerns.

(2) CONFORMING AMENDMENT.—Section 2(b)(1)(E)(vii)(III) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(vii)(III)) is amended by inserting "or other financing institutions or entities" after "consortia".

(3) DEADLINE.—Not later than 180 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall make available lines of credit and guarantees to carry out section 2(b)(1)(E)(vii) of the Export-Import Bank Act of 1945 pursuant to policies and procedures established by the Board of Directors of the Export-Import Bank of the United States.

SEC. 7. ANTI-CIRCUMVENTION.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)) is amended—

(1) by inserting after paragraph (1), the following flush paragraph:

“In making the determination under subparagraph (B), the Bank shall determine whether the facility that would benefit from the extension of a credit or guarantee is reasonably likely to produce commodities in addition to or other than the commodity specified in the application and whether the production of the additional commodities may cause substantial injury to United States producers of the same, or a similar or competing, commodity.”;

(2) in paragraph (2), by adding at the end the following:

“(E) ANTI-CIRCUMVENTION.—The Bank shall not provide a loan or guarantee if the Bank determines that providing the loan or guarantee will facilitate circumvention of a trade law order or determination referred to in subparagraph (A).”; and

(3) by adding at the end the following:

“(5) FINANCIAL THRESHOLD DETERMINATIONS.—For purposes of determining whether a proposed transaction exceeds a financial threshold under this subsection or under the procedures or rules of the Bank, the Bank shall aggregate the dollar amount of the proposed transaction and the dollar amounts of all loans and guarantees, approved by the Bank in the preceding 24-month period, that involved the same foreign entity and substantially the same product to be produced.”.

SEC. 8. TRANSPARENCY.

(a) IN GENERAL.—Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)), as amended by section 7 of this Act, is amended by adding at the end the following:

“(6) PROCEDURES TO REDUCE ADVERSE EFFECTS OF LOANS AND GUARANTEES ON INDUSTRIES AND EMPLOYMENT IN UNITED STATES.—

“(A) CONSIDERATION OF ECONOMIC EFFECTS OF PROPOSED TRANSACTIONS.—If, in making a determination under this paragraph with respect to a loan or guarantee, the Bank conducts a detailed economic impact analysis or similar study, the analysis or study, as the case may be, shall include consideration of—

“(i) the factors set forth in subparagraphs (A) and (B) of paragraph (1); and

“(ii) the views of the public and interested parties.

“(B) NOTICE AND COMMENT REQUIREMENTS.—

“(i) IN GENERAL.—If, in making a determination under this subsection with respect to a loan or guarantee, the Bank intends to conduct a detailed economic impact analysis or similar study, the Bank shall publish in the Federal Register a notice of the intent, and provide a period of not less than 14 days (which, on request by any affected party, shall be extended to a period of not more than 30 days) for the submission to the Bank of comments on the economic effects of the provision of the loan or guarantee, including comments on the factors set forth in subparagraphs (A) and (B) of paragraph (1). In addition, the Bank shall seek comments on the effects from the Department of Commerce, the International Trade Commission, the Office of Management and Budget, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

“(ii) CONTENT OF NOTICE.—The notice shall include appropriate, nonproprietary information about—

“(I) the country to which the goods involved in the transaction will be shipped;

“(II) the type of goods being exported;

“(III) the amount of the loan or guarantee involved;

“(IV) the goods that would be produced as a result of the provision of the loan or guarantee;

“(V) the amount of increased production that will result from the transaction;

“(VI) the potential sales market for the resulting goods; and

“(VII) the value of the transaction.

“(iii) PROCEDURE REGARDING MATERIALLY CHANGED APPLICATIONS.—

“(I) IN GENERAL.—If a material change is made to an application for a loan or guarantee from the Bank after a notice with respect to the intent described in clause (i) is published under this subparagraph, the Bank shall publish in the Federal Register a revised notice of the intent, and shall provide for a comment period, as provided in clauses (i) and (ii).

“(II) MATERIAL CHANGE DEFINED.—In subclause (I), the term ‘material change’, with respect to an application, includes—

“(aa) a change of at least 25 percent in the amount of a loan or guarantee requested in the application; and

“(bb) a change in the principal product to be produced as a result of any transaction that would be facilitated by the provision of the loan or guarantee.

“(C) REQUIREMENT TO ADDRESS VIEWS OF ADVERSELY AFFECTED PERSONS.—Before taking final action on an application for a loan or guarantee to which this section applies, the staff of the Bank shall provide in writing to the Board of Directors the views of any person who submitted comments pursuant to subparagraph (B).

“(D) PUBLICATION OF CONCLUSIONS.—Within 30 days after a party affected by a final decision of the Board of Directors with respect to a loan or guarantee makes a written request therefor, the Bank shall provide to the affected party a non-confidential summary of the facts found and conclusions reached in any detailed economic impact analysis or similar study conducted pursuant to subparagraph (B) with respect to the loan or guarantee, that were submitted to the Board of Directors.

“(E) RULE OF INTERPRETATION.—This paragraph shall not be construed to make subchapter II of chapter 5 of title 5, United States Code, applicable to the Bank.

“(F) REGULATIONS.—The Bank shall implement such regulations and procedures as may be appropriate to carry out this paragraph.”.

(b) CONFORMING AMENDMENT.—Section 2(e)(2)(C) of such Act (12 U.S.C. 635(e)(2)(C)) is amended by inserting “of not less than 14 days (which, on request of any affected party, shall be extended to a period of not more than 30 days)” after “comment period”.

SEC. 9. AGGREGATE LOAN, GUARANTEE, AND INSURANCE AUTHORITY.

Subparagraph (E) of section 6(a)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)(2)) is amended to read as follows:

“(E) during fiscal year 2006, and each fiscal year thereafter through fiscal 2011.”.

SEC. 10. TIED AID CREDIT PROGRAM.

Section 10(b)(5)(B)(ii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i-3(b)(5)(B)(ii)) is amended to read as follows:

“(ii) PROCESS.—In handling individual applications involving the use or potential use of the Tied Aid Credit Fund the following process shall exclusively apply pursuant to subparagraph (A):

“(I) The Bank shall process an application for tied aid in accordance with the principles and standards developed pursuant to subparagraph (A) and clause (i) of this subparagraph.

“(II) Twenty days prior to the scheduled meeting of the Board of Directors at which

an application will be considered (unless the Bank determines that an earlier discussion is appropriate based on the facts of a particular financing), the Bank shall brief the Secretary on the application and deliver to the Secretary such documents, information, or data as may reasonably be necessary to permit the Secretary to review the application to determine if the application complies with the principles and standards developed pursuant to subparagraph (A) and clause (i) of subparagraph (B).

“(III) The Secretary may request a single postponement of the Board of Directors’ consideration of the application for up to 14 days to allow the Secretary to submit to the Board of Directors a memorandum objecting to the application.

“(IV) Case-by case decisions on whether to approve the use of the Tied Aid Credit Fund shall be made by the Board of Directors, except that the approval of the Board of Directors (or a commitment letter based on that approval) shall not become final (except as provided in subclause (V)), if the Secretary indicates to the President of the Bank in writing the Secretary’s intention to appeal the decision of the Board of Directors to the President of the United States and makes the appeal in writing not later than 20 days after the meeting at which the Board of Directors considered the application.

“(V) The Bank shall not grant final approval of an application for any tied aid credit (or a commitment letter based on that approval) if the President of the United States, after consulting with the President of the Bank and the Secretary, determines within 30 days of an appeal by the Secretary under subclause (IV) that the extension of the tied aid credit would materially impede achieving the purposes described in subsection (a)(6). If no such Presidential determination is made during the 30-day period, the approval by the Bank of the application (or related commitment letter) that was the subject of such appeal shall become final.”.

SEC. 11. PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.

Section 2(b) of the Export-Import Act of 1945 (12 U.S.C. 635(b)) is amended by adding at the end the following new paragraph:

“(13) PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.—The Bank shall not guarantee, insure, or extend (or participate in the extension of) credit in connection with the export of any good or service relating to the development or promotion of any railway connection or railway-related connection that does not traverse or connect with Armenia and does not traverse or connect with Azerbaijan, Tbilisi, Georgia, and Kars, Turkey.”.

By Mr. SANTORUM:

S. 3941. A bill to amend the Internal Revenue Code of 1986 to fully allow students to live in units eligible for the low-income housing credit, and for other purposes; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise today to introduce legislation that will allow families across the country to climb the economic ladder of success without fear of losing their affordable housing.

The Low Income Housing Tax Credit (LIHTC) program is currently the largest Federal program for producing new affordable rental housing. It is also a

"go-to" program for preserving and revitalizing aging HUD and rural properties. As this program becomes an increasingly important option for serving the housing needs of low-income families, there is an unintended nuance in the occupancy requirements that must be addressed.

When Congress created the LIHTC, it properly intended that this housing should be available to low-income families in need of an affordable apartment. Congress included strict occupancy restrictions to ensure that these properties did not become cheap off-campus housing for college students. Therefore, households made up entirely of full-time students were prohibited from living in LIHTC apartments. Only four narrow exceptions exist for families: those who are receiving Temporary Assistance for Needy Families (TANF); those enrolled in a Federal, State or local job training program; single parents and their children, provided that such parents and children are not dependents of another individual; or married full-time students who file a joint return.

While well-intentioned, the occupancy restrictions for full-time student households are penalizing low-income families trying to get ahead. One of the most common unintended consequences of the current policy is that it disqualifies from LIHTC eligibility single parents who have returned to school full-time and have school-aged children. Under the current law, children in grades K-12 count toward the determination of whether family is a full-time student household. Therefore, a single mother who has returned to school full-time and whose children, in grades K-12, were claimed as dependents on the ex-husband's tax return becomes ineligible for LIHTC housing. This family cannot be allowed to move into the unit or, if they live there already, they have to move out. This policy is just plain wrong, and it needs to be corrected. It is also contrary to the No Child Left Behind Act's commitment to ensure our children receive a quality education. Low-income families should not have to choose between obeying the law by educating children or losing their housing. And it is not just students enrolled in four-year programs who have been disqualified from LIHTC eligibility. Working adults trying to complete the requirements for a high school education have also been adversely affected. Even an elderly adult pursuing a GED can be denied occupancy in a LIHTC apartment or lose their eligibility to remain in the unit.

Whenever practical, affordable housing should be used as a stepping stone to self-sufficiency. This bill updates the LIHTC program so that low-income families can achieve the education necessary to land higher-paying jobs and eventually own a home or rent a market-rate apartment. It makes three specific statutory changes which specify that minor children in grades K-12 should not count toward the deter-

mination of who is a full-time student household; it strikes the requirement that single parents and their children must not have been claimed as dependents of another individual to qualify for the single parent with children exemption; and it adds a new exemption for working adults who are full-time students pursuing a high school diploma or GED.

These updates are consistent with the original legislative intent of the student restrictions. At the same time, they recognize current economic and workplace realities and the role of education in encouraging self-sufficiency. I ask for my colleagues' support to move this legislation forward.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 3942. A bill to establish the Paterson Great Falls National Park in the State of New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. LAUTENBERG. Mr. President, I rise today with great pride to introduce legislation which would create a national park in my hometown, Paterson, NJ. The Paterson Great Falls National Park Act of 2006 would bring long-deserved recognition and accessibility to one of our Nation's most beautiful and historic landmarks. I am pleased that my colleague from New Jersey, Senator MENENDEZ, is cosponsoring this legislation.

The Great Falls are located where the Passaic River drops nearly 80 feet straight down, on its course towards New York Harbor. It is one of the tallest and most spectacular waterfalls on the east coast, but the incredible natural beauty of the falls should not overshadow its tremendous importance as the powerhouse of industry in New Jersey and the infant United States. Indeed, in 1778, Alexander Hamilton visited the Great Falls and immediately realized the potential of the falls for industrial applications and development. Hamilton was instrumental in creating the planned community in Paterson—the first of its kind nationwide—centered on the Great Falls, and industry thrived on the power generated by the falls. Rogers Locomotive Works, the premier steam locomotive manufacturer of the 19th century, was located in the shadow of the falls, as were many other vitally important manufacturing enterprises.

President Ford recognized the importance of the area by declaring the falls and its surroundings a "National Historic Landmark" in 1976; he called the falls "a symbol of the industrial might which helps to make the United States the most powerful nation in the world." Now, it is time that we recognize the importance of this historic area by making it New Jersey's first national park. This would be of special importance because so few of our national parks are in urban areas. I believe that it is time we acknowledge that many of our most significant na-

tional treasures are located in densely populated areas.

Mr. President, I grew up in Paterson, and I have appreciated the majesty and beauty of the Great Falls for many years. By creating a national park in Paterson, more Americans can be exposed to the exceptional cultural, natural, and historic significance of the Great Falls, and that is why I will passionately advocate for the passage of this bill. I have been delighted to work with my good friend, Congressman BILL PASCRELL—another longtime resident of Paterson—on this issue and with a bipartisan group of lawmakers from my home State, all of whom believe strongly in this cause. I urge my colleagues to support the passage of this legislation, which is so important to New Jersey and all of America.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. CLINTON, Mr. SCHUMER, Mr. OBAMA, Mr. DURBIN, and Mr. NELSON of Florida):

S. 3944. A bill to provide for a one year extension of programs under title XXVI of the Public Health Service Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. LAUTENBERG. Mr. President, I rise to talk about my bill to provide a temporary reauthorization of the Ryan White Care Act.

I want to thank my colleagues, Senators MENENDEZ, CLINTON, SCHUMER, OBAMA, DURBIN, and BILL NELSON, for cosponsoring this important and lifesaving measure.

I was an original cosponsor of the Ryan White CARE Act and I have been an active supporter of this legislation for many years now. Never have I been as concerned about the future as I am right now.

The Ryan White CARE Act Reauthorization legislation that has been proposed in both the House and the Senate actually attempts to shift already inadequate Ryan White money away from States like New Jersey, where the epidemic first appeared and the need is still growing, to States where the epidemic is emerging.

The Committee bill pits cities against cities, States against States, women against men, and urban areas against rural. This is not the way to go. We need to fully fund the Ryan White CARE Act to realize the promise of its original intentions.

Today I am introducing an alternative bill to reauthorize Ryan White. My bill has something for everyone in it. This legislation to reauthorize the Ryan White Care Act includes provisions that would help remedy funding disparities and permit a temporary extension to allow negotiations to continue.

My bill would simply extend current law through Fiscal Year 2007. Additionally it would provide for a 3.7 percent increase in authorizations over the 2006 amounts to account for inflation. Importantly, my bill also protects States

that have not yet transitioned to “names based” reporting for HIV cases by giving them an extra year to make that change. Without this protection these States would lose significant money.

Finally, I recognize the need of those States who have a growing incidence of HIV, which is why I include a one-time emergency authorization of \$30 million to be distributed to those States who have unmet need and no Title I entities.

The original Ryan White CARE Act provides critical funding to help provide health care and support services for low-income individuals and families affected by HIV or AIDS. Since its enactment in 1990, Ryan White funds have helped millions of HIV/AIDS patients receive the care and treatment services they need to live healthy and productive lives.

The Senate and House bills to reauthorize the Ryan White Care Act are named the “Ryan White HIV/AIDS Treatment Modernization Act.” Ironically, it does not modernize the care of folks living with HIV/AIDS in our communities. Rather, it will bring us back to the early 1990s when the disease was spreading even more rampantly than it is now, and people were dying quickly.

I know firsthand that many of the stakeholder groups, those people who are on the ground providing and receiving services funded by the Ryan White CARE Act, are terrified of what will happen to our system of care should this reauthorization move forward.

In my home State of New Jersey, we have the highest proportion of cumulative AIDS cases in women, and we rank third in cumulative pediatric AIDS cases. Furthermore, we have consistently ranked fifth in overall cumulative AIDS cases since the beginning of this epidemic. And yet, under the reauthorization proposal we stand to lose millions of dollars.

That is unacceptable. It is not acceptable for us simply to say that this is a formula fight and there will undoubtedly be winners and losers. With the Ryan White CARE Act, when we talk about losers, we are talking about lives being lost. I, for one, am not willing to settle for such an outcome.

It's not just my State that stands to lose money, either. New York, Florida, and Illinois all stand to lose millions of dollars under this proposal. All those states that have substantial need.

My bill is clearly not meant to be a permanent substitute for reauthorizing Ryan White. It is meant to give us all more time to continue our negotiations and try to work out a compromise that may keep all of our systems of care in tact.

I urge my colleagues to support it.

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. 3944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ONE-YEAR EXTENSION OF PROGRAMS.

(a) AUTHORIZATIONS OF APPROPRIATIONS FOR FISCAL YEAR 2007.—Notwithstanding any provision of title XXVI of the Public Health Service Act:

(1) For the purpose of carrying out part A of such title, there is authorized to be appropriated \$634,209,704 for fiscal year 2007.

(2) For the purpose of carrying out part B of such title, there is authorized to be appropriated \$1,247,000,000 for fiscal year 2007.

(3) For the purpose of grants to States that demonstrate unmet needs with respect to HIV/AIDS and that do not have any areas that receive grants under part A of such title for fiscal year 2007, there is authorized to be appropriated \$30,000,000 for fiscal year 2007.

(4) For the purpose of carrying out part C of such title, there is authorized to be appropriated \$218,600,000 for fiscal year 2007.

(5) For the purpose of carrying out part D of such title, there is authorized to be appropriated \$75,385,648 for fiscal year 2007.

(6) For purposes of AIDS Education and Training Centers under section 2692 of part F of such title, there is authorized to be appropriated \$35,983,900 for fiscal year 2007.

(7) For purposes of dental programs under section 2692 of part F of such title, there is authorized to be appropriated \$13,570,182 for fiscal year 2007.

Amounts appropriated under this subsection are available to the Secretary until the end of fiscal year 2009.

(b) NAMES-BASED REPORTING OF CASES; OTHER CHANGES REGARDING METHODOLOGY FOR COUNTING CASES.—Notwithstanding any provision of title XXVI of the Public Health Service Act, the Secretary may not, in determining the amounts of formula grants under such title for fiscal year 2007, use a methodology for counting the number of cases of acquired immune deficiency syndrome, or the number of cases of HIV, that is different than the methodology used by the Secretary for such purposes for fiscal year 2006.

(c) DEFINITIONS.—For purposes of this section, the terms “HIV” and “Secretary” have the meanings that apply to such terms under title XXVI of the Public Health Service Act.

Mr. MENENDEZ. Mr. President, I rise today to join Senator LAUTENBERG, and Senators from New York, Illinois and Florida, in support of a one year reauthorization of the Ryan White CARE Act, and to raise my serious reservations about the current committee proposal. I recognize and respect the dedication and hard work of Senators ENZI and KENNEDY, Congressmen BARTON and DINGELL and their staff to reauthorization this vital program. But unfortunately, their proposal, as it currently stands, threatens lives by destroying networks of care in New Jersey and in other States across the country.

In reviewing the committee's proposal, I cannot help but wonder why we are not doing more and providing additional resources to address a growing need in our communities. More people are getting infected and more communities are having to provide care for individuals with HIV/AIDS, which means we need more resources, not less. We need to address the growing need for care. Unfortunately, this legislation

doesn't address the spread of the disease; it simply spreads already limited funding even thinner.

In New Jersey, we are still struggling with the HIV/AIDS battle and unfortunately, at this point, we are not winning the war. It is a sad reality, but New Jersey continues to rank fifth in the country for overall AIDS cases. We have the highest proportion of AIDS cases in women, and rank third in pediatric AIDS cases. We have not yet won the battle—we are still fighting. And we need weapons, in terms of funding, to win.

New Jersey has stepped-up to the plate to develop a comprehensive array of medical services, which are funded in part by the CARE Act. People infected with HIV/AIDS living in New Jersey have access to one of the most effective ADAP programs in the nation, as well as primary medical care, mental health service, substance abuse services, oral health, case management, and nutritional services. I'm proud of our State's networks of care, and recognize how important they are to the well-being of countless New Jerseyans. But in order to help this program to grow and be effective, we must maintain our Federal support.

During the debate surrounding the reauthorization some are saying we should cut funding for certain States and their HIV/AIDS services. I disagree and so do New Jerseyans. I am proud of the strong voice of New Jersey's advocates. Beneficiaries from across the State, members of our HIV Health Services Planning Councils from our eligible metropolitan areas or EMAs, representatives from all counties that are part of the Philadelphia EMA, and individuals from the consortiums of the remaining counties have been fully engaged in this reauthorization process.

Our elected officials, the Governor's office, and our entire New Jersey delegation have all been supportive of making sure New Jersey has the resources to continue fighting this battle. Our State—but apparently not this Congress—is united in providing care, saving lives and ending this epidemic once and for all.

Unfortunately, the committee's proposed reauthorization threatens to destroy and dismantle critical networks of care that are keeping people alive and healthy in New Jersey. With our current network of care, our healthcare providers have been instrumental in helping prevent people with HIV from developing full-blown AIDS. Without these services, the impact will be devastating for patients, their ability to work and provide for their families and most importantly, their lives.

My concerns continue to grow. Most recently, the U.S. Centers for Disease Control and Prevention recommended routine HIV testing for all Americans ages 13 to 64, saying that an HIV test should be as common as a cholesterol check. The CDC estimates 250,000 Americans are infected and don't even

know it. At a time when we are identifying more and more individuals with HIV, our country is destroying the very networks of care that will help educate and care for these individuals. We need testing, but we also need so much more.

That is why I propose that we try again—and this time, get it right. That we try to find a way to build on our networks of care, and provide the services that our entire Nation needs to win the war on HIV/AIDS.

Today, I join Senator LAUTENBERG in offering a proposal that would provide a 1-year reauthorization of the Ryan White CARE Act under current law. It would provide a 3.7 percent increase in authorization levels through 2007, while preventing funding from reverting back to the Treasury. This bill would provide a 1-year extension of the names-based reporting requirement set to go into effect beginning October 1, 2006. In addition, it would provide \$30 million under Title II for States who have an “unmet need” and “no title I entities.” This proposal would help all States across the country without doing any harm. Instead of 5 years of a detrimental reauthorization, I support another year to get it right.

I believe America can do better, and today I am standing up for the HIV/AIDS community across the country. Today is a day to make our country's budget reflect our values by expanding funding for this important program. I call on my colleagues to save the Ryan White CARE Act. Wait to implement formula changes that could destroy existing networks of care, and instead, work out a solution that addresses the needs of the entire country. Please join me in supporting this legislation.

Mrs. CLINTON. Mr. President, I rise today to express my strong support for the Ryan White CARE Act. The programs funded through this law have, for more than 15 years, enabled hundreds of thousands of people living with HIV and AIDS to access essential care and treatment services.

Yet the reauthorization proposals currently under consideration by both the House and the Senate would unfairly shift funding from the hardest-hit areas of the epidemic, devastating the ability of providers and organizations to offer life-extending services. The more than 100,000 people living with HIV and AIDS in New York would be adversely affected by the millions of dollars in cuts they would face if these reauthorizations were to go through.

I understand that the White House and the Republican leadership are pressuring many of my colleagues, particularly those from code-based States, that if they don't reauthorize the bill this year, they will face cuts in funding next year. But approving a fundamentally flawed bill under pressure is not the right thing to do. We should be working to strengthen the CARE Act for everyone, not decimate it.

Today, I, along with my colleagues from New Jersey, Illinois, and Florida,

will be introducing legislation that provides for a 1-year extension of programs funded by the Ryan White CARE Act, to give us more time to address the concerns of many that were raised during this reauthorization process. It will increase authorization levels across titles by 3.7 percent, and will set up a grant program to address unmet need in States that do not receive title I funding, in order to address the need in rural areas where HIV incidence has increased. It will also delay the switch from code-based to names-based reporting for 1 year, in order to give us time to address many of the issues that these States are facing in making this switch.

I believe in the reauthorization of the CARE Act, but I believe in reauthorizing the CARE Act the right way—in a way that will help, not hurt, all of the people living with HIV and AIDS in this country. Our bill will help that process, and I would urge all of my colleagues to support it.

By Mrs. CLINTON (for herself, Mrs. MURRAY, Mr. LAUTENBERG, Mrs. BOXER, Mr. MENENDEZ, Ms. CANTWELL, Mr. KENNEDY, Mr. INOUE, Mr. KERRY, Mr. JEFFORDS, and Mr. CHAFEE):

S. 3945. A bill to provide for the provisions by hospitals of emergency contraceptives to women, and post-exposure prophylaxis for sexually transmitted disease to individuals, who are survivors of sexual assault; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am proud to introduce the Compassionate Assistance for Rape Emergencies Act, a bill that will help sexual assault survivors across the country get the medical care they need and deserve.

It is hard to argue against this commonsense legislation. Rape—by definition—could never result in an intended pregnancy. Emergency contraception is a valuable tool that can prevent unintended pregnancy. This bill makes emergency contraception available for survivors of sexual assault at any hospital receiving public funds.

Every 2 minutes, a woman is sexually assaulted in the United States, and each year, 25,000 to 32,000 women become pregnant as a result of rape or incest. According to a study published in the American Journal of Obstetrics and Gynecology, 50 percent of those pregnancies end in abortion.

By providing access to emergency contraception, up to 95 percent of those unintended pregnancies could be prevented if emergency contraception is administered within the first 24 to 72 hours. In addition, emergency contraception could also give desperately needed peace of mind to women in crisis.

I am proud that for 3 years, this has already been law in New York State. Survivors of sexual assault and rape receive information and access to emergency contraception at every hospital

in the State. As a result, victims are getting better care than they ever have before in New York. This bill will allow women nationwide to benefit from the same standard of care New Yorkers receive.

In New York City, women are benefiting from Mayor Bloomberg's significant initiative to expand access to emergency contraception and family planning services and improve maternal and infant outcomes. I applaud this focus on increasing awareness about emergency contraception—to all women—so that we can work together at decreasing the rate of unintended pregnancy in this country.

The FDA recently made EC available over the counter for women 18 years of age and older. Despite the ideologically driven agenda against this drug, the research has been consistently clear—this drug is safe and effective for preventing pregnancy. The FDA's own scientific advisory committees and more than 70 major medical organizations, including the American Academy of Pediatrics and the American Medical Association recommended EC be made available without a prescription. If pharmacies stock this drug for any citizen of age, surely hospitals should provide women in crisis with the information necessary to evaluate this option for themselves.

Women deserve access to EC. For millions of women, it represents peace of mind. For survivors of rape and sexual assault, it offers hope for healing and a tomorrow free of painful reminders of the past. Let us recommit ourselves to the fight to better protect and serve our Nation's sexual assault survivors.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 585—COMMENDING THE NEW ORLEANS SAINTS OF THE NATIONAL FOOTBALL LEAGUE FOR WINNING THEIR MONDAY NIGHT FOOTBALL GAME ON MONDAY, SEPTEMBER 25, 2006 BY A SCORE OF 23 TO 3

Ms. LANDRIEU submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 585

Whereas the City of New Orleans and the State of Louisiana and the Gulf Coast were severely impacted by Hurricane Katrina on August 29, 2005 and the subsequent levee breaks which occurred;

Whereas southwestern Louisiana and the State of Louisiana were severely impacted by Hurricane Rita on September 24, 2005;

Whereas the New Orleans Saints and the Louisiana Superdome have always been special symbols of pride to the City of New Orleans and to the State of Louisiana;

Whereas, due to the leadership and hard work of the men and women who rebuilt the Superdome, as well as to the partnership of the National Football League, the State of Louisiana and the Federal Emergency Management Agency, the Louisiana Superdome

was able to reopen on Monday, September 25, 2006—13 months since the last New Orleans Saints home game was played there;

Whereas the return of the New Orleans Saints to the Louisiana Superdome serves as a symbol of hope for the great rebuilding of the City of New Orleans, the State of Louisiana and the Gulf Coast region;

Whereas the City of New Orleans and the State of Louisiana showed its pride and support for the New Orleans Saints with an attendance of 70,003 fans at the September 25, 2006 game;

Whereas the New Orleans Saints won their first game in the Louisiana Superdome since Hurricanes Katrina and Rita by defeating the Atlanta Falcons, 23 to 3;

Whereas with the win over the Atlanta Falcons on Monday, September 25, 2006, the New Orleans Saints improve their record for the 2006–2007 season to a total of 3 wins and 0 losses, matching its win total from the 2005–2006 season and is one of just six National Football League teams with a record of 3 wins and 0 losses; Whereas Head Coach Sean Payton led the New Orleans Saints to win their first three games of the 2006–2007 season and showed his appreciation to the City of New Orleans by giving the game ball to the city;

Whereas wide receiver Devery Henderson scored a touchdown on an 11 yard run in the game;

Whereas cornerback Curtis Deloach scored a touchdown following the blocked punt by Steve Gleason;

Whereas place kicker John Karney kicked three field goals in the game;

Whereas the New Orleans Saints defense held the Atlanta Falcons to 229 total yards in the game and had 5 sacks on the quarterback;

Whereas quarterback Drew Brees completed 20 of 28 pass attempts for a total of 191 yards in the game;

Whereas running back Deuce McAllister had 81 rushing yards and running back Reggie Bush had 53 rushing yards in the game;

Whereas the entire team and organization should be commended for the work together over the past 13 months;

Whereas the New Orleans Saints have demonstrated their excellence in athletics and strength and has shown their commitment to the City of New Orleans and to the State of Louisiana through their hard work and sportsmanship; and

Whereas with the triumphant return of the New Orleans Saints, the City of New Orleans and the State of Louisiana have proven to be open for business and ready to continue the recovery of the city, state and region: Now, therefore be it

Resolved, That the Senate commends the New Orleans Saints of the National Football League for (1) winning their Monday, September 25, 2006 National Football League game with the Atlanta Falcons, by a score of 23 to 3. (2) And we commend League Commissioner Paul Tagliabue for demonstrating exemplary leadership and commitment to the City of New Orleans.

Ms. LANDRIEU. Mr. President, I came to the floor today to speak about something we can actually all agree on, something that has lifted the spirits of New Orleans and the region, and Louisiana, and the gulf coast, and that is the extraordinary victory of the New Orleans Saints against the Atlanta Falcons last night, in the super game, the first game in over 13 months and surely a game that will go down in history for many reasons.

At this time I would submit a resolution to the desk in honor of the New

Orleans Saints in behalf of myself and others.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

Ms. LANDRIEU. I will read the resolution, if I could, because it expresses so many of the feelings of so many throughout New Orleans and the gulf coast:

Whereas the City of New Orleans and the State of Louisiana and the Gulf Coast were severely impacted by Hurricane Katrina on August 29, 2005 and the subsequent levee breaks which occurred;

Whereas southwestern Louisiana and the State of Louisiana were severely impacted by Hurricane Rita on September 24, 2005;

Whereas the New Orleans Saints and the Louisiana Superdome have always been special symbols of pride to the City of New Orleans and to the State of Louisiana;

Whereas, due to the leadership and hard work of the men and women who rebuilt the Superdome, as well as to the partnership of the National Football League, the State of Louisiana and the Federal Emergency Management Agency, the Louisiana Superdome was able to reopen on Monday, September 25, 2006—13 months since the last New Orleans Saints home game was played there;

Whereas the return of the New Orleans Saints to the Louisiana Superdome serves as a symbol of hope for the great rebuilding of the City of New Orleans, the State of Louisiana and the Gulf Coast region;

Whereas the City of New Orleans and the State of Louisiana showed its pride and support for the New Orleans Saints with an attendance of 70,003 fans at the September 25, 2006 game;

Whereas the New Orleans Saints won their first game in the Louisiana Superdome since Hurricanes Katrina and Rita by defeating the Atlanta Falcons, 23 to 3;

Whereas with the win over the Atlanta Falcons on Monday, September 25, 2006, the New Orleans Saints improve their record for the 2006–2007 season to a total of 3 wins and 0 losses, matching its win total from the 2005–2006 season and is one of just six National Football League teams with a record of 3 wins and 0 losses; Whereas Head Coach Sean Payton led the New Orleans Saints to win their first three games of the 2006–2007 season and showed his appreciation to the City of New Orleans by giving the game ball to the city;

Whereas wide receiver Devery Henderson scored a touchdown on an 11 yard run in the game;

Whereas cornerback Curtis Deloach scored a touchdown following the blocked punt by Steve Gleason;

Whereas place kicker John Karney kicked three field goals in the game;

Whereas the New Orleans Saints defense held the Atlanta Falcons to 229 total yards in the game and had 5 sacks on the quarterback;

Whereas quarterback Drew Brees completed 20 of 28 pass attempts for a total of 191 yards in the game;

Whereas running back Deuce McAllister had 81 rushing yards and running back Reggie Bush had 53 rushing yards in the game;

Whereas the entire team and organization should be commended for the work together over the past 13 months;

Whereas the New Orleans Saints have demonstrated their excellence in athletics and strength and has shown their commitment to the City of New Orleans and to the State of Louisiana through their hard work and sportsmanship; and

Whereas with the triumphant return of the New Orleans Saints, the City of New Orleans and the State of Louisiana have proven to be open for business and ready to continue the recovery of the city, state and region: Now, therefore be it

Resolved, That the Senate commends the New Orleans Saints of the National Football League for (1) winning their Monday, September 25, 2006 National Football League game with the Atlanta Falcons, by a score of 23 to 3. (2) and we commend League Commissioner Paul Tagliabue for demonstrating exemplary leadership and commitment to the City of New Orleans.

Mr. President, I thought it was important to read the words of this resolution which will go in the RECORD today. I am certain there were millions and millions of people all over America who watched that special football game last night because, as you know, it was more than a football game. It was a symbol of hope and recovery for a great American city in a great region of this country.

I came to the floor today to share this resolution and to also thank my colleagues, as Senator LOTT from Mississippi has done earlier this morning, to thank them for coming together in such an extraordinary and bipartisan way throughout this year to pass not one, not two, not three, but four supplemental requests that are helping to send money to this stricken region of the country.

Even when there were some problems and some hurdles in the executive branch, this Congress came together across party lines, led in large measure by the appropriators in this Chamber, to say: Yes, this region deserves investment; yes, we need to fix FEMA; yes, we need to reform the Corps of Engineers; yes, we need to build levees; and, yes, we need to restore the wetlands that protect this great coast of which New Orleans and Houston and Gulfport and Beaumont and Lake Charles and Lafayette and Baton Rouge are such important cities in this region—America's only energy coast.

Last night, the Saints did us proud. They came home and not just won the game, but it was, of course, more than a game. For the Saints managers, for the dome director, for the commissioners of the dome stadium who

helped get their magnificent building ready after such a tragedy of last year, we thank them.

I ask unanimous consent to have printed in the RECORD the roster of the

Saints players, the names of the coaches and the assistant coaches and their managers, the names of the contractors, and as many of the workers as we can get.

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

NEW ORLEANS SAINTS TEAM ROSTER

No.	Last, first	Pos	Ht	Wt	Age	Exp	College
Active Players:							
9	Brees, Drew	QB	6-0	209	27	6	Purdue
70	Brown, Jammal	T	6-6	313	25	2	Oklahoma
29	Bullocks, Josh	S	6-1	207	23	2	Nebraska
25	Bush, Reggie	RB	6-0	203	21	R	Southern California
80	Campbell, Mark	TE	6-6	260	30	9	Michigan
3	Carney, John	K	5-11	185	42	17	Notre Dame
54	Clark, Danny	LB	6-2	245	29	7	Illinois
12	Colston, Marques	WR	6-4	231	23	R	Hofstra
85	Conwell, Ernie	TE	6-2	255	34	11	Washington
18	Copper, Terrance	WR	6-0	207	24	3	East Carolina
21	Craft, Jason	CB	5-10	187	30	8	Colorado State
39	DeLoatch, Curtis	CB	6-2	210	24	3	North Carolina A&T
73	Evans, Jahri	G	6-4	318	23	R	Bloomsburg
52	Faine, Jeff	C	6-3	291	25	4	Notre Dame
11	Fife, Jason	QB	6-4	225	24	1	Oregon
56	Fincher, Alfred	LB	6-1	238	23	2	Connecticut
55	Fujita, Scott	LB	6-5	250	27	5	California
37	Gleason, Steve	S	5-11	212	29	6	Washington State
76	Goodwin, Jonathan	OL	6-3	318	27	5	Michigan
94	Grant, Charles	DE	6-3	290	28	5	Georgia
28	Groce, Deluan	CB	5-10	192	26	4	Nebraska
41	Harper, Roman	S	6-1	200	23	R	Alabama
19	Henderson, Devery	WR	5-11	200	24	3	Louisiana State
61	Holland, Montrae	G	6-2	322	26	4	Florida State
87	Horn, Joe	WR	6-1	213	34	11	Itawamba (Miss.) JC
47	Houser, Kevin	LS	6-2	252	29	7	Ohio State
89	Jones, Jamal	WR	5-11	205	25	1	North Carolina A&T
44	Karney, Mike	FB	5-11	258	25	3	Arizona State
96	Lake, Antwan	DT	6-4	308	27	4	West Virginia
82	Lawrie, Nate	TE	6-7	256	24	2	Yale
77	Leisle, Rodney	DT	6-3	315	25	3	UCLA
10	Martin, Jamie	QB	6-2	205	36	12	Weber State
26	McAllister, Deuce	RB	6-1	232	27	6	Mississippi
36	McIntyre, Corey	RB	6-0	244	27	2	West Virginia
34	McKenzie, Mike	CB	6-0	194	30	8	Memphis
51	Melton, Terrence	LB	6-1	235	29	3	Rice
16	Moore, Lance	WR	5-9	177	23	1	Toledo
67	Nesbit, Jamar	G	6-4	328	29	8	South Carolina
93	Ninkovich, Rob	DE	6-2	252	22	R	Purdue
79	Petitti, Rob	T	6-6	327	24	2	Pittsburgh
24	Scott, Bryan	S	6-1	219	25	4	Penn State
58	Shanle, Scott	LB	6-2	245	26	4	Nebraska
50	Simoneau, Mark	LB	6-0	245	29	7	Kansas State
91	Smith, Will	DE	6-3	282	25	3	Ohio State
27	Stecker, Aaron	RB	5-10	213	30	7	Western Illinois
78	Stinchcomb, Jon	T	6-5	315	27	4	Georgia
23	Stoutmire, Omar	S	5-11	205	32	10	Fresno State
64	Strief, Zach	T	6-7	349	23	R	Northwestern
22	Thomas, Fred	CB	5-9	185	33	11	Tennessee-Martin
99	Thomas, Hollis	DT	6-0	306	32	11	Northern Illinois
7	Weatherford, Steve	P	6-3	215	23	R	Illinois
98	Whitehead, Willie	DE	6-3	300	33	8	Auburn
66	Young, Brian	DT	6-2	298	29	7	Texas-El Paso
Reserve/Injured:							
50	Allen, James	LB	6-2	245	26	5	Oregon State
17	Berger, Mitch	P	6-4	228	34	12	Colorado
74	Hoffmann, Augie	G	6-2	315	25	2	Boston College
13	Johnson, Bethel	WR	5-11	200	27	4	Texas A&M
33	Joseph, Keith	RB	6-2	249	24	1	Texas A&M
75	Mayberry, Jermaine	G	6-4	325	33	11	Texas A&M-Kingsville
1	McPherson, Adrian	QB	6-3	218	23	2	Florida State
54	Polley, Tommy	LB	6-3	230	28	6	Florida State
63	Setterstrom, Chad	T	6-3	310	26	1	Northern Iowa
79	Verdon, Jimmy	DE	6-3	280	24	2	Arizona State
Reserve/Physically Unable to Perform:							
84	Lewis, Michael	WR	5-8	173	34	6	None

NEW ORLEANS SAINTS COACHING STAFF

Sean Payton, Head Coach; John Bonamego, Special Teams Coordinator; Gary Gibbs, Defensive Coordinator; Doug Marrone, Offensive Coordinator/Offensive Line; Joe Vitt, Assistant, Head Coach/Linebackers; George Henshaw, Senior Offensive Assistant/Running Backs; Dennis Allen, Assistant Defensive Line; Adam Bailey, Assistant Strength and Conditioning; Pete Carmichael, Jr., Quarterbacks; Dan Dalrymple, Head Strength and Conditioning; Tom Hayes, Defensive Backs; Marion Hobby, Defensive Line; Curtis Johnson, Wide Receivers; Terry Malone, Tight Ends; Greg McMahon, Assistant Special Teams; John Morton, Offensive Asst./Passing Game; Tony Oden, Defensive Assistant/Secondary; Joe Alley, Coaching Assistant; Josh Constant, Coaching Assistant; Carter Sheridan, Coaching Assistant; and Adam Zimmer, Coaching Assistant.

LOUISIANA SUPERDOME COMMISSION

LOUISIANA STADIUM AND EXPOSITION DISTRICT
Tim Coulon, Chairman; Rosemary Patterson, Board of Commissioners; Robert Bruno, Board of Commissioners; Sara A. Roberts, Board of Commissioners; Craig E. Saporito, Board of Commissioners; Clyde Simien, Board of Commissioners; C.S. Gordon, Jr., Board of Commissioners.

SPECTACOR MANAGEMENT GROUP—THE
MANAGING COMPANY OF THE SUPERDOME
EMPLOYEES & TITLES

Lloyd Adams, purchasing coordinator; Cathy Allen, executive administrative assistant; Mark Arata, box office manager; Jim Baker, parking manager; Amy Bardalas, assistant human resources manager; Farrow Bouton, director of event services; Adam Bourgeois, accounting; Brian Brocato, building superintendent; Nelly Calix, administrative coordinator of event services; Brodie Cannon, production technician; Jennifer Cooke, director of corporate and convention sales; Chris Cunningham, network adminis-

trator; Bill Curl, media and public relations coordinator; Amanda Deeb, sales and scheduling coordinator; Alan Dolese, operations manager; Laurie Ducros, event coordinator; Cynthia Edwards, staffing coordinator supervisor; Dave Gendusa, millwright, painter leadman; Roylene Givens, assistant parking manager; John Greenlee, assistant box office manager; Raymond Griffin; Desiree Jones, housekeeping manager; Maria Jones, employment and staffing supervisor; Tamika Kirton, box office supervisor; Elizabeth Mancuso, administrative assistant; Glenn Menard, general manager; Karen Miller, assistant accounting manager; Angel Noveh, accounting coordinator; Mike Pizzolato, HVAC PLBG leadman; Susan Pollet, accounting manager; Lacey Pounds, prem seat and suite sales coordinator; Celeste Saltalamachia, human resource manager; Mike Schilling, arena assistant general manager; Thomas Sigel, security captain; Robert Spizale, chief engineer; Ashton Stephens, electrician leadman; Dave Stewart, regional

manager of technology; Tim Suire, event coordinator; Doug Thornton, SMG regional vice president; Toby Valadie, production manager; Benny Vanderklis, security manager; Danny Vincens, Superdome assistant general manager; David Weidler, senior directors finance and administration; Lisa Wharton, security staffing supervisor; Chad Wilken, assistant operations manager.

Ms. LANDRIEU. Mr. President, it demonstrates that the people of the city of New Orleans are fighting to come back, to fight some obstacles that were thrown our way. Despite so much of the criticism that came from some places, we are determined to rebuild.

The spirit of our city and the spirit of this region is strong, and the Saints represented that last night. They came roaring into the dome, as the Saints go marching in with our musicians and our artists and the great spirit of its people to say: We will not allow this city to die or this region to die. We are going to continue to fight hard, to build partnerships, to reform what needs to be reformed, to fix what needs to be fixed, and to build this region, every single neighborhood, every single town, and to do it smarter and better.

The Saints came marching in. They brought a lot of hope to everyone. This resolution will commend them for their extraordinary work as we go into the difficult rebuilding in the years ahead.

SENATE RESOLUTION 586—CELEBRATING 40 YEARS OF ACHIEVEMENTS OF MEDICAL CODERS, AND ENCOURAGING THE MEDICAL CODING COMMUNITY TO CONTINUE PROVIDING ACCURATE MEDICAL CLAIMS AND STATISTICAL REPORTING TO THE PEOPLE OF THE UNITED STATES AND TO THE WORLD

Mr. HATCH submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 586

Whereas, in 1966, the Current Procedural Terminology (CPT) was developed by the American Medical Association (AMA) to assist with the accurate reporting of physician procedures and services, and has since grown to include 8,568 codes and descriptions;

Whereas, in 1977, when the 9th revision to the World Health Organization's International Classification of Diseases (ICD-9) was published, the United States National Center for Health Statistics modified the statistical study with clinical information and provided a way to classify diagnostic and procedural data to create a clinical picture of each patient to improve the quality of health care;

Whereas, in 1977, the Health Care Financing Administration (HCFA), now the Centers for Medicare & Medicaid Services (CMS), was established for the coordination of the Medicare and Medicaid programs and its responsibilities has since included coordinating the annual update to ICD-9-CM Volume 3 procedures codes;

Whereas Congress passed the Medicare Catastrophic Coverage Act of 1988 (Public Law 100-360), and mandated the reporting of ICD-

9-CM codes on each part B claim submitted by physicians and that mandate has since extended to parts A, C, and D of the Medicare program;

Whereas the Health Information Portability and Accountability Act of 1996 (Public Law 104-191) requires every health care provider who does business electronically to use the same code sets, including Current Procedural Terminology, ICD-9-CM, and other code sets involving medical supplies, dental services, and drugs;

Whereas, since 1998 and the publication of the first medical practice compliance plans, the Office of Inspector General (OIG) of the Department of Health and Human Services (HHS) has recognized medical coding as an essential element in the fight against health care fraud and abuse;

Whereas, in 2003, the Department of Health and Human Services delegated authority under the Health Information Portability and Accountability Act of 1996 to the Centers for Medicare & Medicaid Services to maintain and distribute the Healthcare Common Procedure Coding System (HCPCS) that is used primarily to identify products, supplies, and services not included in the Current Procedural Terminology codes, such as ambulance services and durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) when used outside a physician's office;

Whereas the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173) included a provision to update ICD-9-CM codes affecting new technology and procedures twice each year;

Whereas, in 2006, the Department of Labor forecasted above average job growth for medical coders through 2012 because of rapid growth in the number of medical tests, treatments, and procedures that will be increasingly scrutinized by third-party payers, regulators, courts, and consumers; and

Whereas medical coders have a tradition of working in collaboration with the Federal Government to improve the overall health of all people of the United States through the accuracy of claims reporting: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historical, clinical, and public health achievements of medical coders and celebrates the milestones achieved in the 40-year history of medical coding;

(2) recognizes the great impact that medical coders have on improving the quality of health care of people in the United States and around the world; and

(3) congratulates medical coders for their dedication and trusts that the profession will continue to offer its guidance relative to medical coding and its effect on accurate patient information to improve the public health of future generations.

Mr. HATCH. Mr. President, I am pleased to submit today a resolution to celebrate 40 years of achievements of medical coders, and to encourage the medical coding community to continue providing accurate medical claims and statistical reporting to the people of the United States and to the world.

There are about 80,000 professional medical coders employed in the United States, and that number is expected to continue to grow due to the increasing number of medical tests, treatments and procedures, and the consequent scrutiny to provide the best quality health care in a market driven economy. Medical coders are a diverse group of women and men dedicated to "running the numbers" of health care.

They translate the information that a physician documents during a patient visit into numerical codes that are used for both payment and statistical purposes.

Medical coders are sentries of our Nation's health. They communicate regularly with physicians and other health care professionals to clarify diagnoses or to obtain additional information in the assignment of alphanumeric codes. They are knowledgeable of medical terminology, anatomy, physiology, and the code sets necessary to serve effectively in their professional role within the health care community. They are team players committed to ethical and sound medical documentation and reimbursement practices.

Medical coders work in a variety of health care environments. Nearly 40 percent of all coding jobs are in hospitals. Others work in the offices of physicians, nursing care facilities, outpatient care centers, and home health care services. Insurance firms that offer health plans employ coders to tabulate and analyze health information. Medical coders in public health departments supervise data collection from health care institutions and assist in research. The Department of Defense policy requires accurate and prompt documentation of and coding of medical encounters within the Military Health System to assist, Military Treatment Facility operations. The compliance plan for third-party payers of the Department of Health and Human Services, Office of the Inspector General acknowledges the specialized training of medical coders required due to the greater legal exposure related to coding medical services. Coders also stand as the frontline against the potential fraud and abuse of the Medicare and Medicaid programs while assuring that the physicians, hospitals, and clinics receive accurate compensation for the services provided.

The abilities coders possess to collect data about diagnoses and procedures figure prominently within my own interests for quality health care. Medical coders also provide us with the data we need for making tough choices in health care policy.

It is my hope that this resolution will help advance the recognition of professional medical coders and the attention given to their commendable work. It recognizes contributions to the national health care system and it reminds us of medical coders' dedication to the value of hard work in the interest of a national priority—quality health care for everyone. I applaud that contribution and am hopeful that my colleagues in the Senate will join me by passing this resolution.

SENATE RESOLUTION 587—EXPRESSING CONCERN RELATING TO THE THREATENING BEHAVIOR OF THE ISLAMIC REPUBLIC OF IRAN AND THE IDEOLOGICAL ALLIANCE THAT EXISTS BETWEEN THE COUNTRIES OF CUBA AND VENEZUELA, AND SUPPORTING THE PEOPLE OF IRAN, CUBA, AND VENEZUELA IN THE QUEST OF THOSE PEOPLES TO ACHIEVE A TRULY DEMOCRATIC FORM OF GOVERNMENT

Mr. SANTORUM (for himself, Mr. MARTINEZ, and Mr. COLEMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 587

Whereas, for the past 2 decades, the Department of State has found Iran to be the leading sponsor of international terrorism in the world;

Whereas the Department of State has consistently added Cuba to the list of state sponsors of terrorism;

Whereas the Department of State declared in the report entitled "Patterns of Global Terrorism 2001" that "Iran's Islamic Revolutionary Guard Corps and Ministry of Intelligence and Security continued to be involved in the planning and support of terrorist acts and supported a variety of groups that use terrorism to pursue their goals";

Whereas the President of Iran, Mahmoud Ahmadinejad, has openly declared that Israel "must be wiped off the map", and publicly denied the Holocaust;

Whereas President Ahmadinejad has similarly called for the destruction of the United States and the hatred of all Jewish peoples;

Whereas President Ahmadinejad recently attended a summit of the Non-Aligned Movement in Cuba and, in cooperation with Fidel Castro and Hugo Chavez, has used that body as a platform to spread anti-democratic messages;

Whereas the Government of Cuba, led by Fidel Castro, and the Government of Venezuela, led by President Hugo Chavez, have—

(1) repressed political dissent in the countries of those leaders;

(2) propagated antidemocratic ideals; and

(3) participated in the summit of the Non-Aligned Movement;

Whereas, in September 2000, while being interviewed by Al-Jazeera television, President Castro stated that "We are not ready for reconciliation with the United States, and I will not reconcile with the imperialist system";

Whereas, in August 2005, President Chavez stated that "socialism is the only path", and that his goal is to "save a world threatened by the voracity of U.S. imperialism";

Whereas, on September 20, 2006, while speaking to the General Assembly of the United Nations, President Chavez referred to the President of the United States as the devil, stating "The devil came here yesterday . . . and it smells of sulfur still today."; and

Whereas neither the Non-Aligned Movement nor the United Nations should exist as a venue to spread hate, demagoguery, and anti-democratic ideals: Now, therefore, be it

Resolved, That the Senate—

(1) condemns—

(A) the anti-democratic actions of, and repressive regimes created by, the leaders of the Governments of Iran, Cuba, and Venezuela; and

(B) the misguided, irrational, and outrageous statements of the leaders of those countries;

(2) expresses concern relating to the national security implications of the relationships between those leaders;

(3) supports the people of Iran, Cuba, and Venezuela in the quest of those peoples to achieve a truly democratic form of government; and

(4) calls on the international community to condemn the antidemocratic actions of those repressive regimes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5041. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table.

SA 5042. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5043. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5044. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5045. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5046. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5047. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5048. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5049. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 5048 submitted by Mr. FRIST and intended to be proposed to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5050. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5051. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 5050 submitted by Mr. FRIST and intended to be proposed to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5052. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5053. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5054. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 5028 submitted by Mr. SALAZAR (for himself, Mr. KENNEDY, Mr. LIEBERMAN, Mr. OBAMA, Mr. REID, Mr. LEAHY, Mr. DURBIN, and Mr. CARPER) and intended to be proposed to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5055. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5056. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5057. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5058. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5059. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 5038 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5060. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5061. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5062. Mr. SPECTER (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 5038 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5063. Mr. SPECTER (for himself, Mr. LEAHY, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 5038 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5064. Mr. SPECTER (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5065. Mr. SPECTER (for himself, Mr. LEAHY, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5066. Mrs. HUTCHISON (for herself and Mr. KYL) submitted an amendment intended to be proposed by her to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5067. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5068. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5069. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5070. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5071. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, supra; which was ordered to lie on the table.

SA 5072. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2078, to amend the Indian Gaming Regulatory Act to clarify the authority of the National Indian Gaming Commission to regulate class III gaming, to limit the lands eligible for gaming, and for other purposes; which was ordered to lie on the table.

SA 5073. Mr. MCCONNELL (for Mr. ENZI) proposed an amendment to the bill H.R. 5574, to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

SA 5074. Mr. MCCONNELL (for Mr. CRAIG) proposed an amendment to the bill S. 3421, to

authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes.

TEXT OF AMENDMENTS

SA 5041. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 7, after line 10, insert the following:

SEC. 6. BORDER RELIEF GRANT PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed \$89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(c) USE OF FUNDS.—Grants awarded pursuant to subsection (b) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(d) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking 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 reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(e) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term "eligible law enforcement agency" means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term "High Impact Area" means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Department of Homeland Security.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated \$50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) $\frac{2}{3}$ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) $\frac{1}{3}$ shall be set aside for areas designated as a High Impact Area under subsection (e).

(g) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this Act.

SEC. 7. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in section 6 shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

SA 5042. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 2, line 16, strike the period at the end and insert the following: "; and

(3) the implementation of those measures described in the Comprehensive Immigration Reform Act of 2006, as passed by the Senate on May 25, 2006, that the Secretary determines to be necessary and appropriate to achieve or maintain operational control over the international land and maritime borders of the United States."

SA 5043. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 7, after line 10, insert the following:

TITLE I—BORDER INFRASTRUCTURE AND TECHNOLOGY MODERNIZATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Border Infrastructure and Technology Modernization Act".

SEC. 102. DEFINITIONS.

In this title:

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security.

(2) MAQUILADORA.—The term "maquiladora" means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term "northern border" means the international border between the United States and Canada.

(4) SOUTHERN BORDER.—The term "southern border" means the international border between the United States and Mexico.

SEC. 103. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of each year, the Administrator of General Services shall update the Port of Entry Infrastructure Assessment Study prepared by the Bureau of Customs and Border Protection in accordance with the matter relating to the ports of entry infrastructure assessment that is set out in the

joint explanatory statement in the conference report accompanying H.R. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 106-319, on page 67) and submit such updated study to Congress.

(b) **CONSULTATION.**—In preparing the updated studies required in subsection (a), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and the Commissioner.

(c) **CONTENT.**—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 104; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project to—

(A) fulfill immediate security requirements; and

(B) facilitate trade across the borders of the United States.

(d) **PROJECT IMPLEMENTATION.**—The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3).

(e) **DIVERGENCE FROM PRIORITIES.**—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexico or Canada, compellingly alter the need for a project in the United States.

SEC. 104. NATIONAL LAND BORDER SECURITY PLAN.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, an annually thereafter, the Secretary of Homeland Security, after consultation with representatives of Federal, State, and local law enforcement agencies and private entities that are involved in international trade across the northern border or the southern border, shall submit a National Land Border Security Plan to Congress.

(b) **VULNERABILITY ASSESSMENT.**—

(1) **IN GENERAL.**—The plan required in subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) **PORT SECURITY COORDINATORS.**—The Secretary of Homeland Security may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required in subsection (a).

SEC. 105. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) **CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Commissioner, in consultation with the Secretary of Homeland Security, shall develop a plan to expand the size and scope, including personnel, of the Customs-Trade Partnership Against Terrorism programs along the northern border and southern border, including—

(A) the Business Anti-Smuggling Coalition;

(B) the Carrier Initiative Program;

(C) the Americas Counter Smuggling Initiative;

(D) the Container Security Initiative;

(E) the Free and Secure Trade Initiative; and

(F) other Industry Partnership Programs administered by the Commissioner.

(2) **SOUTHERN BORDER DEMONSTRATION PROGRAM.**—Not later than 180 days after the date of enactment of this Act, the Commissioner shall implement, on a demonstration basis, at least 1 Customs-Trade Partnership Against Terrorism program, which has been successfully implemented along the northern border, along the southern border.

(b) **MAQUILADORA DEMONSTRATION PROGRAM.**—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system to improve supply chain security.

SEC. 106. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary shall carry out a technology demonstration program to—

(1) test and evaluate new port of entry technologies;

(2) refine port of entry technologies and operational concepts; and

(3) train personnel under realistic conditions.

(b) **TECHNOLOGY AND FACILITIES.**—

(1) **TECHNOLOGY TESTING.**—Under the technology demonstration program, the Secretary of Homeland Security shall test technologies that enhance port of entry operations, including operations related to—

(A) inspections;

(B) communications;

(C) port tracking;

(D) identification of persons and cargo;

(E) sensory devices;

(F) personal detection;

(G) decision support; and

(H) the detection and identification of weapons of mass destruction.

(2) **DEVELOPMENT OF FACILITIES.**—At a demonstration site selected pursuant to subsection (c)(2), the Secretary of Homeland Security shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including—

(A) cross-training among agencies;

(B) advanced law enforcement training; and

(C) equipment orientation.

(c) **DEMONSTRATION SITES.**—

(1) **NUMBER.**—The Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) **SELECTION CRITERIA.**—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion to not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 1-year period ending on the date of the enactment of this Act.

(d) **RELATIONSHIP WITH OTHER AGENCIES.**—The Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including tech-

nologies described in subparagraphs (A) through (H) of subsection (b)(1).

(e) **REPORT.**—

(1) **REQUIREMENT.**—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) **CONTENT.**—The report submitted under paragraph (1) shall include an assessment by the Secretary of the feasibility of incorporating any demonstrated technology for use throughout the Bureau of Customs and Border Protection.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—In addition to any funds otherwise available, there are authorized to be appropriated—

(1) such sums as may be necessary for the fiscal years 2007 through 2011 to carry out the provisions of section 103(a);

(2) to carry out section 103(d)—

(A) \$100,000,000 for each of the fiscal years 2007 through 2011; and

(B) such sums as may be necessary in any succeeding fiscal year;

(3) to carry out section 105(a)—

(A) \$30,000,000 for fiscal year 2007, of which \$5,000,000 shall be made available to fund the demonstration project established in section 106(a)(2); and

(B) such sums as may be necessary for the fiscal years 2008 through 2011; and

(4) to carry out section 105(b)—

(A) \$5,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for the fiscal years 2008 through 2011; and

(5) to carry out section 106, provided that not more than \$10,000,000 may be expended for technology demonstration program activities at any 1 port of entry demonstration site in any fiscal year—

(A) \$50,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for each of the fiscal years 2008 through 2011.

(b) **INTERNATIONAL AGREEMENTS.**—Amounts authorized to be appropriated under this title may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this title.

SA 5044. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 7, after line 10, insert the following:

SEC. 6. COOPERATION WITH THE GOVERNMENT OF MEXICO.

(a) **COOPERATION REGARDING BORDER SECURITY.**—The Secretary of State, in cooperation with the Secretary of Homeland Security and representatives of Federal, State, and local law enforcement agencies that are involved in border security and immigration enforcement efforts, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico regarding—

(1) improved border security along the international border between the United States and Mexico;

(2) the reduction of human trafficking and smuggling between the United States and Mexico;

(3) the reduction of drug trafficking and smuggling between the United States and Mexico;

(4) the reduction of gang membership in the United States and Mexico;

(5) the reduction of violence against women in the United States and Mexico; and

(6) the reduction of other violence and criminal activity.

(b) COOPERATION REGARDING EDUCATION ON IMMIGRATION LAWS.—The Secretary of State, in cooperation with other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to carry out activities to educate citizens and nationals of Mexico regarding eligibility for status as a nonimmigrant under Federal law to ensure that the citizens and nationals are not exploited while working in the United States.

(c) COOPERATION REGARDING CIRCULAR MIGRATION.—The Secretary of State, in cooperation with the Secretary of Labor and other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico to encourage circular migration, including assisting in the development of economic opportunities and providing job training for citizens and nationals in Mexico.

(d) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress a report on the actions taken by the United States and Mexico under this section.

SA 5045. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 7, after line 10, insert the following:

SEC. 6. DEPUTY UNITED STATES MARSHALS.

(a) IN GENERAL.—In each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations, increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals that investigate criminal matters related to immigration.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a).

SA 5046. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 2, line 18, strike “prevention” and all that follows through line 21, and insert the following: “effective prevention of unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband, as determined by the Secretary of Homeland Security.”

SA 5047. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the inter-

national land and maritime borders of the United States; which was ordered to lie on the table; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Terrorism Prevention Act of 2006”.

SEC. 2. PROVIDING MATERIAL SUPPORT TO TERRORIST GROUPS.

(a) OFFENSE OF REWARDING OR FACILITATING INTERNATIONAL TERRORIST ACTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following section:

“§ 2339E. Providing material support to international terrorism

“(a) DEFINITIONS.—In this section:

“(1) The term ‘material support or resources’ has the same meaning as in section 2339A(b).

“(2) The term ‘the perpetrator of an act’ includes any person who—

“(A) commits the act;

“(B) aids, abets, counsels, commands, induces, or procures its commission; or

“(C) attempts, plots, or conspires to commit the act.

“(3) The term ‘international terrorism’ has the same meaning as in section 2331.

“(4) The term ‘facility of interstate or foreign commerce’ has the same meaning as in section 1958(b)(2).

“(5) The term ‘serious bodily injury’ has the same meaning as in section 1365.

“(6) The term ‘national of the United States’ has the same meaning as in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

“(b) PROHIBITION.—Whoever, in a circumstance provided in subsection (c), provides material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title and imprisoned for any term of years not less than 10 or for life, and, if death results, shall be imprisoned for any term of years not less than 30 or for life.

“(c) JURISDICTIONAL BASES.—A circumstance referred to in subsection (b) is—

“(1) the offense occurs in or affects interstate or foreign commerce;

“(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

“(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

“(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

“(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

“(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

“(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States

(including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

“(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

“(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).”

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

“2339D. Receiving military-type training from a foreign terrorist organization.

“2339E. Providing material support to international terrorism.”

(B) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by striking all after “2339C” and inserting “(relating to financing of terrorism), 2339E (relating to providing material support to international terrorism), or 2340A (relating to torture);”

(b) INCREASED PENALTIES FOR PROVIDING MATERIAL SUPPORT TO TERRORISTS.—

(1) PROVIDING MATERIAL SUPPORT.—Section 2339A(a) of title 18, United States Code, is amended by striking “, imprisoned not more than 15 years,” and all that follows through “life.” and inserting “and imprisoned for any term of years not less than 10 or for life, and, if the death of any person results, shall be imprisoned for any term of years not less than 25 or for life.”

(2) PROVIDING MATERIAL SUPPORT OR RESOURCES TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a) of title 18, United States Code, is amended by striking “or imprisoned not more than 15 years,” and all that follows through “life.” and inserting “and imprisoned for not less than 5 years and not more than 25 years, and, if the death of any person results, shall be imprisoned for any term of years not less than 20 or for life.”

(3) RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.—Section 2339D of title 18, United States Code, is amended by striking “or imprisoned for ten years, or both.” and inserting “and imprisoned for not less than 3 years and not more than 15 years.”

(c) EXCEPTIONS TO PROHIBITION.—Section 2339A(b)(1) of title 18, United States Code, is amended by striking “, except medicine or religious materials.”

(d) ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN OFFENSE RELATING TO MILITARY TRAINING.—Section 2339D of title 18, United States Code, is amended by inserting “, or attempts or conspires to receive,” after “receives”.

(e) DENIAL OF FEDERAL BENEFITS TO CONVICTED TERRORISTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, as amended by this section, is further amended by adding at the end the following:

“§ 2339F. Denial of Federal benefits to terrorists

“(a) IN GENERAL.—Any individual who is convicted of a Federal crime of terrorism (as defined in section 2332b(g)) shall, as provided by the court on motion of the Government,

be ineligible for any or all Federal benefits for any term of years or for life.

“(b) **FEDERAL BENEFIT DEFINED.**—In this section, ‘Federal benefit’ has the meaning given that term in section 421(d) of the Controlled Substances Act (21 U.S.C. 862(d)).”.

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 113B of title 18, United States Code, as amended by this section, is further amended by adding at the end the following:

“2339F. Denial of Federal benefits to terrorists.”.

SEC. 3. IMPROVEMENTS TO THE CLASSIFIED INFORMATION PROCEDURES ACT.

(a) **SHORT TITLE.**—This section may be cited as the “Classified Information Procedures Reform Act of 2006”.

(b) **INTERLOCUTORY APPEALS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.**—Section 7(a) of the Classified Information Procedures Act (18 U.S.C. App.) is amended by adding at the end “The Government’s right to appeal under this section applies without regard to whether the order appealed from was entered under this Act.”.

(c) **EX PARTE AUTHORIZATIONS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.**—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the second sentence—

(A) by striking “may” and inserting “shall”; and

(B) by striking “written statement to be inspected” and inserting “statement to be made ex parte and to be considered”; and

(2) in the third sentence—

(A) by striking “If the court enters an order granting relief following such an ex parte showing, the” and inserting “The”; and

(B) by inserting “, as well as any summary of the classified information the defendant seeks to obtain,” after “text of the statement of the United States”.

(d) **APPLICATION OF CLASSIFIED INFORMATION PROCEDURES ACT TO NON-DOCUMENTARY INFORMATION.**—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the section heading, by inserting “, AND ACCESS TO,” after “OF”;

(2) by inserting “(a) **DISCOVERY OF CLASSIFIED INFORMATION FROM DOCUMENTS.**—” before the first sentence; and

(3) by adding at the end the following:

“(b) **ACCESS TO OTHER CLASSIFIED INFORMATION.**—

“(1) If the defendant seeks access through deposition under the Federal Rules of Criminal Procedure or otherwise to non-documentary information from a potential witness or other person which he knows or reasonably believes is classified, he shall notify the attorney for the United States and the district court in writing. Such notice shall specify with particularity the classified information sought by the defendant and the legal basis for such access. At a time set by the court, the United States may oppose access to the classified information.

“(2) If, after consideration of any objection raised by the United States, including any objection asserted on the basis of privilege, the court determines that the defendant is legally entitled to have access to the information specified in the notice required by paragraph (1), the United States may request the substitution of a summary of the classified information or the substitution of a statement admitting relevant facts that the classified information would tend to prove.

“(3) The court shall permit the United States to make its objection to access or its request for such substitution in the form of a statement to be made ex parte and to be considered by the court alone. The entire

text of the statement of the United States, as well as any summary of the classified information the defendant seeks to obtain, shall be sealed and preserved in the records of the court and made available to the appellate court in the event of an appeal.

“(4) The court shall grant the request of the United States to substitute a summary of the classified information or to substitute a statement admitting relevant facts that the classified information would tend to prove if it finds that the summary or statement will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

“(5) A defendant may not obtain access to classified information subject to this subsection except as provided in this subsection. Any proceeding, whether by deposition under the Federal Rules of Criminal Procedure or otherwise, in which a defendant seeks to obtain access to such classified information not previously authorized by a court for disclosure under this subsection must be discontinued or may proceed only as to lines of inquiry not involving such classified information.”.

SEC. 4. IMPROVEMENTS TO THE TERRORIST HOAX STATUTE.

(a) **HOAX STATUTE.**—Section 1038 of title 18, United States Code, is amended—

(1) in subsections (a)(1) and (b), by striking “a violation” and all that follows through “title 49” and inserting “an offense listed under section 2332b(g)(5)(B) of this title”; and

(2) in subsection (a)(2)—

(A) in subparagraph (A), by striking “, imprisoned not more than 5 years, or both” and inserting “and imprisoned for not less than 2 years nor more than 10 years”; and

(B) in subparagraph (B), by striking “, imprisoned not more than 20 years, or both” and inserting “and imprisoned for not less than 5 years nor more than 25 years”; and

(C) in subparagraph (C), by striking “, imprisoned for any term of years or for life, or both” and inserting “and imprisoned for any term of years not less than 10 or for life”.

(b) **THREATENING COMMUNICATIONS.**—

(1) **MAILED WITHIN THE UNITED STATES.**—Section 876 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

“(e) For purposes of this section, the term ‘addressed to any other person’ includes an individual (other than the sender), a corporation or other legal person, and a government or agency or component thereof.”.

(2) **MAILED TO A FOREIGN COUNTRY.**—Section 877 of title 18, United States Code, is amended by adding at the end thereof the following new paragraph:

“For purposes of this section, the term ‘addressed to any person’ includes an individual, a corporation or other legal person, and a government or agency or component thereof.”.

SEC. 5. TERRORIST MURDERS, KIDNAPPINGS, AND ASSAULTS.

(a) **HOMICIDE.**—Section 2332(a) of title 18, United States Code, is amended—

(1) by inserting “, or attempts or conspires to kill,” after “Whoever kills”; and

(2) in paragraph (1), by striking “this title” and all that follows and inserting “this title and punished by death or imprisonment for any term of years not less than 30 or for life.”

(b) **KIDNAPPING.**—Section 2332(b) of title 18, United States Code, is amended to read as follows:

“(b) **KIDNAPPING.**—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry

away, a national of the United States, shall be fined under this title and punished by imprisonment for any term of years not less than 20 or for life; and, if the death of any person results, shall be fined under this title and punished by death or imprisonment for life.”.

(c) **OTHER CONDUCT.**—Section 2332(c) of title 18, United States Code, is amended—

(1) by inserting “(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)” after “injury” in paragraphs (1) and (2); and

(2) in the matter following paragraph (2), by striking “or imprisoned” and all that follows and inserting “and imprisoned for any term of years not less than 10 or for life.”.

(d) **TERRORIST OFFENSES RESULTING IN DEATH.**—

(1) **IN GENERAL.**—Chapter 113B of title 18, United States Code, as amended by this Act, is further amended by adding at the end the following:

“§ 2339G. Terrorist offenses resulting in death

“(a) Whoever, in the course of committing a terrorist offense, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years not less than 20 or for life.

“(b) In this section, the term ‘terrorist offense’ means—

“(1) a felony offense that is—

“(A) a Federal crime of terrorism as defined in section 2332b(g), other than an offense under section 1363; or

“(B) an offense under this chapter, section 175, 175b, 229, or 831, or section 236 of the Atomic Energy Act of 1954; or

“(2) a Federal offense that is an attempt or conspiracy to commit an offense described in paragraph (1).”.

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 113B of title 18, United States Code, as amended by this Act, is further amended by adding at the end the following:

“2339G. Terrorist offenses resulting in death.”.

(e) **DEATH PENALTIES.**—

(1) **MASS DESTRUCTION.**—Section 832 of title 18, United States Code, is amended—

(A) in subsection (a), by striking “not more than 20 years.” and inserting “any term of years not less than 15 or for life.”; and

(B) in subsection (c), by striking “or for life.” and inserting “not less than 15 or for life and, if the death of any person results, shall be punished by death or imprisonment for life.”

(2) **MISSILE SYSTEMS DESIGNED TO DESTROY AIRCRAFT.**—Section 2332g(c)(3) of title 18, United States Code, is amended by inserting “death or” before “imprisonment for life”.

(3) **NUCLEAR MATERIAL.**—Section 222b. of the Atomic Energy Act of 1954 (42 U.S.C. 2272) is amended by inserting “death or” before “imprisonment for life” the last place it appears.

(4) **RADIOLOGICAL DISPERSAL DEVICES.**—Section 2332h(c)(3) of title 18, United States Code, is amended by inserting “death or” before “imprisonment for life”.

(5) **VARIOLA VIRUSES.**—Section 175c(c)(3) of title 18, United States Code, is amended by inserting “death or” before “imprisonment for life”.

SEC. 6. INVESTIGATION OF TERRORIST CRIMES.

(a) **NONDISCLOSURE OF FISA INVESTIGATIONS.**—The following provisions of the Foreign Intelligence Surveillance Act of 1978 are each amended by inserting “(other than in proceedings or other civil matters under the immigration laws, as that term is defined in

section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)))” after “authority of the United States”:

(1) Subsections (c), (e), and (f) of section 106 (50 U.S.C. 1806).

(2) Subsections (d), (f), and (g) of section 305 (50 U.S.C. 1825).

(3) Subsections (c), (e), and (f) of section 405 (50 U.S.C. 1845).

(b) MULTIDISTRICT SEARCH WARRANTS IN TERRORISM INVESTIGATIONS.—Rule 41(b)(3) of the Federal Rules of Criminal Procedure is amended to read as follows:

“(3) a magistrate judge—in an investigation of—

“(A) a Federal crime of terrorism (as defined in section 2332b(g)(g) of title 18, United States Code); or

“(B) an offense under section 1001 or 1505 of title 18, United States Code, relating to information or purported information concerning a Federal crime of terrorism (as defined in section 2332b(g)(5) of title 18, United States Code)—having authority in any district in which activities related to the Federal crime of terrorism or offense may have occurred, may issue a warrant for a person or property within or outside that district.”.

(c) INCREASED PENALTIES FOR OBSTRUCTION OF JUSTICE IN TERRORISM CASES.—Sections 1001(a) and 1505 of title 18, United States Code, are amended by striking “8 years” and inserting “10 years”.

SA 5048. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 1, line 8, strike “18 months” and insert “18 months and 2 days.”

SA 5049. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 5048 submitted by Mr. FRIST and intended to be proposed to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

Strike “18 months and 2 days” and insert “18 months and 1 day.”

SA 5050. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

At the end of the bill, add the following: The effective date shall be 5 days after the date of enactment.

SA 5051. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 5050 submitted by Mr. FRIST and intended to be proposed to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On line 2 of the amendment, strike “5 days” and insert “1 day.”

SA 5052. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the inter-

national land and maritime borders of the United States; which was ordered to lie on the table; as follows:

At the end of section 2, add the following: “This section shall become effective 5 days after the date of enactment.”

SA 5053. Mr. CHAMBLISS submitted an amendment intended to be proposed to him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 7, after line 10, insert the following:

TITLE II—AGRICULTURAL EMPLOYMENT AND WORKFORCE PROTECTION

SEC. 201. SHORT TITLE.

This title may be cited as the “Agricultural Employment and Workforce Protection Act of 2006”.

Subtitle A—Border Security

SEC. 211. COMPREHENSIVE PLAN TO CONTROL THE BORDERS OF THE UNITED STATES.

(a) IN GENERAL.—The Secretary of Homeland Security shall prepare and submit to Congress, at the earliest practicable date, a comprehensive plan to—

(1) establish operational control of the borders of the United States; and

(2) effectively enforce the immigration laws of the United States in the interior of the United States.

(b) CONTENTS.—The plan described in subsection (a) shall include—

(1) detailed strategies;

(2) time lines for implementation; and

(3) cost estimates for such activities.

(c) INTERIM PLAN.—The mandates contained in this subtitle shall serve as an interim plan until Congress enacts legislation to implement the comprehensive plan submitted by the Secretary of Homeland Security under subsection (a).

SEC. 212. USE OF DEPARTMENT OF DEFENSE EQUIPMENT FOR SURVEILLANCE OF INTERNATIONAL LAND BORDERS OF THE UNITED STATES.

(a) AVAILABILITY OF EQUIPMENT.—The Secretary of Homeland Security, in collaboration with the Secretary of Defense, shall develop and implement a plan to provide military support to civilian law enforcement agencies, including the use of unmanned aerial vehicles, other surveillance equipment, and other equipment of the Department of Defense, to assist the surveillance activities of the Department of Homeland Security at and near the international land borders of the United States.

(b) REPORTS.—

(1) INITIAL REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall submit a joint report to Congress, which describes the use of Department of Defense equipment to assist the surveillance efforts of the Department of Homeland Security and to support the plan developed under subsection (a).

(2) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the Secretary of Homeland Security can procure the equipment necessary to achieve operational control of the international land borders of the United States, the Secretary of Homeland Security and the Secretary of Defense shall submit joint reports to Congress that describe—

(A) the types of equipment and other support utilized for border security; and

(B) the effectiveness of such equipment and support.

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

SEC. 213. PORTS OF ENTRY.

(a) CONSTRUCTION AUTHORIZED.—The Secretary of Homeland Security may construct not more than 30 additional land ports of entry along the northern and southern international land borders of the United States at locations to be determined by the Secretary if such construction will enhance the border security of the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).

SEC. 214. ADDITIONAL CUSTOMS AND BORDER PROTECTION OFFICERS.

In addition to the positions authorized by section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3734), the Secretary of Homeland Security shall, for each of the fiscal years between fiscal year 2007 and 2011, increase by no less than 250 the number of positions for full-time active duty Customs and Border Protection Officers.

SEC. 215. INTERIOR ENFORCEMENT.

(a) STATE AND LOCAL IMMIGRATION LAW ENFORCEMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, appropriately trained law enforcement personnel of a State or a unit of local government are authorized to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel.

(2) REIMBURSEMENT OF COSTS.—The Secretary of Homeland Security shall reimburse States and units of local government for all reasonable costs incurred by that State or local government to carry out the activities described in paragraph (1).

(b) FEDERAL CUSTODY OF ILLEGAL ALIENS APPREHENDED BY STATE OR LOCAL LAW ENFORCEMENT.—Title II of the Immigration and Nationality Act is amended by adding after section 240C the following:

“TRANSFER OF ILLEGAL ALIENS FROM STATE TO FEDERAL CUSTODY

“SEC. 240D. (a) IN GENERAL.—If the head of a law enforcement entity of a State, or a political subdivision of a State, requests the Secretary of Homeland Security to take an illegal alien into Federal custody, the Secretary shall—

“(1) not later than 72 hours after such request is received from the State, take such alien into the custody of the Federal Government and incarcerate the alien; or

“(2) request the relevant State or local law enforcement agency to temporarily detain or transport the illegal alien to a location for transfer to Federal custody.

“(b) DESIGNATED INCARCERATION FACILITY.—The Secretary of Homeland Security shall designate not less than 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of criminal or illegal aliens to the Department of Homeland Security.

“(c) REIMBURSEMENT TO STATES AND LOCAL GOVERNMENTS.—The Department of Homeland Security shall reimburse each State or a political subdivision of a State for all reasonable expenses incurred by the State or political subdivision in the detention and transportation of a criminal or illegal alien.”.

(c) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATIVE PERSONNEL.—

(1) ADDITIONAL POSITIONS AUTHORIZED.—In addition to the positions authorized by section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3734), the Secretary of Homeland Security shall, for each of fiscal years 2007 through 2011, increase by not less than 400 the number of investigative personnel within the Department of Homeland Security responsible for investigating immigration status violations.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection.

(d) LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall provide the National Crime Information Center of the Federal Bureau of Investigation (referred to in this section as the “NCIC”) with information related to—

(A) any alien against whom a final order of removal has been issued;

(B) any alien who is subject to a voluntary departure agreement that has become invalid under section 240B(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1229c(a)(2)); and

(C) any alien whose visa has been revoked.

(2) REQUIREMENT TO PROVIDE AND USE INFORMATION.—The information provided to the NCIC under paragraph (1) shall be entered into the Immigration Violators File of the NCIC database if a name and date of birth are available for the individual, regardless of whether the alien received notice of a final order of removal or the alien has already been removed.

(3) REMOVAL OF INFORMATION.—If an individual is granted cancellation of removal under section 240A of the Immigration and Nationality Act (8 U.S.C. 1229b) or is granted permission to legally enter the United States after a voluntary departure under section 240B of such Act (8 U.S.C. 1229c), any information entered into the NCIC database in accordance with this subsection shall be promptly removed.

(e) INCREASING FEDERAL DETENTION SPACE.—

(1) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(A) IN GENERAL.—In addition to facilities being used for the detention of aliens as of the date of enactment of this Act, the Secretary of Homeland Security shall construct or acquire 20 detention facilities in the United States with sufficient capacity to detain a combined total of not less than 200,000 individuals at any time. Such facilities shall be used for aliens detained pending removal or a decision on removal of such aliens from the United States.

(B) DETERMINATION OF LOCATION.—The location of each detention facility built or acquired pursuant to this paragraph shall—

(i) be determined by the senior officer responsible for detention and removal operations of the Department of Homeland Security, subject to the approval of the Secretary of Homeland Security; and

(ii) enable the Department to increase, to the maximum extent practicable, the annual rate and level of removals of illegal aliens from the United States.

(C) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring detention facilities under this paragraph, the Secretary of Homeland Security shall consider the transfer of appropriate portions of military installations approved for closure or realignment

under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) for use in accordance with subparagraph (A).

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1231(g)(1)) is amended by striking “may expend” and inserting “shall expend”.

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

SEC. 216. EXPANDING CATEGORY OF INADMISSIBLE ALIENS.

(a) CRIMINAL STREET GANGS.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

“(J) ALIENS WHO ARE MEMBERS OF CRIMINAL STREET GANGS.—Any alien who is a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code) is inadmissible.”.

(b) DEPORTING CRIMINAL STREET GANG MEMBERS.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

“(F) ALIENS WHO ARE MEMBERS OF CRIMINAL STREET GANGS.—Any alien who is a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code) is deportable.”.

(c) CRIMINAL ALIENS.—Any alien convicted of a felony or a misdemeanor in the United States is ineligible to receive a visa and ineligible to be admitted to the United States.

Subtitle B—Temporary H-2A Workers

SEC. 221. DEFINITION.

Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended—

(1) by striking “and including agricultural labor defined in section 3121(g) of the Internal Revenue Code of 1954” and inserting “, which shall include labor and services relating to commodities, livestock, dairy, forestry, landscaping, fishing, and the processing of meat, poultry, and fish, and agricultural labor (as defined in section 3121(g) of the Internal Revenue Code of 1986),”; and

(2) by striking “, of a temporary or seasonal nature”.

SEC. 222. ADMISSION OF TEMPORARY H-2A WORKERS.

(a) PROCEDURE FOR ADMISSION.—

(1) IN GENERAL.—Section 218 of the Immigration and Nationality Act (8 U.S.C. 1188) is amended to read as follows:

“ADMISSION OF TEMPORARY H-2A WORKERS

“SEC. 218. (a) DEFINITIONS.—In this section and section 218A:

“(1) AREA OF EMPLOYMENT.—The term ‘area of employment’ means the area within normal commuting distance of the work site or physical location where the work of the H-2A worker is or will be performed. If such work site or location is within a Metropolitan Statistical Area, any place within such area shall be considered to be within the area of employment.

“(2) DISPLACE.—In the case of a petition with respect to an H-2A worker filed by an employer, the employer ‘displaces’ a United States worker from a job if the employer lays off the worker from a job that is essentially equivalent to the job for which the H-2A worker is sought. A job shall not be considered to be essentially equivalent to another job unless the job—

“(A) involves essentially the same responsibilities as the other job;

“(B) was held by a United States worker with substantially equivalent qualifications and experience; and

“(C) is located in the same area of employment as the other job.

“(3) ELIGIBLE INDIVIDUAL.—The term ‘eligible individual’ means an individual who is not an unauthorized alien (as defined in section 274A(h)(3)) with respect to the employment of the individual.

“(4) EMPLOYER.—The term ‘employer’ means an employer who hires workers to perform agricultural employment.

“(5) H-2A WORKER.—The term ‘H-2A worker’ means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

“(6) LAY OFF.—

“(A) IN GENERAL.—The term ‘lay off’—

“(i) means to cause a worker’s loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract (other than a temporary employment contract entered into in order to evade a condition described in paragraph (3) or (7) of subsection (b)); and

“(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under subsection (h)(2), with either employer described in such subsection) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

“(B) CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee’s rights under a collective bargaining agreement or other employment contract.

“(7) LEVEL II H-2A WORKER.—The term ‘Level II H-2A worker’ means a nonimmigrant described in section 101(a)(15)(H)(ii)(a) who—

“(A) has been employed as an H-2A worker for at least 3 years;

“(B) has not violated a material term or condition of employment as an H-2A worker;

“(C) works in a supervisory capacity; and

“(D) meets minimum skill levels in the occupation in which they are employed, as determined, by regulation, by the Secretary of Labor, based on surveys conducted by State workforce agencies.

“(8) PREVAILING WAGE.—The term ‘prevailing wage’ means the wage rate that includes the 51st percentile of employees with similar experience and qualifications in the agricultural occupation in the area of intended employment, expressed in terms of the prevailing method of pay for the occupation in the area of intended employment.

“(9) UNITED STATES WORKER.—The term ‘United States worker’ means any worker who is a national of the United States, an alien lawfully admitted for permanent residence, and any other alien authorized to work in the relevant job opportunity within the United States, except—

“(A) an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a); and

“(B) an alien provided blue card status under section 218B.

“(b) APPLICATION.—An alien may not be admitted as an H-2A worker unless the employer has filed with the Secretary of Homeland Security a petition attesting to the following:

“(1) TEMPORARY WORK OR SERVICES.—

“(A) IN GENERAL.—The employer is seeking to employ a specific number of agricultural workers on a temporary basis and will provide compensation to such workers at a specified wage rate and under specified conditions.

“(B) SKILLED WORKERS.—If the worker is a Level II H-2A worker, the employer will recruit the worker separately and the attestation will delineate separate wage rate and conditions of employment for such worker.

“(C) DEFINITION.—For purposes of this paragraph, a worker is employed on a temporary basis if the employer intends to employ the worker for an 11-month contract period.

“(2) BENEFITS, WAGES, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by subsection (k) to all workers employed in the jobs for which the H-2A worker is sought and to all other temporary workers in the same occupation at the place of employment.

“(3) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment of the H-2A worker and during the 30-day period immediately preceding such period of employment in the occupation at the place of employment for which the employer seeks approval to employ H-2A workers.

“(4) RECRUITMENT.—

“(A) IN GENERAL.—The employer—

“(i) conducted adequate recruitment in the area of employment before filing the attestation; and

“(ii) was unsuccessful in locating a qualified United States worker for the job opportunity for which the H-2A worker is sought.

“(B) OTHER REQUIREMENTS.—The adequate recruitment requirement under subparagraph (A) is satisfied if the employer places—

“(i) a job order with the America's Job Bank Program of the Department of Labor; and

“(ii) a Sunday advertisement in a newspaper of general circulation that is likely to be patronized by a potential worker in the area of intended employment.

“(C) ADVERTISEMENT REQUIREMENT.—The advertisement requirement under subparagraph (B)(ii) is satisfied if the advertisement—

“(i) names the employer;

“(ii) directs applicants to report or send resumes, as appropriate for the occupation, to the employer;

“(iii) provides a description of the vacancy that is specific enough to apprise United States workers of the job opportunity for which certification is sought;

“(iv) describes the geographic area with enough specificity to apprise applicants of any travel requirements and where applicants will likely have to reside to perform the job;

“(v) states the rate of pay, which shall not be less than the wage paid for the occupation in the area of intended employment; and

“(vi) offers wages, terms, and conditions of employment, which are at least as favorable to those offered to the alien.

“(D) END OF RECRUITMENT REQUIREMENT.—The requirement to recruit United States workers shall terminate on the first day of the contract period that work begins.

“(5) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job for which the nonimmigrant is sought to any eligible United States worker who—

“(A) applies;

“(B) is at least as qualified for the job as the nonimmigrant; and

“(C) will be available at the time and place of need.

“(6) PROVISION OF INSURANCE.—If the job for which the H-2A worker is sought is not covered by State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and dis-

ease arising out of, and in the course of, the worker's employment, which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

“(7) STRIKE OR LOCKOUT.—There is not a strike or lockout in the course of a labor dispute which, under regulations promulgated by the Secretary of Labor, precludes the hiring of H-2A workers.

“(8) PREVIOUS VIOLATIONS.—The employer has not, during the previous 5-year period, employed H-2A workers and knowingly violated a material term or condition of approval with respect to the employment of domestic or nonimmigrant workers, as determined by the Secretary of Labor after notice and opportunity for a hearing.

“(c) PUBLIC EXAMINATION.—Not later than 1 working day after the date on which a petition under this section is filed, the employer shall make a copy of each such petition (and any necessary accompanying documents) available for public examination, at the employer's principal place of business or worksite.

“(d) LIST.—

“(1) IN GENERAL.—The Secretary of Homeland Security shall maintain a list of the petitions filed under subsection (b), which shall—

“(A) be sorted by employer; and

“(B) include the number of H-2A workers sought, the wage rate, the period of intended employment, and the date of need for each alien.

“(2) AVAILABILITY.—The Secretary of Homeland Security shall, at least monthly, submit a copy of the list described in paragraph (1) to the Secretary of Labor, who shall make the list available for public examination.

“(e) PETITIONING FOR ADMISSION.—

“(1) IN GENERAL.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H-2A worker shall file with the Secretary of Homeland Security a petition that includes the attestations described in subsection (b).

“(2) CONSIDERATION OF PETITIONS.—For each petition filed and considered under this subsection—

“(A) the Secretary of Homeland Security may not require such petition to be filed more than 28 days before the first date the employer requires the labor or services of the H-2A worker; and

“(B) unless the Secretary of Homeland Security determines that the petition is incomplete or obviously inaccurate, the Secretary, not later than 7 days after the date on which such petition was filed, shall either approve or deny the petition.

“(3) EXPEDITED ADJUDICATION.—The Secretary of Homeland Security shall—

“(A) establish a procedure for expedited adjudication of petitions filed under this subsection; and

“(B) not later than 7 working days after such filing, transmit, by fax, cable, or other means assuring expedited delivery, a copy of notice of action on the petition—

“(i) in the case of approved petitions, to the petitioner, the Secretary of Labor, and to the appropriate immigration officer at the port of entry or United States consulate where the petitioner has indicated that the alien beneficiary or beneficiaries will apply for a visa or admission to the United States;

“(ii) in the case of denied petitions, to the petitioner, including reasons for the denial and instructions on how to appeal such denial.

“(4) PETITION AGREEMENTS.—By filing an H-2A petition, a petitioner and each employer consents to allow access to the site where the labor is being performed for the

purpose of determining compliance with H-2A requirements.

“(f) ROLES OF AGRICULTURAL ASSOCIATIONS.—

“(1) PERMITTING FILING BY AGRICULTURAL ASSOCIATIONS.—A petition to hire an alien as a temporary agricultural worker may be filed by an association of agricultural employers which use agricultural services.

“(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association is a joint or sole employer of temporary agricultural workers, such workers may be transferred among its members to perform agricultural services of a temporary nature for which the petition was approved.

“(3) STATEMENT OF LIABILITY.—The petition shall include a clear statement explaining the liability under this section of an employer who places an H-2A worker with another employer authorized to employ H-2A workers if the other employer displaces a United States worker in violation of this section.

“(4) TREATMENT OF VIOLATIONS.—

“(A) INDIVIDUAL MEMBER.—If an individual member of a joint employer association violates any condition for approval with respect to the member's petition, the Secretary of Homeland Security shall deny such petition only with respect to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge of, or had reason to know of the violation.

“(B) ASSOCIATION OF AGRICULTURAL EMPLOYERS.—

“(i) JOINT EMPLOYER.—If an association representing agricultural employers as a joint employer violates any condition for approval with respect to the association's petition, the Secretary of Homeland Security shall deny such petition only with respect to the association and may not apply the denial to any individual member of the association, unless the Secretary of Labor determines that the member participated in, had knowledge of, or had reason to know of the violation.

“(ii) SOLE EMPLOYER.—If an association of agricultural employers approved as a sole employer violates any condition for approval with respect to the association's petition, no individual member of such association may be the beneficiary of the services of temporary alien agricultural workers admitted under this section in the occupation in which such aliens were employed by the association which was denied approval during the period such denial is in force, unless such member employs such aliens in the occupation in question directly or through an association which is a joint employer of such workers with the member.

“(g) EXPEDITED ADMINISTRATIVE APPEALS.—The Secretary of Homeland Security shall issue regulations to provide for an expedited procedure—

“(1) for the review of a denial of a petition under this section by the Secretary; or

“(2) at the applicant's request, for a de novo administrative hearing respecting the denial.

“(h) MISCELLANEOUS PROVISIONS.—

“(1) REQUIREMENTS FOR PLACEMENT OF H-2A WORKERS WITH OTHER EMPLOYERS.—A nonimmigrant who is admitted into the United States as an H-2A worker may be transferred to another employer that has attested to the Secretary of Homeland Security that the employer has filed a petition under this section and is in compliance with this section. The Secretary of Homeland Security and the Secretary of State shall issue regulations to establish a process for the approval and reissuance of visas for transferred H-2A workers, as necessary.

“(2) ENDORSEMENT OF DOCUMENTS.—The Secretary of Homeland Security shall provide for the endorsement of entry and exit documents of H-2A workers as may be necessary to carry out this section and to provide notice for purposes of section 274A.

“(3) PREEMPTION OF STATE LAWS.—The provisions of subsection (a) and (c) of section 214 and the provisions of this section preempt any State or local law regulating admissibility of nonimmigrant workers.

“(4) FEES.—

“(A) IN GENERAL.—The Secretary of Homeland Security may require, as a condition of approving the petition, the payment of a fee, in accordance with subparagraph (B), to recover the reasonable cost of processing petitions.

“(B) FEE BY TYPE OF EMPLOYEE.—

“(i) SINGLE EMPLOYER.—An employer whose petition for temporary alien agricultural workers is approved shall, for each approved petition, pay a fee that—

“(I) subject to subclause (II), is equal to \$100 plus \$10 for each approved H-2A worker; and

“(II) does not exceed \$1,000.

“(ii) ASSOCIATION.—Each employer-member of a joint employer association whose petition for temporary agricultural aliens is approved shall, for each such approved petition, pay a fee that—

“(I) subject to subclause (II), is equal to \$100 plus \$10 for each approved H-2A worker; and

“(II) does not exceed \$1,000.

“(iii) LIMITATION ON ASSOCIATION FEES.—A joint employer association under clause (ii) shall not be charged a separate fee.

“(C) METHOD OF PAYMENT.—The fees collected under this paragraph shall be paid by check or money order to the Department of Homeland Security. In the case of employers of H-2A workers that are members of a joint employer association applying on their behalf, the aggregate fees for all employers of H-2A workers under the petition may be paid by 1 check or money order.

“(D) INCREASE IN FEES.—For calendar year 2007 and each subsequent calendar year, the dollar amounts in subparagraph (B) may be increased by an amount equal to—

“(i) such dollar amount; multiplied by

“(ii) the percentage by which the average 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 2005.

“(5) EMPLOYMENT VERIFICATION PROGRAM.—

“(A) IN GENERAL.—Not later than 12 months after the date of enactment of this paragraph, the Secretary of Homeland Security shall establish a mandatory employment verification program for all employers of H-2A workers to verify the eligibility of all individuals hired by each such employer, including those who present an H-2A visa to work in the United States.

“(B) EMPLOYER COMPLIANCE.—Each employer of an H-2A worker shall comply with the requirements promulgated by the Secretary of Homeland Security to verify the identity and employment eligibility of all individuals hired.

“(C) REGULATIONS.—In carrying out the program under this paragraph, the Secretary of Homeland Security shall promulgate regulations to require each employer to verify the employment eligibility of each employee hired through—

“(i) a secure Internet site;

“(ii) a machine capable of reading the H-2A visa, which shall serve as the identification and employment eligibility document for each H-2A alien; or

“(iii) a toll-free telephone number to check the accuracy of any social security number presented to the employer.

“(6) EMPLOYER-BASED APPLICATION FOR PERMANENT RESIDENCE.—

“(A) IN GENERAL.—The employer of a Level II H-2A worker who has been employed in such status for not less than 5 years may file an application for an employment-based adjustment of status under section 245(k) for such worker.

“(B) EFFECT OF APPLICATION.—A Level II H-2A worker for whom an application is filed under subparagraph (A) may continue to be employed in such status until—

“(i) such application has been adjudicated; or

“(ii) such worker has violated any provision of this section.

“(i) FAILURE TO MEET CONDITIONS.—

“(1) IN GENERAL.—The Secretary of Labor shall be responsible for conducting investigations and random audits of employer work sites to ensure compliance with the requirements of the H-2A program and all other requirements under this Act. All monetary fines levied against violating employers shall be paid to the Department of Labor and used to enhance the Department of Labor's investigatory and auditing power.

“(2) PENALTIES FOR FAILURE TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet any condition under subsection (b), or a material misrepresentation of fact in a petition under subsection (b)—

“(A) the Secretary of Labor—

“(i) shall notify the Secretary of Homeland Security of such finding; and

“(ii) may impose such other administrative remedies, including civil money penalties in an amount not to exceed \$1,000 per violation, as the Secretary of Labor determines to be appropriate; and

“(B) the Secretary of Homeland Security may disqualify the employer from the employment of H-2A workers for a period of 1 year.

“(3) PENALTIES FOR WILLFUL FAILURE.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a willful failure to meet a material condition of subsection (b) or a willful misrepresentation of a material fact in a petition under subsection (b)—

“(A) the Secretary of Labor—

“(i) shall notify the Secretary of Homeland Security of such finding; and

“(ii) may impose such other administrative remedies, including civil money penalties in an amount not to exceed \$5,000 per violation, as the Secretary of Labor determines to be appropriate; and

“(B) the Secretary of Homeland Security may—

“(i) disqualify the employer from the employment of H-2A workers for a period of 2 years;

“(ii) for a second violation, disqualify the employer from the employment of H-2A workers for a period of 5 years; and

“(iii) for a third violation, permanently disqualify the employer from the employment of H-2A workers.

“(4) PENALTIES FOR DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a willful failure to meet a material condition of subsection (b) or a willful misrepresentation of a material fact in a petition under subsection (b), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's petition under subsection (b), or during the period of 30 days preceding such period of employment—

“(A) the Secretary of Labor—

“(i) shall notify the Secretary of Homeland Security of such finding; and

“(ii) may impose such other administrative remedies, including civil money penalties in an amount not to exceed \$15,000 per violation, as the Secretary of Labor determines to be appropriate; and

“(B) the Secretary of Homeland Security may—

“(i) disqualify the employer from the employment of H-2A workers for a period of 5 years; and

“(ii) for a second violation, permanently disqualify the employer from the employment of H-2A workers.

“(5) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor may not impose total civil money penalties with respect to a petition under subsection (b) in excess of \$90,000.

“(j) FAILURE TO PAY WAGES OR REQUIRED BENEFITS.—

“(1) IN GENERAL.—The Secretary of Labor shall be responsible for conducting investigations and random audits of employer work sites to ensure compliance with the requirements of the H-2A program.

“(2) ASSESSMENT.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment attested by the employer under subsection (b)(2), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H-2A worker employed by the employer in the specific employment in question.

“(3) AMOUNT.—The back wages or other required benefits described in paragraph (2)—

“(A) shall be equal to the difference between the amount that should have been paid and the amount that was paid to such worker; and

“(B) shall be distributed to the worker to whom such wages are due.

“(k) MINIMUM WAGES, BENEFITS, AND WORKING CONDITIONS.—

“(1) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—

“(A) IN GENERAL.—Each employer seeking to hire United States workers shall offer such workers not less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H-2A workers. No job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H-2A workers. The benefits, wages, and other terms and conditions of employment described in this subsection shall be provided in connection with employment under this section.

“(B) INTERPRETATION.—Every interpretation and determination made under this section or under any other law, regulation, or interpretative provision regarding the nature, scope, and timing of the provision of these and any other benefits, wages, and other terms and conditions of employment shall be made so that—

“(i) the services of workers to their employers and the employment opportunities afforded to workers by the employers, including those employment opportunities that require United States workers or H-2A workers to travel or relocate in order to accept or perform employment—

“(I) mutually benefit such workers, as well as their families, and employers; and

“(II) principally benefit neither employer nor employee; and

“(ii) employment opportunities within the United States benefit the United States economy.

“(2) REQUIRED WAGES.—

“(A) IN GENERAL.—Each employer applying for workers under subsection (b) shall pay not less than the greater of—

“(i) the prevailing wage to all workers in the occupation for which the employer has applied for workers; or

“(ii) the applicable State minimum wage.

“(B) WAGES FOR LEVEL II H-2A WORKERS.—Each employer applying for Level II H-2A workers under subsection (b) shall pay such workers not less than the prevailing wage, as determined by the Secretary of Labor.

“(C) DETERMINATION OF WAGES.—An employer seeking to comply with subparagraph (A) may—

“(i) request and obtain a prevailing wage determination from the State employment agency; or

“(ii) rely on other wage information, including a survey of the prevailing wages of workers in the occupation in the area of employment that has been conducted or funded by the employer or a group of employers, using the methodology used by the Secretary of Labor to establish Occupational Employment and Wage estimate, and any other criteria specified in regulations issued by the Secretary of Labor.

“(D) COMPLIANCE.—An employer shall be considered to have complied with the requirement under subparagraph (A) if the employer—

“(i) obtains a prevailing wage determination under subparagraph (C)(i); or

“(ii) relies on a qualifying survey of prevailing wages; and

“(iii) pays such prevailing wage.

“(3) HOUSING REQUIREMENT.—

“(A) IN GENERAL.—Except as provided under subparagraph (F), each employer applying for workers under subsection (b) shall offer to provide housing at no cost to—

“(i) all workers in job opportunities for which the employer has applied under subsection (b); and

“(ii) all other workers in the same occupation at the same place of employment, whose place of residence is beyond normal commuting distance.

“(B) COMPLIANCE.—An employer meets the requirement under subparagraph (A) if the employer—

“(i) provides the workers with housing that meets applicable Federal standards for temporary labor camps; or

“(ii) secures housing for the workers that—

“(I) meets applicable local standards for rental or public accommodation housing, or other substantially similar class of habitation; or

“(II) in the absence of applicable local standards, meets State standards for rental or public accommodation housing or other substantially similar class of habitation.

“(C) INSPECTION.—The employer may request a certificate of inspection by an approved Federal or State agency to the Secretary of Labor not later than 28 days before a worker is scheduled to occupy housing described in subparagraph (B). Such an inspection, and any necessary follow up, including at least 1 follow up visit, shall be performed by the Wage and Hour Division of the Department of Labor in a timely manner not later than 28 days after such a request.

“(D) RULEMAKING.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

“(E) CONSTRUCTION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

“(F) HOUSING ALLOWANCE.—

“(i) AUTHORITY.—If the Governor of a State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H-2A workers, who are seeking temporary housing while employed in agricultural work, an employer in such State may, in lieu of offering housing pursuant to subparagraph (A), provide a reasonable housing allowance. An employer who provides a housing allowance to a worker shall not be required to reserve housing accommodations for the worker.

“(ii) ASSISTANCE IN LOCATING HOUSING.—Upon the request of a worker seeking assistance in locating housing, an employer providing a housing allowance under clause (i) shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment.

“(iii) LIMITATION.—A housing allowance may not be used for housing that is owned or controlled by the employer. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protect Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance.

“(iv) OTHER REQUIREMENTS.—

“(I) NONMETROPOLITAN COUNTY.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the state-wide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

“(II) METROPOLITAN COUNTY.—If the place of employment of the workers provided an allowance under this subparagraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

“(v) INFORMATION.—If the employer provides a housing allowance to H-2A employees, the employer shall provide a list to the Secretary of Homeland Security and the Secretary of Labor of the names and local addresses of such workers.

“(4) REIMBURSEMENT OF TRANSPORTATION COSTS.—

“(A) REQUIREMENT FOR REIMBURSEMENT.—A worker who completes 50 percent of the period of employment of the job for which the worker was hired, beginning on the first day of such employment, shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from—

“(i) the place from which the worker was approved to enter the United States to the location at which the work for the employer is performed; or

“(ii) if the worker traveled from a place in the United States at which the worker was last employed, from such place of last employment to the location at which the work for the employer is performed.

“(B) TIMING OF REIMBURSEMENT.—Reimbursement to the worker of expenses for the cost of the worker's transportation and subsistence to the place of employment under

subparagraph (A) shall be considered timely if such reimbursement is made not later than the worker's first regular payday after a worker completes 50 percent of the period of employment of the job opportunity as provided under this paragraph.

“(C) ADDITIONAL REIMBURSEMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the work site to the place where the worker was approved to enter the United States to work for the employer. If the worker has contracted with a subsequent employer, the previous and subsequent employer shall share the cost of the worker's transportation and subsistence from work site to work site.

“(D) AMOUNT OF REIMBURSEMENT.—The amount of reimbursement provided to a worker or alien under this paragraph shall be equal to the lesser of—

“(i) the actual cost to the worker or alien of the transportation and subsistence involved; or

“(ii) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

“(E) REIMBURSEMENT FOR LAID OFF WORKERS.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (5)(D)) before the anticipated ending date of employment, the employer shall provide—

“(i) the transportation and subsistence required under subparagraph (C); and

“(ii) notwithstanding whether the worker has completed 50 percent of the period of employment, the transportation reimbursement required under subparagraph (A).

“(F) TRANSPORTATION.—The employer shall provide transportation between the worker's living quarters and the employer's work site without cost to the worker in accordance with applicable laws and regulations.

“(G) CONSTRUCTION.—Nothing in this paragraph shall be construed to require an employer to reimburse visa, passport, consular, or international border-crossing fees incurred by the worker or any other fees associated with the worker's lawful admission into the United States to perform employment.

“(5) EMPLOYMENT GUARANTEE.—

“(A) IN GENERAL.—

“(i) REQUIREMENT.—Each employer applying for workers under subsection (b) shall guarantee to offer the worker employment for the hourly equivalent of not less than 75 percent of the work hours during the total anticipated period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer.

“(ii) FAILURE TO MEET GUARANTEE.—If the employer affords the United States worker or the H-2A worker less employment than that required under this subparagraph, the employer shall pay such worker the amount which the worker would have earned if the worker had worked for the guaranteed number of hours.

“(iii) PERIOD OF EMPLOYMENT.—For purposes of this subparagraph, the term ‘period of employment’ means the total number of anticipated work hours and work days described in the job offer and shall exclude the worker's Sabbath and Federal holidays.

“(B) CALCULATION OF HOURS.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work

day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

“(C) LIMITATION.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the 75 percent guarantee described in subparagraph (A).

“(D) TERMINATION OF EMPLOYMENT.—

“(i) IN GENERAL.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required due to any form of natural disaster, including flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease, pest infestation, regulatory action, or any other reason beyond the control of the employer before the employment guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment.

“(ii) REQUIREMENTS.—If a worker's employment is terminated under clause (i), the employer shall—

“(I) fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed during the period beginning on the first work day after the arrival of the worker and ending on the date on which such employment is terminated; and

“(II) make efforts to transfer the United States worker to other comparable employment acceptable to the worker.

“(1) DISQUALIFICATION.—

“(1) IN GENERAL.—Subject to paragraph (2), an alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the previous 5 years, violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission.

“(2) WAIVERS.—

“(A) IN GENERAL.—An alien seeking admission under section 101(a)(15)(H)(ii)(a) while outside of the United States shall not be deemed inadmissible under such section by reason of—

“(i) paragraph (1);

“(ii) section 212(a)(6)(C), if such alien has previously falsely represented himself or herself to be a citizen of the United States for the purpose of agricultural employment; or

“(iii) section 212(a)(9)(B), unless such alien was deported from the United States.

“(B) EFFECTIVE PERIOD OF WAIVER.—If an alien is admitted to the United States as a result of a waiver under subparagraph (A), such waiver shall remain in effect until the alien subsequently violates—

“(i) a material provision of this section; or

“(ii) a term or condition of admission into the United States as a nonimmigrant.

“(m) PERIOD OF ADMISSION.—

“(1) IN GENERAL.—An H-2A alien shall be admitted for an 11-month period of employment, excluding—

“(A) a period of not more than 7 days before the beginning of the period of employment for the purpose of travel to the work site; and

“(B) a period of not more than 14 days after the period of employment for the purpose of departure or extension based on a subsequent offer of employment.

“(2) EMPLOYMENT LIMITATION.—An alien may not be employed during the 14-day period described in paragraph (1)(B) except in the employment for which the alien was previously authorized.

“(3) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary of Homeland Security to extend the

stay of an alien under any other provision of this Act.

“(n) ABANDONMENT OF EMPLOYMENT.—

“(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status—

“(A) shall have failed to maintain nonimmigrant status as an H-2A worker; and

“(B) shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

“(2) REPORT BY EMPLOYER.—Not later than 24 hours after the premature abandonment of employment by an H-2A worker, the employer or association acting as an agent for the employer shall notify the Secretary of Homeland Security of such abandonment.

“(3) REMOVAL.—The Secretary of Homeland Security shall ensure the prompt removal from the United States of any H-2A worker who violates any term or condition of the worker's nonimmigrant status.

“(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate the alien's employment if the alien promptly departs the United States upon termination of such employment.

“(o) REPLACEMENT OF ALIEN.—

“(1) IN GENERAL.—Upon notification under subsection (n)(2)—

“(A) the Secretary of State shall promptly issue a visa to an eligible alien designated by the employer to replace an H-2A worker who abandons or prematurely terminates employment; and

“(B) the Secretary of Homeland Security shall admit such alien into the United States.

“(2) CONSTRUCTION.—Nothing in this subsection shall limit any preference for which United States workers are eligible under this Act.

“(p) IDENTIFICATION DOCUMENT.—

“(1) IN GENERAL.—The Secretary of Homeland Security shall provide each alien authorized to be an H-2A worker with a single machine-readable, tamper-resistant, and counterfeit-resistant document that—

“(A) authorizes the alien's entry into the United States;

“(B) serves, for the appropriate period, as an employment eligibility document; and

“(C) verifies the identity of the alien through the use of at least 1 biometric identifier.

“(2) REQUIREMENTS.—The document required for all aliens authorized to be an H-2A worker—

“(A) shall be capable of reliably determining whether—

“(i) the individual with the document is in fact eligible for employment as an H-2A worker;

“(ii) the individual with the document is not claiming the identity of another person; and

“(iii) the individual with the document is authorized to be admitted into the United States; and

“(B) shall be compatible with—

“(i) other databases of the Secretary of Homeland Security to prevent an alien from obtaining benefits for which the alien is not eligible and determining whether the alien is unlawfully present in the United States; and

“(ii) law enforcement databases to determine if the alien has been convicted of criminal offenses.

“(q) EXTENSION OF STAY OF H-2A WORKERS IN THE UNITED STATES.—

“(1) EXTENSION OF STAY.—

“(A) AUTHORITY.—An employer may petition to extend an H-2A worker's stay for up to 2 consecutive contract periods before the alien is required to return to the alien's

country of nationality or country of last residence.

“(B) REQUEST AN EXTENSION.—If an employer seeks to employ, or continue to employ, an H-2A worker who is lawfully present in the United States, the employer or association shall request an extension of the alien's stay not later than 14 days before the expiration of the period of authorized employment.

“(C) LIMITATIONS.—An extension of stay under this subsection—

“(i) may only commence upon the termination of the H-2A worker's contract with an employer;

“(ii) may be effective immediately following the termination of a prior contract; and

“(iii) may not exceed 11 months, excluding the 14-day period provided for travel or extension due to subsequent employment.

“(D) RETURN TO FOREIGN COUNTRY.—

“(i) REQUIREMENT TO RETURN.—At the conclusion of 3 contract periods authorized under this section, the alien so employed may not be employed in the United States as an H-2A worker until the alien has returned to the alien's country of nationality or country of last residence for a period of not less than 6 months.

“(ii) REENTRY.—The alien may become eligible for reentry into the United States as an H-2A worker after working in the United States for 2 contract periods and remaining the alien's country of nationality or country of last residence for not less than 4 months. The alien may also be eligible for re-entry to the United States as an H-2A worker after working in the United States for 1 contract period and remaining in the alien's country of nationality or country of last residence for not less than 2 months.

“(2) WORK AUTHORIZATION.—

“(A) IN GENERAL.—An alien who is lawfully present in the United States on the date of the filing of a petition to extend the stay of the alien may commence or continue the employment described in a petition under paragraph (1). The employer shall provide a copy of the employer's petition for extension of stay to the alien. The alien shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

“(B) EMPLOYMENT ELIGIBILITY DOCUMENT.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary of Homeland Security shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

“(C) FILE DEFINED.—In this paragraph, the term ‘file’ means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivering by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition for an extension of stay.

“(r) SPECIAL RULE FOR ALIENS EMPLOYED AS LIVESTOCK WORKERS.—Notwithstanding any other provision of this section, an alien admitted as an H-2A worker for employment as a shepherd, goatherder, livestock worker, or dairy worker may be admitted for a period of up to 2 years.

“(ADMISSION OF CROSS-BORDER H-2AA WORKERS

“SEC. 218A. (a) DEFINITION.—In this section, the term ‘H-2AA worker’ means a nonimmigrant described in section 101(a)(15)(H)(ii)(a) who participates in the cross-border worker program established under this section.

“(b) INCORPORATION BY REFERENCE.—

“(1) IN GENERAL.—Except as specifically provided under paragraph (2), the provisions under section 218 shall apply to H-2AA workers.

“(2) EXCEPTIONS.—The provisions under subsections (b)(1)(B), (k)(2)(B), (k)(3), (k)(4) (except for subparagraph (G)), and (r) of section 218 shall not apply to H-2AA workers.

“(c) MANDATORY ENTRY AND EXIT.—An H-2AA worker who complies with the provisions of this section—

“(1) may enter the United States each scheduled work day, in accordance with regulations promulgated by the Secretary of Homeland Security; and

“(2) shall exit the United States before the end of each day of such entrance.”.

(2) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is adding after the item relating to section 218 the following:

“Sec. 218A. Admission of cross-border H-2AA workers.”.

(b) RULEMAKING.—

(1) ISSUANCE OF VISAS.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall promulgate regulations, in accordance with the notice and comment provisions of section 553 of title 5, United States Code, to provide for uniform procedures for the issuance of visas by United States consulates and consular officials to nonimmigrants described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) H-2AA BORDER CROSSINGS.—The Secretary of Homeland Security shall promulgate regulations to establish a process for workers authorized to work in the United States under section 218A of the Immigration and Nationality Act, as added by subsection (a), to ensure that such workers expeditiously enter and exit the United States during each work day.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 223. LEGAL ASSISTANCE FROM THE LEGAL SERVICES CORPORATION.

Section 504 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1854) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) LEGAL ASSISTANCE.—(1) Upon application by a complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action.

“(2) The Legal Services Corporation may not provide legal assistance for or on behalf of any alien, and may not provide financial assistance to any person or entity that provides legal assistance for or on behalf of any alien, unless the alien—

“(A) is described in subsection (a); and

“(B) is present in the United States at the time the legal assistance is provided.

“(3)(A) No party may bring a civil action for damages or other complaint on behalf of a nonimmigrant described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) unless—

“(i) the party makes a request to the Federal Mediation and Conciliation Service or an equivalent State program (as defined by the Secretary of Labor) not later than 90 days before bringing the action to assist the parties in reaching a satisfactory resolution of all issues involving parties to the dispute; and

“(ii) the parties to the dispute have attempted, in good faith, mediation or other

non-binding dispute resolution of all issues involving all such parties.

“(B) If the mediator finds that an agricultural employer, agricultural association, or farm labor contractor has corrected a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1854) or of a regulation under such Act not later than 14 days after the date on which such agricultural employer, agricultural association, or farm labor contractor was notified in writing of such violation, no action may be brought under such Act with respect to such violation.

“(C) Any settlement reached through the mediation process described in subparagraph (A) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding.

“(4) An employer of a nonimmigrant described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) shall not be required to permit any recipient of grants or contracts under section 1007 of the Legal Services Corporation Act (42 U.S.C. 2996f), or any employee of such recipient, to enter upon the employer's property unless such recipient or employee has a prearranged appointment with a particular worker.

“(5) The employer of a nonimmigrant described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) shall post the contact information of the Legal Services Corporation in the dwelling and at the work site of each nonimmigrant employee.

“(6) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this subsection.”; and

(2) by adding at the end the following:

“(g)(1) If a defendant prevails in an action under this section in which the plaintiff is represented by an attorney who is employed by the Legal Services Corporation or any entity receiving funds from the Legal Services Corporation, such entity or the Legal Services Corporation shall award to the prevailing defendant fees and other expenses incurred by the defendant in connection with the action.

“(2) As used in this subsection, the term ‘fees and other expenses’ has the meaning given the term in section 504(b)(1)(A) of title 5, United States Code.

“(3) The court shall take whatever steps necessary, including the imposition of sanctions, to ensure compliance with this subsection.”.

Subtitle C—Blue Card Program

SEC. 231. ADMISSION OF NECESSARY AGRICULTURAL WORKERS.

(a) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 218A, as added by section 222, the following:

“BLUE CARD PROGRAM

“SEC. 218B. (a) DEFINITIONS.—As used in this section—

“(1) the term ‘agricultural employment’ means any service or activity that is considered agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)), and labor and services relating to commodities, livestock, dairy, forestry, landscaping, fishing, and the processing of meat, poultry, and fish;

“(2) the term ‘blue card status’ means the status of an alien who has been—

“(A) lawfully admitted for a temporary period for agricultural employment under subsection (b); and

“(B) issued a tamper-resistant, machine-readable document that—

“(i) serves as the alien's visa, employment authorization, and travel documentation; and

“(ii) contains such biometrics as are required by the Secretary;

“(3) the term ‘employer’ means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment;

“(4) the term ‘Secretary’ means the Secretary of Homeland Security; and

“(5) the term ‘United States worker’ means any worker, including a national of the United States, a lawfully admitted permanent resident alien, and any other alien authorized to work in the relevant job opportunity within the United States, except—

“(A) an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a);

“(B) an alien admitted or otherwise provided status as an H-2AA worker; and

“(C) an alien provided status under this section.

“(b) BLUE CARD PROGRAM.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may confer blue card status upon an alien who qualifies under this subsection if, not later than 6 months after the date of enactment of this section, the petitioning employer attests and the Secretary determines that the alien—

“(A) performed at least 1600 hours of agricultural employment in the United States for that employer during 2005;

“(B) except as otherwise provided under paragraph (2), is otherwise admissible to the United States under section 212; and

“(C) has never been convicted of a felony or a misdemeanor in the United States.

“(2) DETERMINATION.—In determining an alien's eligibility for Blue Card status, the Secretary shall—

“(A) conduct a background investigation of the alien, including a review of evidence submitted by the petitioning employer in support of the attestation that the alien meets the minimum work requirements; and

“(B) interview the alien and require the alien to answer questions concerning the alien's—

“(i) physical and mental health;

“(ii) criminal history and gang membership;

“(iii) immigration history;

“(iv) involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States government;

“(v) voter registration history;

“(vi) claims to United States citizenship; and

“(vii) tax history.

“(3) WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY.—In determining an alien's eligibility for blue card status under paragraph (1)(C)—

“(A) the provisions of paragraphs (5), (6)(A), (7)(A), and (9)(B) of section 212(a) shall not apply;

“(B) the provisions of section 212(a)(6)(C) shall not apply with respect to prior or current agricultural employment; and

“(C) the Secretary may not waive paragraph (1)(2), or (3) of section 212(a) unless such waiver is permitted under another provision of law.

“(4) PETITIONS.—

“(A) IN GENERAL.—An employer seeking blue card status under this section for an alien employee shall file a named petition for blue card status with the Secretary.

“(B) EMPLOYER PETITION.—An employer filing a petition under subparagraph (A) shall—

“(i) pay a registration fee of \$3,000;

“(ii) pay a processing fee to cover the actual costs incurred in adjudicating the petition;

“(iii) include an affidavit signed by the beneficiary of the petition—

“(I) that certifies, under penalty of perjury under the laws of the United States, that the application and any evidence submitted with it is true and correct and that authorizes the release of any information contained in the petition and attached evidence for law enforcement purposes; and

“(II) that includes a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of Blue Card status, the alien agrees to waive any right to administrative or judicial review or appeal of a determination by the Department of Homeland Security regarding the alien's eligibility for Blue Card status; and

“(iv) provide an attestation, valid for not less than 60 days, that the employer—

“(I) conducted adequate recruitment in the area of intended employment before filing the petition; and

“(II) was unsuccessful in locating qualified United States workers for the job opportunity for which the certification is sought.

“(C) ADEQUATE RECRUITMENT.—

“(i) MINIMUM REQUIREMENT.—The adequate recruitment requirement under subparagraph (B)(iii) is satisfied if the employer—

“(I) places a job order with the America's Job Bank Program of the Department of Labor; and

“(II) places a Sunday advertisement in a newspaper of general circulation that is likely to be patronized by a potential worker in the area of intended employment.

“(ii) ADVERTISEMENT REQUIREMENT.—An advertisement under clause (i)(II) shall—

“(I) name the employer;

“(II) direct applicants to report or send resumes, as appropriate for the occupation, to the employer;

“(III) provide a description of the vacancy that is specific enough to apprise United States workers of the job opportunity for which certification is sought;

“(IV) describe the geographic area with enough specificity to apprise applicants of any travel requirements and where applicants will likely have to reside to perform the job;

“(V) state the rate of pay, which must equal or exceed the wage paid to the H-2A employees in the occupation in the area of intended employment; and

“(VI) offer wages, terms, and conditions of employment, which are at least as favorable as those offered to the alien.

“(D) ADJUDICATION OF PETITIONS.—The Secretary of Homeland Security shall ensure that—

“(i) the petitioning process is secure and incorporates anti-fraud protections; and

“(ii) all petitions for Blue Card status are processed not later than 12 months after the date of enactment of this section.

“(E) NOTIFICATION OF ADJUDICATION.—The Secretary shall provide notification of an adjudication of a petition filed for an alien to the alien and to the employer who filed such petition.

“(F) EFFECT OF DENIAL.—If the Secretary denies a petition filed for an alien, such alien shall return to the country of the alien's nationality or last residence outside the United States.

“(5) BLUE CARD STATUS.—

“(A) BLUE CARD.—

“(i) ALL-IN-ONE CARD.—The Secretary, in conjunction with the Secretary of State, shall develop a single machine-readable, tamper-resistant document that—

“(I) authorizes the alien's entry into the United States;

“(II) serves, during the period an alien is in blue card status, as an employment authorized endorsement or other appropriate work permit for agricultural employment; and

“(III) serves as an entry and exit document to be used in conjunction with a proper visa or as a visa and as other appropriate travel and entry documentation using biometric identifiers that meet the biometric identifier standards jointly established by the Secretary of State and the Secretary.

“(ii) BIOMETRICS.—

“(I) SUBMISSION OF IDENTIFIERS.—After a petition is filed by an employer and receipt of such petition is confirmed by the Secretary, the alien, in order to further adjudicate the petition, shall submit 2 biometric identifiers (such as a fingerprint and a digital photograph), as required by the Secretary, to an application support center, which the Secretary shall establish in each State.

“(II) PROCESS.—The Secretary shall prescribe a process for the submission of a biometric identifier to be incorporated electronically into an employer's prior electronic filing of a petition. The Secretary shall prescribe an alternative process for employers to file a petition in a manner other than electronic filing, as needed.

“(B) DOCUMENT REQUIREMENTS.—The Secretary shall issue a blue card that is—

“(i) capable of reliably determining if the individual with the blue card whose eligibility is being verified is—

“(I) eligible for employment;

“(II) claiming the identity of another person; and

“(III) authorized to be admitted; and

“(ii) compatible with—

“(I) other databases maintained by the Secretary to exclude aliens from benefits for which the aliens are not eligible and determine whether the alien is unlawfully present in the United States; and

“(II) law enforcement databases to determine if the alien has been convicted of criminal offenses.

“(C) AUTHORIZED TRAVEL.—

“(i) IN GENERAL.—An alien may make brief visits outside the United States during the period in which the alien is in blue card status, in accordance with such regulations as are established by the Secretary, in conjunction with the Secretary of State.

“(ii) READMISSION.—An alien may be readmitted to the United States after a visit described in clause (i) without having to obtain a visa if the alien presents the alien's blue card document.

“(iii) EFFECT OF TRAVEL.—Such periods of time spent outside the United States shall not cause the period of blue card status in the United States to be extended.

“(D) PORTABILITY.—

“(i) IN GENERAL.—During the period in which an alien is in blue card status, the alien issued a blue card may accept new employment upon the Secretary's receipt of a petition filed by an employer on behalf of the alien. Employment authorization shall continue for such alien until such petition is adjudicated.

“(ii) EFFECT OF DENIAL.—If a petition filed under clause (i) is denied and the alien has ceased employment with the previous employer, the authorization under clause (i) shall terminate and the alien shall be required to return to the country of the alien's nationality or last residence.

“(iii) FEE.—A fee may be required by the Secretary to cover the actual costs incurred in adjudicating a petition under this subparagraph. No other fee may be required under this subparagraph.

“(E) ANNUAL CHECK IN.—The employer of an alien in blue card status who has been employed for 1 year in blue card status shall

confirm the alien's continued status with the Secretary electronically or in writing. Such confirmation will not require a further labor attestation.

“(F) TERMINATION OF BLUE CARD STATUS.—The Secretary may terminate the blue card status of an alien upon a determination by the Secretary that—

“(i) without the appropriate waiver, the granting of blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i);

“(ii) the alien is convicted of a felony or a misdemeanor committed in the United States; or

“(iii) the alien is deportable or inadmissible under any other provision of this Act.

“(6) PERIOD OF AUTHORIZED ADMISSION.—

“(A) IN GENERAL.—An alien may be granted blue card status for a period not to exceed 2 years.

“(B) RETURN TO COUNTRY.—At the end of the period referred to in subparagraph (A), the alien shall return to the country of nationality or last residence.

“(C) ELIGIBILITY FOR NONIMMIGRANT VISA.—Upon returning to the country of nationality or last residence under subparagraph (B), the alien may apply for an H-2A visa, an H-2AA visa, or any other nonimmigrant visa.

“(D) REPORTING REQUIREMENT.—Not later than 24 hours after an alien with blue card status ceases to be employed by an employer, such employer shall notify the Secretary of such cessation of employment. The Secretary shall provide electronic means for making such notification.

“(E) LOSS OF EMPLOYMENT.—

“(i) IN GENERAL.—The blue card status of an alien shall terminate if the alien is not employed for 60 or more consecutive days.

“(ii) RETURN TO COUNTRY.—An alien whose period of authorized admission terminates under clause (i) shall return to the country of the alien's nationality or last residence.

“(7) GROUNDS FOR ELIGIBILITY.—

“(A) BAR TO FUTURE VISAS FOR CONDITION VIOLATIONS.—If an alien having blue card status violates any term or condition of such status, the alien shall not be eligible for such status or for future immigrant and non-immigrant status, as determined by the Secretary.

“(B) ALIENS IN H-2A STATUS.—Any alien in lawful H-2A status between January 1, 2005 and December 31, 2006 shall be ineligible for blue card status.

“(8) BAR OF CHANGE OR ADJUSTMENT OF STATUS.—

“(A) IN GENERAL.—An alien having blue card status shall not be eligible to change or adjust status in the United States.

“(B) LOSS OF ELIGIBILITY.—An alien having blue card status shall lose eligibility for such status if the alien—

“(i) files a petition to adjust status to legal permanent residence in the United States; or

“(ii) requests a consular processing for an immigrant or non-immigrant visa outside the United States.

“(9) JUDICIAL REVIEW.—There shall be no judicial review of a denial of blue card status.

“(c) SAFE HARBOR.—

“(1) SAFE HARBOR FOR ALIEN.—An alien for whom a nonfrivolous petition is filed under this section—

“(A) shall be granted employment authorization pending final adjudication of the petition;

“(B) may not be detained, determined inadmissible, or deportable, or removed pending final adjudication of the petition for blue card status, unless the alien commits an act which renders the alien ineligible for such blue card status; and

“(C) may not be considered an unauthorized alien (as defined in section 274(h)(3)) if

the alien is in possession of a copy of a petition for status until such petition is adjudicated.

“(2) SAFE HARBOR FOR EMPLOYER.—

“(A) TAX LIABILITY.—An employer that files a petition for blue card status for an alien shall not be subject to civil and criminal tax liability relating directly to the employment of such alien.

“(B) EMPLOYMENT RECORDS.—An employer that provides unauthorized aliens with copies of employment records or other evidence of employment pursuant to the petition shall not be subject to civil and criminal liability pursuant to section 274A for employing such authorized aliens.”.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 218A, as added by section 222, the following:

“Sec. 218B. Blue card program.”.

(c) PENALTIES FOR FALSE STATEMENTS.—Section 1546 of title 18, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) Any person, including the alien who is the beneficiary of a petition, who—

“(1) files a petition under section 218B(b)(3) of the Immigration and Nationality Act; and

“(2)(A) knowingly and willfully falsifies, conceals, or covers up a material fact related to such a petition;

“(B) makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry related to such a petition; or

“(C) creates or supplies a false writing or document for use in making such a petition, shall be fined in accordance with this title, imprisoned not more than 5 years, or both.”.

SEC. 232. EFFECTIVE DATE.

This subtitle shall take effect on the date that is 6 months after the date of enactment of this Act.

SA 5054. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 5028 submitted by Mr. SALAZAR (for himself, Mr. KENNEDY, Mr. LIEBERMAN, Mr. OBAMA, Mr. REID, Mr. LEAHY, Mr. DURBIN, and Mr. CARPER) and intended to be proposed to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

Beginning on page 688, strike line 9 and all that follows through page 689, line 7.

SA 5055. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 2, line 1, insert “, consistent with and subject to all applicable regulations, laws, and provisions of the Constitution,” after “appropriate”.

SA 5056. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the inter-

national land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 96, after line 19, add the following:

SEC. 11. EXPEDITED REVIEW.

(a) IN GENERAL.—

(1) THREE-JUDGE DISTRICT COURT HEARING.—Any civil action challenging the legality of any provision of, or any amendment made by, this Act, shall be heard by a 3-judge panel in the United States District Court for the District of Columbia convened under section 2284 of title 28, United States Code. The exclusive venue for expedited review under this section shall be the United States District Court for the District of Columbia.

(2) APPELLATE REVIEW.—An interlocutory or final judgment, decree, or order of the court of 3 judges in an action under paragraph (1) shall be reviewable as a matter of right by direct appeal to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed not later than 10 calendar days after such order or judgment is entered and the jurisdictional statement shall be filed not later than 30 calendar days after such order or judgment is entered.

(3) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under paragraph (1).

(b) OTHER PROVISION.—Notwithstanding any other provision of this Act, section 950k(b) of title 10, United States Code, shall read as follows:

“(b) REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter or section 11 of the Military Commissions Act of 2006, and notwithstanding any other provision of law (including section 2241 of title 28 or any other habeas corpus provision), no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of the enactment of the Military Commissions Act of 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.”.

SA 5057. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 11. ANNUAL REPORT ON INTERROGATION OF ALIEN UNLAWFUL ENEMY COMBATANTS UNDER CUSTODY OR CONTROL OF THE UNITED STATES.

(a) ANNUAL REPORT REQUIRED.—Not later than January 31 each year, the Director of National Intelligence shall submit to Congress a report on the interrogation of alien unlawful enemy combatants under the custody or control of the United States during the preceding calendar year.

(b) ELEMENTS.—Each report under subsection (a) shall set forth, for the year covered by such report, the following:

(1) The types of interrogation methods utilized.

(2) The types of information gathered as a result of the interrogations.

(c) FORM OF REPORTS.—

(1) INTELLIGENCE COMMITTEES.—Each report under subsection (a) shall be provided to all

members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives in the form of a written and oral classified briefing.

(2) CONGRESS GENERALLY.—Each report under subsection (a) shall be otherwise submitted to Congress in unclassified form, with a classified annex if appropriate.

(d) UNLAWFUL ENEMY COMBATANT DEFINED.—In this section, the term “unlawful enemy combatant” has the meaning given that term in section 948a(1) of title 10, United States Code, as amended by section 3 (as added by Senate amendment No. 5036).

SA 5058. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 83, strike line 1 and all that follows through page 93, line 4, and insert the following:

SEC. 6. REVISION TO WAR CRIMES OFFENSE UNDER FEDERAL CRIMINAL CODE.

(a) IN GENERAL.—Section 2441 of title 18, United States Code, is amended—

(1) in subsection (c), by striking paragraph (3) and inserting the following new paragraph (3):

“(3) which constitutes a grave breach of common Article 3 (as defined in subsection (d)) when committed in the context of and in association with an armed conflict not of an international character; or”; and

(2) by adding at the end the following new subsection:

“(d) COMMON ARTICLE 3 VIOLATIONS.—

“(1) GRAVE BREACH OF COMMON ARTICLE 3.—In subsection (c)(3), the term ‘grave breach of common Article 3’ means any conduct (such conduct constituting a grave breach of common Article 3 of the international conventions done at Geneva August 12, 1949), as follows:

“(A) TORTURE.—The act of a person who commits, or conspires or attempts to commit, an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind.

“(B) CRUEL, UNUSUAL, OR INHUMANE TREATMENT OR PUNISHMENT.—The act of a person who subjects another person in the custody or under the physical control of the United States Government, regardless of nationality or physical location, to cruel, unusual, or inhumane treatment or punishment prohibited by the Fifth, Eighth, and 14th Amendments to the Constitution of the United States.

“(C) PERFORMING BIOLOGICAL EXPERIMENTS.—The act of a person who subjects, or conspires or attempts to subject, one or more persons within his custody or physical control to biological experiments without a legitimate medical or dental purpose and in so doing endangers the body or health of such person or persons.

“(D) MURDER.—The act of a person who intentionally kills, or conspires or attempts to kill, or kills whether intentionally or unintentionally in the course of committing any other offense under this section, one or more persons taking no active part in hostilities, including those placed out of active combat by sickness, wounds, detention, or any other cause.

“(E) MUTILATION OR MAIMING.—The act of a person who intentionally injures, or conspires or attempts to injure, or injures whether intentionally or unintentionally in the course of committing any other offense under this section, one or more persons taking no active part in hostilities, including those placed out of active combat by sickness, wounds, detention, or any other cause, by disfiguring such person or persons by any mutilation thereof or by permanently disabling any member, limb, or organ of the body of such person or persons, without any legitimate medical or dental purpose.

“(F) INTENTIONALLY CAUSING SERIOUS BODILY INJURY.—The act of a person who intentionally causes, or conspires or attempts to cause, serious bodily injury to one or more persons, including lawful combatants, in violation of the law of war.

“(G) RAPE.—The act of a person who forcibly or with coercion or threat of force wrongfully invades, or conspires or attempts to invade, the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused, or with any foreign object.

“(H) SEXUAL ASSAULT OR ABUSE.—The act of person who forcibly or with coercion or threat of force engages, or conspires or attempts to engage, in sexual contact with one or more persons, or causes, or conspires or attempts to cause, one or more persons to engage in sexual contact.

“(I) TAKING HOSTAGES.—The act of a person who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons.

“(2) DEFINITIONS.—In the case of an offense under subsection (a) by reason of subsection (c)(3)—

“(A) the term ‘severe mental pain or suffering’ shall be applied for purposes of paragraph (1)(A) in accordance with the meaning given that term in section 2340(2) of this title;

“(B) the term ‘serious bodily injury’ shall be applied for purposes of paragraph (1)(F) in accordance with the meaning given that term in section 113(b)(2) of this title; and

“(C) the term ‘sexual contact’ shall be applied for purposes of paragraph (1)(G) in accordance with the meaning given that term in section 2246(3) of this title.

“(3) INAPPLICABILITY OF CERTAIN PROVISIONS WITH RESPECT TO COLLATERAL DAMAGE OR INCIDENT OF LAWFUL ATTACK.—The intent specified for the conduct stated in subparagraphs (D), (E), and (F) of paragraph (1) precludes the applicability of those subparagraphs to an offense under subsection (a) by reasons of subsection (c)(3) with respect to—

“(A) collateral damage; or

“(B) death, damage, or injury incident to a lawful attack.

“(4) INAPPLICABILITY OF TAKING HOSTAGES TO PRISONER EXCHANGE.—Paragraph (1)(I) does not apply to an offense under subsection (a) by reason of subsection (c)(3) in the case of a prisoner exchange during wartime.”.

(b) CONSTRUCTION.—Such section is further amended by adding at the end the following new subsections:

“(e) INAPPLICABILITY OF FOREIGN SOURCES OF LAW IN INTERPRETATION.—No foreign source of law shall be considered in defining or interpreting the obligations of the United States under this title.

“(f) NATURE OF CRIMINAL SANCTIONS.—The criminal sanctions in this section provide penal sanctions under the domestic law of

the United States for grave breaches of the international conventions done at Geneva August 12, 1949. Such criminal sanctions do not alter the obligations of the United States under those international conventions.”.

(c) PROTECTION OF CERTAIN UNITED STATES GOVERNMENT PERSONNEL.—Such section is further amended by adding at the end the following new subsection:

“(g) PROTECTION OF CERTAIN UNITED STATES GOVERNMENT PERSONNEL.—The provisions of section 1004 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd-1) shall apply with respect to any criminal prosecution relating to the detention and interrogation of individuals described in such provisions that is grounded in an offense under subsection (a) by reason of subsection (c)(3) with respect to actions occurring between September 11, 2001, and December 30, 2005.”.

SA 5059. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 5038 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 83, strike line 1 and all that follows through page 93, line 4, and insert the following:

SEC. 6. REVISION TO WAR CRIMES OFFENSE UNDER FEDERAL CRIMINAL CODE.

(a) IN GENERAL.—Section 2441 of title 18, United States Code, is amended—

(1) in subsection (c), by striking paragraph (3) and inserting the following new paragraph (3):

“(3) which constitutes a grave breach of common Article 3 (as defined in subsection (d)) when committed in the context of and in association with an armed conflict not of an international character; or”; and

(2) by adding at the end the following new subsection:

“(d) COMMON ARTICLE 3 VIOLATIONS.—

“(1) GRAVE BREACH OF COMMON ARTICLE 3.—In subsection (c)(3), the term ‘grave breach of common Article 3’ means any conduct (such conduct constituting a grave breach of common Article 3 of the international conventions done at Geneva August 12, 1949), as follows:

“(A) TORTURE.—The act of a person who commits, or conspires or attempts to commit, an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind.

“(B) CRUEL, UNUSUAL, OR INHUMANE TREATMENT OR PUNISHMENT.—The act of a person who subjects another person in the custody or under the physical control of the United States Government, regardless of nationality or physical location, to cruel, unusual, or inhumane treatment or punishment prohibited by the Fifth, Eighth, and 14th Amendments to the Constitution of the United States.

“(C) PERFORMING BIOLOGICAL EXPERIMENTS.—The act of a person who subjects, or conspires or attempts to subject, one or more persons within his custody or physical control to biological experiments without a legitimate medical or dental purpose and in so doing endangers the body or health of such person or persons.

“(D) MURDER.—The act of a person who intentionally kills, or conspires or attempts to kill, or kills whether intentionally or unin-

tionally in the course of committing any other offense under this section, one or more persons taking no active part in hostilities, including those placed out of active combat by sickness, wounds, detention, or any other cause.

“(E) MUTILATION OR MAIMING.—The act of a person who intentionally injures, or conspires or attempts to injure, or injures whether intentionally or unintentionally in the course of committing any other offense under this section, one or more persons taking no active part in hostilities, including those placed out of active combat by sickness, wounds, detention, or any other cause, by disfiguring such person or persons by any mutilation thereof or by permanently disabling any member, limb, or organ of the body of such person or persons, without any legitimate medical or dental purpose.

“(F) INTENTIONALLY CAUSING SERIOUS BODILY INJURY.—The act of a person who intentionally causes, or conspires or attempts to cause, serious bodily injury to one or more persons, including lawful combatants, in violation of the law of war.

“(G) RAPE.—The act of a person who forcibly or with coercion or threat of force wrongfully invades, or conspires or attempts to invade, the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused, or with any foreign object.

“(H) SEXUAL ASSAULT OR ABUSE.—The act of person who forcibly or with coercion or threat of force engages, or conspires or attempts to engage, in sexual contact with one or more persons, or causes, or conspires or attempts to cause, one or more persons to engage in sexual contact.

“(I) TAKING HOSTAGES.—The act of a person who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons.

“(2) DEFINITIONS.—In the case of an offense under subsection (a) by reason of subsection (c)(3)—

“(A) the term ‘severe mental pain or suffering’ shall be applied for purposes of paragraph (1)(A) in accordance with the meaning given that term in section 2340(2) of this title;

“(B) the term ‘serious bodily injury’ shall be applied for purposes of paragraph (1)(F) in accordance with the meaning given that term in section 113(b)(2) of this title; and

“(C) the term ‘sexual contact’ shall be applied for purposes of paragraph (1)(G) in accordance with the meaning given that term in section 2246(3) of this title.

“(3) INAPPLICABILITY OF CERTAIN PROVISIONS WITH RESPECT TO COLLATERAL DAMAGE OR INCIDENT OF LAWFUL ATTACK.—The intent specified for the conduct stated in subparagraphs (D), (E), and (F) of paragraph (1) precludes the applicability of those subparagraphs to an offense under subsection (a) by reasons of subsection (c)(3) with respect to—

“(A) collateral damage; or

“(B) death, damage, or injury incident to a lawful attack.

“(4) INAPPLICABILITY OF TAKING HOSTAGES TO PRISONER EXCHANGE.—Paragraph (1)(I) does not apply to an offense under subsection (a) by reason of subsection (c)(3) in the case of a prisoner exchange during wartime.”.

(b) CONSTRUCTION.—Such section is further amended by adding at the end the following new subsections:

“(e) INAPPLICABILITY OF FOREIGN SOURCES OF LAW IN INTERPRETATION.—No foreign

source of law shall be considered in defining or interpreting the obligations of the United States under this title.

“(f) NATURE OF CRIMINAL SANCTIONS.—The criminal sanctions in this section provide penal sanctions under the domestic law of the United States for grave breaches of the international conventions done at Geneva August 12, 1949. Such criminal sanctions do not alter the obligations of the United States under those international conventions.”

(c) PROTECTION OF CERTAIN UNITED STATES GOVERNMENT PERSONNEL.—Such section is further amended by adding at the end the following new subsection:

“(g) PROTECTION OF CERTAIN UNITED STATES GOVERNMENT PERSONNEL.—The provisions of section 1004 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd-1) shall apply with respect to any criminal prosecution relating to the detention and interrogation of individuals described in such provisions that is grounded in an offense under subsection (a) by reason of subsection (c)(3) with respect to actions occurring between September 11, 2001, and December 30, 2005.”

SA 5060. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 93, strike line 5 and all that follows through page 94, line 9.

SA 5061. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 5, line 18, strike “and” and all that follows through line 20, and insert the following:

(3) the economic impact implementing such a system will have along the northern border; and

(4) the status of border security measures on the Blackfeet Reservation in Montana and recommendations for improving such measures.

SA 5062. Mr. SPECTER (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 5038 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 93, strike line 5 and all that follows through page 94, line 9.

SA 5063. Mr. SPECTER (for himself, Mr. LEAHY, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 5038 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 94, line 2, strike the quotation marks and the second period and insert the following:

“(3)(A) Paragraph (1) shall not apply to an application for a writ of habeas corpus challenging the legality of the detention of an

alien described in paragraph (1), including a claim of innocence, filed by or on behalf of such an alien who has been detained by the United States for longer than 1 year.

“(B) No second or successive application for a writ of habeas corpus may be filed by or on behalf of an alien described in paragraph (1).”

SA 5064. Mr. SPECTER (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 93, strike line 5 and all that follows through page 94, line 9.

SA 5065. Mr. SPECTER (for himself, Mr. LEAHY, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 94, line 2, strike the quotation marks and the second period and insert the following:

“(3)(A) Paragraph (1) shall not apply to an application for a writ of habeas corpus challenging the legality of the detention of an alien described in paragraph (1), including a claim of innocence, filed by or on behalf of such an alien who has been detained by the United States for longer than 1 year.

“(B) No second or successive application for a writ of habeas corpus may be filed by or on behalf of an alien described in paragraph (1).”

SA 5066. Mrs. HUTCHISON (for herself and Mr. KYL) submitted an amendment intended to be proposed by her to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 3, strike line 4 and all that follows through page 5, line 8, and insert the following:

SEC. 3. CONSTRUCTION OF FENCING AND SECURITY IMPROVEMENTS IN BORDER AREA FROM PACIFIC OCEAN TO GULF OF MEXICO.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) CONSTRUCTION OF FENCING AND ROAD IMPROVEMENTS IN THE BORDER AREA.—

“(1) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security, subject to appropriation and after consultation with representatives of State and local government, shall provide for appropriate physical infrastructure, such as double- or triple-layered fencing, additional physical barriers, roads, lighting, cameras and sensors, along not less than 700 linear miles of the southwest border in the areas the Secretary determines are most often used by smugglers and illegal aliens attempting to gain illegal entry into the United States or that have proximity to metropolitan areas or military facilities.

“(2) PRIORITY AREAS.—In carrying out paragraph (1), the Secretary of Homeland Security shall give priority for the deployment of additional fencing and other border security infrastructure within the geographic areas—

“(A) extending from 10 miles west of the Tecate, California, port of entry to 10 miles east of the Tecate, California, port of entry;

“(B) extending from 10 miles west of the Calexico, California, port of entry to 5 miles east of the Douglas, Arizona, port of entry;

“(C) extending from 5 miles west of the Columbus, New Mexico, port of entry to 10 miles east of El Paso, Texas;

“(D) extending from 5 miles northwest of the Del Rio, Texas, port of entry to 5 miles southeast of the Eagle Pass, Texas, port of entry; and

“(E) extending 15 miles northwest of the Laredo, Texas, port of entry to the Brownsville, Texas, port of entry.

“(3) REPORTS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on the Judiciary of the Senate and the Committee on Homeland Security of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, roads and other border infrastructure described in paragraphs (1) and (2). Whenever the Secretary of Homeland Security determines that the fencing is not feasible for those areas described in this subsection, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on Homeland Security of the House of Representatives that explains why the fencing was not feasible and the alternative security measures that were implemented.

“(4) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

“(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this paragraph shall remain available until expended.”

SA 5067. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. CONSTRUCTION OF FENCING AND SECURITY IMPROVEMENTS IN BORDER AREA FROM PACIFIC OCEAN TO GULF OF MEXICO.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) CONSTRUCTION OF FENCING AND ROAD IMPROVEMENTS IN THE BORDER AREA.—

“(1) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security, subject to appropriation and after consultation with representatives of State and local government, shall provide for appropriate physical infrastructure, such as double- or triple-layered fencing, additional physical barriers, roads, lighting, cameras and sensors, along not less than 700 linear miles of the southwest border in the areas the Secretary determines are most often used by smugglers and illegal aliens attempting to gain illegal entry into the United States or that have proximity to metropolitan areas or military facilities.

“(2) PRIORITY AREAS.—In carrying out paragraph (1), the Secretary of Homeland Security shall give priority for the deployment of additional fencing and other border security infrastructure within the geographic areas—

“(A) extending from 10 miles west of the Tecate, California, port of entry to 10 miles east of the Tecate, California, port of entry;

“(B) extending from 10 miles west of the Calexico, California, port of entry to 5 miles east of the Douglas, Arizona, port of entry;

“(C) extending from 5 miles west of the Columbus, New Mexico, port of entry to 10 miles east of El Paso, Texas;

“(D) extending from 5 miles northwest of the Del Rio, Texas, port of entry to 5 miles southeast of the Eagle Pass, Texas, port of entry; and

“(E) extending 15 miles northwest of the Laredo, Texas, port of entry to the Brownsville, Texas, port of entry.

“(3) REPORTS.—Not later than 366 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on the Judiciary of the Senate and the Committee on Homeland Security of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, roads and other border infrastructure described in paragraphs (1) and (2). Whenever the Secretary of Homeland Security determines that the fencing is not feasible for those areas described in this subsection, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on Homeland Security of the House of Representatives that explains why the fencing was not feasible and the alternative security measures that were implemented.

“(4) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

“(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this paragraph shall remain available until expended.”.

SA 5068. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3. CONSTRUCTION OF FENCING AND SECURITY IMPROVEMENTS IN BORDER AREA FROM PACIFIC OCEAN TO GULF OF MEXICO.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) CONSTRUCTION OF FENCING AND ROAD IMPROVEMENTS IN THE BORDER AREA.—

“(1) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security, subject to appropriation and after consultation with representatives of State and local government, shall provide for appropriate physical infrastructure, such as double- or triple-layered fencing, additional physical barriers, roads, lighting, cameras and sensors, along not less than 700 linear miles of the southwest border in the areas the Secretary determines are most often used by smugglers and illegal aliens attempting to gain illegal entry into the United States or that have proximity to metropolitan areas or military facilities.

“(2) PRIORITY AREAS.—In carrying out paragraph (1), the Secretary of Homeland Security shall give priority for the deployment of additional fencing and other border security infrastructure within the geographic areas—

“(A) extending from 10 miles west of the Tecate, California, port of entry to 10 miles east of the Tecate, California, port of entry;

“(B) extending from 10 miles west of the Calexico, California, port of entry to 5 miles east of the Douglas, Arizona, port of entry;

“(C) extending from 5 miles west of the Columbus, New Mexico, port of entry to 10 miles east of El Paso, Texas;

“(D) extending from 5 miles northwest of the Del Rio, Texas, port of entry to 5 miles southeast of the Eagle Pass, Texas, port of entry; and

“(E) extending 15 miles northwest of the Laredo, Texas, port of entry to the Brownsville, Texas, port of entry.

“(3) REPORTS.—Not later than 366 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on the Judiciary of the Senate and the Committee on Homeland Security of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, roads and other border infrastructure described in paragraphs (1) and (2). Whenever the Secretary of Homeland Security determines that the fencing is not feasible for those areas described in this subsection, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on Homeland Security of the House of Representatives that explains why the fencing was not feasible and the alternative security measures that were implemented.

“(4) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

“(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this paragraph shall remain available until expended.”.

SA 5069. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 46, below line 20, in the item relating to section 950g, strike “United States Court of Appeals for the District of Columbia Circuit” and insert “United States Court of Appeals for the Armed Forces”.

On page 55, strike line 5 and all that follows through page 56, line 2, and insert the following:

“§ 950g. Review by the United States Court of Appeals for the Armed Forces and the Supreme Court

“(a) REVIEW BY UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—(1) Subject to the provisions of this subsection, the United States Court of Appeals for the Armed Forces shall have exclusive jurisdiction to determine the final validity of any judgment rendered by a military commission under this chapter.

On page 56, beginning on line 3, strike “United States Court of Appeals for the District of Columbia Circuit” and insert “United States Court of Appeals for the Armed Forces”.

On page 56, beginning on line 9, strike “United States Court of Appeals for the District of Columbia Circuit” and insert “United States Court of Appeals for the Armed Forces”.

On page 57, beginning on line 4, strike “United States Court of Appeals for the District of Columbia Circuit” and insert “United States Court of Appeals for the Armed Forces”.

On page 57, beginning on line 13, strike “United States Court of Appeals for the District of Columbia Circuit” and insert “United States Court of Appeals for the Armed Forces”.

On page 58, beginning on line 2, strike “United States Court of Appeals for the District of Columbia Circuit” and insert “United States Court of Appeals for the Armed Forces”.

On page 58, beginning on line 7, strike “United States Court of Appeals for the District of Columbia Circuit” and insert “United States Court of Appeals for the Armed Forces”.

On page 59, beginning on line 4, strike “United States Court of Appeals for the District of Columbia Circuit” and insert “United States Court of Appeals for the Armed Forces”.

On page 59, beginning on line 10, strike “United States Court of Appeals for the District of Columbia Circuit” and insert “United States Court of Appeals for the Armed Forces”.

On page 80, beginning on line 11, strike “United States Court of Appeals for the District of Columbia Circuit” and insert “United States Court of Appeals for the Armed Forces”.

On page 81, between lines 20 and 21, insert the following:

(3) ADDITIONAL AMENDMENT TO DETAINEE TREATMENT ACT OF 2005.—Section 1005(e) of the Detainee Treatment Act of 2005 is further amended by striking “United States Court of Appeals for the District of Columbia Circuit” each place it appears in paragraphs (3) and (4) and inserting “United States Court of Appeals for the Armed Forces”.

SA 5070. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr. FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 46, below line 20, strike the item relating to section 950f.

On page 46, below line 20, in the item relating to section 950g, strike “United States Court of Appeals for the District of Columbia Circuit” and insert “United States Court of Appeals for the Armed Forces”.

On page 51, beginning on line 14, strike “Court of Military Commission Review under section 950f” and insert “United States Court of Appeals for the Armed Forces under section 950g”.

On page 52, line 8, strike “950f” and insert “950g”.

On page 52, beginning on line 14, strike “Court of Military Commission Review under section 950f” and insert “United States Court of Appeals for the Armed Forces under section 950g”.

On page 53, beginning on line 7, strike “Court of Military Commission Review” and insert “United States Court of Appeals for the Armed Forces”.

On page 54, line 15 and all that follows through page 57, line 14, and insert the following:

“§ 950g. Review by the United States Court of Appeals for the Armed Forces and the Supreme Court

“(c) RIGHT OF APPEAL.—The accused may appeal from a final decision of a military commission, and the United States may appeal as provided in section 950d of this title,

to the United States Court of Appeals for the Armed Forces in accordance with procedures prescribed under regulations of the Secretary.

“(b) REVIEW BY UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—(1) Subject to the provisions of this subsection, the United States Court of Appeals for the Armed Forces shall have exclusive jurisdiction to determine the final validity of any judgment rendered by a military commission under this chapter.

“(2) The United States Court of Appeals for the Armed Forces may not determine the final validity of a judgment of a military commission under this subsection until all other appeals from the judgment under this chapter have been waived or exhausted.

“(3)(A) An accused may seek a determination by the United States Court of Appeals for the Armed Forces of the final validity of the judgment of the military commission under this subsection only upon petition to the Court for such determination.

“(B) A petition on a judgment under subparagraph (A) shall be filed by the accused in the Court not later than 20 days after the date on which written notice of the final decision of the military commission is served on the accused or defense counsel.

“(C) The accused may not file a petition under subparagraph (A) if the accused has waived the right to appellate review under section 950c(a) of this title.

“(4) The determination by the United States Court of Appeals for the Armed Forces of the final validity of a judgment of a military commission under this subsection shall be governed by the provisions of section 1005(e)(3) of the Detainee Treatment Act of 2005 (42 U.S.C. 801 note).

“(c) REVIEW BY SUPREME COURT.—The Supreme Court of the United States may review by writ of certiorari pursuant to section 1257 of title 28 the final judgment of the United States Court of Appeals for the Armed Forces in a determination under subsection (a).

On page 58, beginning on line 2, strike “United States Court of Appeals for the District of Columbia Circuit” and insert “United States Court of Appeals for the Armed Forces”.

On page 58, beginning on line 7, strike “United States Court of Appeals for the District of Columbia Circuit” and insert “United States Court of Appeals for the Armed Forces”.

On page 59, beginning on line 4, strike “United States Court of Appeals for the District of Columbia Circuit” and insert “United States Court of Appeals for the Armed Forces”.

On page 59, beginning on line 10, strike “United States Court of Appeals for the District of Columbia Circuit” and insert “United States Court of Appeals for the Armed Forces”.

On page 80, beginning on line 11, strike “United States Court of Appeals for the District of Columbia Circuit” and insert “United States Court of Appeals for the Armed Forces”.

On page 81, between lines 20 and 21, insert the following:

(3) ADDITIONAL AMENDMENT TO DETAINEE TREATMENT ACT OF 2005.—Section 1005(e) of the Detainee Treatment Act of 2005 is further amended by striking “United States Court of Appeals for the District of Columbia Circuit” each place it appears in paragraphs (3) and (4) and inserting “United States Court of Appeals for the Armed Forces”.

SA 5071. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 5036 proposed by Mr.

FRIST to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 46, below line 20, in the item relating to section 950g, strike “United States Court of Appeals for the District of Columbia Circuit” and insert “United States Court of Appeals for the Armed Forces”.

On page 53, beginning on line 22, strike “United States Court of Appeals for the District of Columbia Circuit” and insert “United States Court of Appeals for the Armed Forces”.

On page 56, strike lines 7 through 16 and insert the following:

“§ 950g. Review by the United States Court of Appeals for the Armed Forces and the Supreme Court

“(a) REVIEW BY UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—(1)(A) Subject to the provisions of this subsection, the United States Court of Appeals for the Armed Forces shall have exclusive jurisdiction to determine the final validity of any judgment rendered by a military commission under this chapter.

On page 58, beginning on line 10, strike “United States Court of Appeals for the District of Columbia Circuit” and insert “United States Court of Appeals for the Armed Forces”.

On page 58, beginning on line 16, strike “United States Court of Appeals for the District of Columbia Circuit” and insert “United States Court of Appeals for the Armed Forces”.

On page 59, beginning on line 24, strike “United States Court of Appeals for the District of Columbia Circuit” and insert “United States Court of Appeals for the Armed Forces”.

On page 60, beginning on line 4, strike “United States Court of Appeals for the District of Columbia Circuit” and insert “United States Court of Appeals for the Armed Forces”.

On page 95, line 11, insert “IN GENERAL.—” before “Section 1005(e)(3)”.

On page 96, between lines 11 and 12, insert the following:

(b) ADDITIONAL AMENDMENT TO DETAINEE TREATMENT ACT OF 2005.—Section 1005(e) of the Detainee Treatment Act of 2005 is further amended by striking “United States Court of Appeals for the District of Columbia Circuit” each place it appears in paragraphs (3) and (4) and inserting “United States Court of Appeals for the Armed Forces”.

SA 5072. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2078, to amend the Indian Gaming Regulatory Act to clarify the authority of the National Indian Gaming Commission to regulate class III gaming, to limit the lands eligible for gaming, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 5, insert the following:

(c) NEGOTIATED RULEMAKING.—Section 7 of the Indian Gaming Regulatory Act (25 U.S.C. 2706) (as amended by subsection (b)) is amended by adding at the end the following:

“(d) RULEMAKING.—

“(1) IN GENERAL.—Not later than _____, 2007, the Commission shall promulgate such final regulations as the Commission determines to be necessary to carry out this Act.

“(2) EFFECTIVE DATE.—The final regulations promulgated pursuant to paragraph (1)

shall take effect on the date of promulgation of the regulations.

“(3) NEGOTIATED RULEMAKING PROCEDURE.—

“(A) IN GENERAL.—Notwithstanding sections 563(a) and 565(a) of title 5, United States Code, the Commission shall promulgate regulations pursuant to paragraph (1) in accordance with the negotiated rulemaking procedure under subchapter III of chapter 5, United States Code.

“(B) RULEMAKING COMMITTEE.—

“(i) ESTABLISHMENT.—The Commission shall establish a negotiated rulemaking committee in accordance with the procedure under subchapter III of chapter 5, United States Code, for the development of proposed regulations under this subsection.

“(ii) REQUIREMENTS.—In establishing the committee under clause (i), the Commission shall—

“(I) make such modifications to the applicable procedure under subchapter III of chapter 5, United States Code, as the Commission determines to be necessary to account for the unique government-to-government relationship between Indian tribes and the United States; and

“(II) ensure that the membership of the committee is composed only of—

“(aa) representatives of the Federal Government; and

“(bb) official representatives of Indian tribal governments, to be nominated by the Indian tribes that are subject to this Act.”.

SA 5073. Mr. MCCONNELL (for Mr. ENZI) proposed an amendment to the bill H.R. 5574, to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Children's Hospital GME Support Reauthorization Act of 2006”.

SEC. 2. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

(a) IN GENERAL.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended—

(1) in subsection (a), by inserting “and each of fiscal years 2007 through 2011” after “for each of fiscal years 2000 through 2005”; and

(2) in subsection (e)(1), by striking “26” and inserting “12”; and

(3) in subsection (f)(1)(A)—

(A) in clause (ii), by striking “and” at the end;

(B) in clause (iii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iv) for each of fiscal years 2007 through 2011, \$110,000,000.”; and

(4) in subsection (f)(2)—

(A) in the matter before subparagraph (A), by striking “subsection (b)(1)(A)” and inserting “subsection (b)(1)(B)”; and

(B) in subparagraph (B), by striking “and” at the end;

(C) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(D) for each of fiscal years 2007 through 2011, \$220,000,000.”.

(b) REDUCTION IN PAYMENTS FOR FAILURE TO FILE ANNUAL REPORT.—Subsection (b) of section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended—

(1) in paragraph (1), in the matter before subparagraph (A), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(2) by adding at the end the following:

“(3) ANNUAL REPORTING REQUIRED.—

“(A) REDUCTION IN PAYMENT FOR FAILURE TO REPORT.—

“(i) IN GENERAL.—The amount payable under this section to a children’s hospital for a fiscal year (beginning with fiscal year 2008 and after taking into account paragraph (2)) shall be reduced by 25 percent if the Secretary determines that—

“(I) the hospital has failed to provide the Secretary, as an addendum to the hospital’s application under this section for such fiscal year, the report required under subparagraph (B) for the previous fiscal year; or

“(II) such report fails to provide the information required under any clause of such subparagraph.

“(ii) NOTICE AND OPPORTUNITY TO PROVIDE MISSING INFORMATION.—Before imposing a reduction under clause (i) on the basis of a hospital’s failure to provide information described in clause (i)(II), the Secretary shall provide notice to the hospital of such failure and the Secretary’s intention to impose such reduction and shall provide the hospital with the opportunity to provide the required information within a period of 30 days beginning on the date of such notice. If the hospital provides such information within such period, no reduction shall be made under clause (i) on the basis of the previous failure to provide such information.

“(B) ANNUAL REPORT.—The report required under this subparagraph for a children’s hospital for a fiscal year is a report that includes (in a form and manner specified by the Secretary) the following information for the residency academic year completed immediately prior to such fiscal year:

“(i) The types of resident training programs that the hospital provided for residents described in subparagraph (C), such as general pediatrics, internal medicine/pediatrics, and pediatric subspecialties, including both medical subspecialties certified by the American Board of Pediatrics (such as pediatric gastroenterology) and non-medical subspecialties approved by other medical certification boards (such as pediatric surgery).

“(ii) The number of training positions for residents described in subparagraph (C), the number of such positions recruited to fill, and the number of such positions filled.

“(iii) The types of training that the hospital provided for residents described in subparagraph (C) related to the health care needs of different populations, such as children who are underserved for reasons of family income or geographic location, including rural and urban areas.

“(iv) The changes in residency training for residents described in subparagraph (C) which the hospital has made during such residency academic year (except that the first report submitted by the hospital under this subparagraph shall be for such changes since the first year in which the hospital received payment under this section), including—

“(I) changes in curricula, training experiences, and types of training programs, and benefits that have resulted from such changes; and

“(II) changes for purposes of training the residents in the measurement and improvement of the quality and safety of patient care.

“(v) The numbers of residents described in subparagraph (C) who completed their residency training at the end of such residency academic year and care for children within the borders of the service area of the hospital or within the borders of the State in which the hospital is located. Such numbers shall be disaggregated with respect to residents who completed residencies in general pediatrics or internal medicine/pediatrics,

subspecialty residencies, and dental residencies.

“(C) RESIDENTS.—The residents described in this subparagraph are those who—

“(i) are in full-time equivalent resident training positions in any training program sponsored by the hospital; or

“(ii) are in a training program sponsored by an entity other than the hospital, but who spend more than 75 percent of their training time at the hospital.

“(D) REPORT TO CONGRESS.—Not later than the end of fiscal year 2011, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall submit a report to the Congress—

“(i) summarizing the information submitted in reports to the Secretary under subparagraph (B);

“(ii) describing the results of the program carried out under this section; and

“(iii) making recommendations for improvements to the program.”.

(c) TECHNICAL AMENDMENTS.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is further amended—

(1) in subsection (c)(2)(E)(ii), by striking “described in subparagraph (C)(ii)” and inserting “applied under section 1886(d)(3)(E) of the Social Security Act for discharges occurring during the preceding fiscal year”;

(2) in subsection (e)(2), by striking the first sentence; and

(3) in subsection (e)(3), by striking “made to pay” and inserting “made and pay”.

SA 5074. Mr. MCCONNELL (for Mr. CRAIG) proposed an amendment to the bill S. 3421, to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2006, with each project to be carried out in the amount specified for that project:

(1) Restoration, new construction or replacement of the medical center facility for the Department of Veterans Affairs Medical Center, New Orleans, Louisiana, due to damage from Hurricane Katrina in an amount not to exceed \$636,000,000. The Secretary is authorized to carry out the project as a collaborative effort consistent with the New Orleans Collaborative Opportunities Study Group Report dated June 12, 2006.

(2) Restoration of the Department of Veterans Affairs Medical Center, Biloxi, Mississippi, and consolidation of services performed at the Department of Veterans Affairs Medical Center, Gulfport, Mississippi, in an amount not to exceed \$310,000,000.

(3) Replacement of the Department of Veterans Affairs Medical Center, Denver, Colorado, in an amount not to exceed \$98,000,000.

SEC. 2. EXTENSION OF AUTHORIZATION FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS AUTHORIZED UNDER CAPITAL ASSET REALIGNMENT INITIATIVE.

Notwithstanding subsection (d) of section 221 of the Veterans Health Care, Capital Asset, and Business Improvement Act of 2003 (Public Law 108-170; 117 Stat. 2050), the Secretary of Veterans Affairs may enter into contracts before September 30, 2009, to carry out each major medical facility project, as originally authorized by such section 221, as follows with each project to be carried out in the amount specified for that project:

(1) Construction of an outpatient clinic and regional office at the Department of Veterans Affairs Medical Center, Anchorage, Alaska, in an amount not to exceed \$75,270,000.

(2) Consolidation of clinical and administrative functions of the Department of Veterans Affairs Medical Center in Cleveland, Ohio, and the Department of Veterans Affairs Medical Center in Brecksville, Ohio, in an amount not to exceed \$102,300,000.

(3) Construction of the Extended Care Building at the Department of Veterans Affairs Medical Center in Des Moines, Iowa, in an amount not to exceed \$25,000,000.

(4) Renovation of patient wards at the Department of Veterans Affairs Medical Center in Durham, North Carolina, in an amount not to exceed \$9,100,000.

(5) Correction of patient privacy deficiencies at the Department of Veterans Affairs Medical Center, Gainesville, Florida, in an amount not to exceed \$85,200,000.

(6) 7th and 8th Floor Wards Modernization addition at the Department of Veterans Affairs Medical Center, Indianapolis, Indiana, in an amount not to exceed \$27,400,000.

(7) Construction of a new Medical Center Facility at the Department of Veterans Affairs Medical Center, Las Vegas, Nevada, in an amount not to exceed \$406,000,000.

(8) Construction of an Ambulatory Surgery/Outpatient Diagnostic Support Center in the Gulf South Submarket of Veterans Integrated Service Network (VISN) 8 and completion of Phase I land purchase, Lee County, Florida, in an amount not to exceed \$65,100,000.

(9) Seismic Corrections-Buildings 7 & 126 at the Department of Veterans Affairs Medical Center, Long Beach, California, in an amount not to exceed \$107,845,000.

(10) Seismic Corrections-Buildings 500 & 501 at the Department of Veterans Affairs Medical Center, Los Angeles, California, in an amount not to exceed \$79,900,000.

(11) Construction of a New Medical Center facility in the Orlando, Florida, area in an amount not to exceed \$377,700,000.

(12) Consolidation of Campuses at the University Drive and H. John Heinz III divisions, Pittsburgh, Pennsylvania, in an amount not to exceed \$189,205,000.

(13) Ward Upgrades and Expansion at the Department of Veterans Affairs Medical Center, San Antonio, Texas, in an amount not to exceed \$19,100,000.

(14) Seismic Corrections-Building 1, Phase 1 Design at the Department of Veterans Affairs Medical Center, San Juan, Puerto Rico, in an amount not to exceed \$15,000,000.

(15) Construction of a Spinal Cord Injury Center at the Department of Veterans Affairs Medical Center, Syracuse, New York, in an amount not to exceed \$53,900,000.

(16) Upgrade Essential Electrical Distribution Systems at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed \$49,000,000.

(17) Expansion of the Spinal Cord Injury Center addition at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed \$7,100,000.

(18) Blind Rehabilitation and Psychiatric Bed renovation and new construction project at the Department of Veterans Affairs Medical Center, Temple, Texas, in an amount not to exceed \$56,000,000.

SEC. 3. AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2007 in the amount specified for each project:

(1) Seismic Corrections, Nursing Home Care Unit and Dietetics at the Department

of Veterans Affairs Medical Center, American Lake, Washington, in an amount not to exceed \$38,220,000.

(2) Replacement of Operating Suite at the Department of Veterans Affairs Medical Center, Columbia, Missouri, in an amount not to exceed \$25,830,000.

(3) Construction of a new clinical addition at the Department of Veterans Affairs Medical Center, Fayetteville, Arkansas, in an amount not to exceed \$56,163,000.

(4) Construction of Spinal Cord Injury Center at the Department of Veterans Affairs Medical Center, Milwaukee, Wisconsin, in an amount not to exceed \$32,500,000.

(5) Medical facility improvements and cemetery expansion of Jefferson Barracks at the Department of Veterans Affairs Medical Center, St. Louis, Missouri, in an amount not to exceed \$69,053,000.

SEC. 4. AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2006 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient clinic, Baltimore, Maryland, \$10,908,000.

(2) For an outpatient clinic, Evansville, Illinois, \$8,989,000.

(3) For an outpatient clinic, Smith County, Texas, \$5,093,000.

SEC. 5. AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2007 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient and specialty care clinic, Austin, Texas, \$6,163,000.

(2) For an outpatient clinic, Lowell, Massachusetts, \$2,520,000.

(3) For an outpatient clinic, Grand Rapids, Michigan, \$4,409,000.

(4) For up to four outpatient clinics, Las Vegas, Nevada, \$8,518,000.

(5) For an outpatient clinic, Parma, Ohio, \$5,032,000.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2006 for the Construction, Major Projects, account, \$1,044,000,000 for the projects authorized in section 1.

(b) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY PROJECTS UNDER CAPITAL ASSET REALIGNMENT INITIATIVE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Construction, Major Projects, account, \$1,750,120,000 for the projects whose authorization is extended by section 2.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until September 30, 2009.

(c) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2007 MAJOR MEDICAL FACILITY PROJECTS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2007 for the Construction, Major Projects, account, \$221,766,000 for the projects authorized in section 3.

(d) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY LEASES.—

(1) FISCAL YEAR 2006 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2006 for the Medical Care account, \$24,990,000 for the leases authorized in section 4.

(2) FISCAL YEAR 2007 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Medical Care account, \$26,642,000 for the leases authorized in section 5.

(e) LIMITATION.—The projects authorized in sections 1 and 2 may only be carried out using—

(1) funds appropriated for fiscal year 2006 or 2007 pursuant to the authorization of appropriations in subsections (a), (b), and (c) of this section;

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2006 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2006 or 2007 that are available for obligation; and

(4) funds appropriated for Construction, Major Projects, for fiscal year 2006 or 2007 for a category of activity not specific to a project.

SEC. 7. INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY PROJECTS.

(a) INCREASE.—Section 8104(a)(3)(A) of title 38, United States Code, is amended by striking “\$7,000,000” and inserting “\$10,000,000”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to any fiscal year beginning on or after that date.

SEC. 8. EXPANSION OF ELIGIBILITY UNDER SURVIVORS' AND DEPENDENTS EDUCATIONAL ASSISTANCE PROGRAM.

(a) ELIGIBILITY FOR DEPENDENTS OF SERVICEMEMBERS.—

(1) CHILDREN.—Section 3501(a)(1)(A) of title 38, United States Code, is amended—

(A) in clause (ii) by striking “or” at the end;

(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following clause (iii):

“(iii) is hospitalized or receiving outpatient medical care, services, or treatment pending discharge from the active military, naval, or air service for a total disability permanent in nature resulting from a service-connected disability (as determined by the Secretary), or”.

(2) SPOUSES.—Subparagraph (D) of section 3501(a)(1) of such title is amended to read as follows:

“(D)(i) the spouse of any veteran who has a total disability permanent in nature resulting from a service-connected disability.

“(ii) the spouse of any person who is hospitalized or receiving outpatient medical care, services, or treatment pending discharge from the active military, naval, or air service for a total disability permanent in nature resulting from a service-connected disability (as determined by the Secretary), or

“(iii) the surviving spouse of a veteran who died while a disability so evaluated was in existence.”.

(b) CONFORMING AMENDMENTS.—

(1) DURATION OF ASSISTANCE.—Section 3511 of such title is amended—

(A) in subsection (a)(1), by striking “both sections 3501(a)(1)(D)(i) and 3501(a)(1)(D)(ii)” and inserting “sections 3501(a)(1)(D)(i), 3501(a)(1)(D)(ii), and 3501(a)(1)(D)(iii)”;

(B) in subsection (b)(2), by striking “3501(a)(1)(A)(iii)” and inserting “3501(a)(1)(A)(iv)”;

(C) in subsection (c), by striking “3501(a)(1)(A)(iii), 3501(a)(1)(C), or 3501(a)(1)(D)(i)” and inserting “3501(a)(1)(A)(iv), 3501(a)(1)(C), 3501(a)(1)(D)(i), or 3501(a)(1)(D)(ii)”.

(2) PERIOD OF ELIGIBILITY.—Section 3512 of such title is amended—

(A) in subsection (a)(6), by striking “3501(a)(1)(A)(iii)” and inserting “3501(a)(1)(A)(iv)”;

(B) in subsection (b)(1)(A), by striking “3501(a)(1)(D)(i), or 3501(a)(1)(D)(ii) of this title.” and all that follows through the end, and inserting the following: “or 3501(a)(1)(D) of this title. In the case of a surviving spouse made eligible by clause (iii) of section 3501(a)(1)(D), the 10-year period may not be reduced by any earlier period during which the person otherwise was eligible for educational assistance under this chapter as a spouse described in clause (i) or (ii) of that section.”; and

(C) in subsection (d), by striking “veteran” and inserting “person”.

(3) EFFECTIVE DATES.—Section 5113(b)(3) of such title is amended by adding at the end the following new subparagraph:

“(D) The term ‘veteran’ includes a person as described in sections 3501(a)(1)(A)(iii) and 3501(a)(1)(D)(ii) of this title.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 26, 2006, at 4:30 p.m., in closed session for a briefing on the situation in Afghanistan.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 26, 2006, at 10 a.m. to conduct a hearing on “An Update on the New Basel Capital Accord.”

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the committee on Commerce, Science, and Transportation be authorized to hold a full committee joint hearing with Foreign Relations Committee on the International Polar Year on Tuesday, September 26, 2006 at 3:15 p.m.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President, I ask unanimous consent that on Tuesday, September 26th at 2:15 p.m. the Committee on Environment and Public Works be authorized to hold a Business Meeting to consider the following agenda:

Legislation

H.R. 1463, To designate a portion of the Federal building located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the “Justin W. Williams United States Attorney’s Building”.

Nominations

Roger Romulus Martella, Jr. to be Assistant Administrator of the Environmental Protection Agency

Alex A. Beehler to be Assistant Administrator of the Environmental Protection Agency

William H. Graves to be a Member of the Board of Directors of the Tennessee Valley Authority

Brigadier General Bruce Arlan Berwick to be a Member of the Mississippi River Commission

Colonel Gregg F. Martin to be a Member of the Mississippi River Commission

Brigadier General Robert Crear to be a Member of the Mississippi River Commission

Rear Admiral Samuel P. DeBow, Jr. to be a Member of the Mississippi River Commission

Resolutions

Six Committee resolutions authorizing prospectuses from GSA's FY 2007 Capital Investment and Leasing Program

Committee resolution to direct GSA to prepare a Report of Building Project Survey

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

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, September 26, 2006, at 2:30 p.m., in 215 Dirksen Senate Office Building, to hear testimony on "Health Savings Accounts: The Experience So Far."

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 26, 2006, at 9 a.m. to hold a hearing on Child Hunger.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 26, 2006, at 3:15 p.m. to hold a hearing on the International Polar Year.

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

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Illegal Insider Trading: How Widespread is the Problem and is there Adequate Criminal Enforcement?" on Tuesday, September 26, 2006, at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Witness List

Panel I: Mr. Ron Tenpas, Associate Deputy Attorney General, United States Department of Justice, Washington, DC, and Ms. Linda Thompson, Director of Enforcement, U.S. Securi-

ties and Exchange Commission, Washington, DC.

Panel II: Mr. Robert Marchman, Executive Vice President, NYSE, New York, NY; Mr. Christopher K. Thomas, Principal, Measuredmarkets, Inc., Toronto, Canada; Professor John Coffee, Professor of Law, Columbia Law School, New York, NY; Professor Jonathan R. Macey, Professor of Law, Yale University, New Haven, CT; and Professor James Cox, Professor of Law, Duke University, Durham, NC.

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

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a special markup on Tuesday, September 26, 2006, at 2:30 p.m. in Senate Dirksen Building Room 226.

Agenda

I. Nominations

Terrence W. Boyle, to be U.S. Circuit Judge for the Fourth Circuit; William James Haynes II, to be U.S. Circuit Judge for the Fourth Circuit; Kent A. Jordan, to be U.S. Circuit Judge for the Third Circuit; Peter D. Keisler, to be U.S. Circuit Judge for the District of Columbia Circuit; William Gerry Myers III, to be U.S. Circuit Judge for the Ninth Circuit; Nora Barry Fischer, to be U.S. District Judge for the Western District of Pennsylvania; Gregory Kent Frizzell, to be U.S. District Judge for the Northern District of Oklahoma; Marcia Morales Howard, to be U.S. District Judge for the Middle District of Florida; John Alfred Jarvey, to be U.S. District Judge for the Southern District of Iowa; Sara Elizabeth Lioi, to be U.S. District Judge for the Northern District of Ohio; and Lisa Godbey Wood, to be U.S. District Judge for the Southern District of Georgia.

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

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Tuesday, September 26, 2006 at 3:30 p.m. in Dirksen Senate Office Building Room 226.

Witness List

Panel I: The Honorable Thad Cochran, United States Senator, R-MS; The Honorable Trent Lott, United States Senator, R-MS; The Honorable Christopher Dodd, United States Senator, D-CT; The Honorable Joseph Lieberman, United States Senator, D-CT.

Panel II: Michael Brunson Wallace, to be United States Circuit Judge for the Fifth Circuit.

Panel III: Vanessa Lynne Bryant, to be United States District Judge for the District of Connecticut.

Panel IV: Roberta B. Liebenberg, Chair, American Bar Association, Standing Committee on the Federal

Judiciary, Philadelphia, PA; Kim J. Askew, Fifth Circuit Representative, Standing Committee on the Federal Judiciary, American Bar Association, Dallas, TX; Thomas Z. Hayward, Former Chair, 2003-2005, American Bar Association, Standing Committee on the Federal Judiciary, Chicago, IL; Pamela A. Bresnahan, Former DC Circuit Representative, 2002-2005, American Bar Association, Standing Committee on the Federal Judiciary, Washington, DC; Timothy Hopkins, Former Ninth Circuit Representative, American Bar Association, Standing Committee on the Federal Judiciary, Idaho Falls, ID; and Doreen D. Dodson, Former Eighth Circuit Representative, 2001-2004, American Bar Association, Standing Committee on the Federal Judiciary, St. Louis, MO.

Panel V: The Honorable Richard Blumenthal, Attorney General, State of Connecticut, Hartford, CT; The Honorable Reuben Anderson, Partner, Phelps Dunbar LLP, Jackson, MS; W. Scott Welch, Shareholder, Baker, Donelson, Bearman Caldwell & Berkowitz, Jackson, MS; Carroll Rhodes, Attorney at Law, Hazlehurst, MS; and Robert McDuff, Attorney at Law, Jackson, MS.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, September 26, 2006, to hold a hearing to consider the nomination of Robert T. Howard to be Assistant Secretary for Information and Technology, Department of Veterans' Affairs.

The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, September 26, 2006, at 2:30 p.m. for a hearing regarding "Deconstructing the Tax Code: Uncollected Taxes and Issues of Transparency".

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Tuesday, September 26, 2006 at 10:45 a.m. for a hearing entitled, Senior Executives: Leading the Way in Federal Workforce Reforms.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Michelle Miller of my staff be granted floor privileges for the duration of today's session.

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

MEASURE READ THE FIRST TIME—S. 3936

Mr. MCCONNELL. I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3936) to invest in innovation and education to improve the competitiveness of the United States in the global economy.

Mr. MCCONNELL. I now ask for a second reading in order to place the bill on the calendar under the provisions of rule XIV, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

AMENDING THE PUBLIC HEALTH SERVICE ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of H.R. 5574 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5574) to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 5073) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Hospital GME Support Reauthorization Act of 2006".

SEC. 2. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

(a) IN GENERAL.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended—

(1) in subsection (a), by inserting "and each of fiscal years 2007 through 2011" after "for each of fiscal years 2000 through 2005";

(2) in subsection (e)(1), by striking "26" and inserting "12";

(3) in subsection (f)(1)(A)—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period at the end and inserting "and"; and

(C) by adding at the end the following:

"(iv) for each of fiscal years 2007 through 2011, \$110,000,000."; and

(4) in subsection (f)(2)—

(A) in the matter before subparagraph (A), by striking "subsection (b)(1)(A)" and inserting "subsection (b)(1)(B)";

(B) in subparagraph (B), by striking "and" at the end;

(C) in subparagraph (C), by striking the period at the end and inserting "and"; and

(D) by adding at the end the following:

"(D) for each of fiscal years 2007 through 2011, \$220,000,000.".

(b) REDUCTION IN PAYMENTS FOR FAILURE TO FILE ANNUAL REPORT.—Subsection (b) of section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended—

(1) in paragraph (1), in the matter before subparagraph (A), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(2) by adding at the end the following:

"(3) ANNUAL REPORTING REQUIRED.—

"(A) REDUCTION IN PAYMENT FOR FAILURE TO REPORT.—

"(i) IN GENERAL.—The amount payable under this section to a children's hospital for a fiscal year (beginning with fiscal year 2008 and after taking into account paragraph (2)) shall be reduced by 25 percent if the Secretary determines that—

"(I) the hospital has failed to provide the Secretary, as an addendum to the hospital's application under this section for such fiscal year, the report required under subparagraph (B) for the previous fiscal year; or

"(II) such report fails to provide the information required under any clause of such subparagraph.

"(ii) NOTICE AND OPPORTUNITY TO PROVIDE MISSING INFORMATION.—Before imposing a reduction under clause (i) on the basis of a hospital's failure to provide information described in clause (i)(II), the Secretary shall provide notice to the hospital of such failure and the Secretary's intention to impose such reduction and shall provide the hospital with the opportunity to provide the required information within a period of 30 days beginning on the date of such notice. If the hospital provides such information within such period, no reduction shall be made under clause (i) on the basis of the previous failure to provide such information.

"(B) ANNUAL REPORT.—The report required under this subparagraph for a children's hospital for a fiscal year is a report that includes (in a form and manner specified by the Secretary) the following information for the residency academic year completed immediately prior to such fiscal year:

"(i) The types of resident training programs that the hospital provided for residents described in subparagraph (C), such as general pediatrics, internal medicine/pediatrics, and pediatric subspecialties, including both medical subspecialties certified by the American Board of Pediatrics (such as pediatric gastroenterology) and non-medical subspecialties approved by other medical certification boards (such as pediatric surgery).

"(ii) The number of training positions for residents described in subparagraph (C), the number of such positions recruited to fill, and the number of such positions filled.

"(iii) The types of training that the hospital provided for residents described in subparagraph (C) related to the health care needs of different populations, such as children who are underserved for reasons of fam-

ily income or geographic location, including rural and urban areas.

"(iv) The changes in residency training for residents described in subparagraph (C) which the hospital has made during such residency academic year (except that the first report submitted by the hospital under this subparagraph shall be for such changes since the first year in which the hospital received payment under this section), including—

"(I) changes in curricula, training experiences, and types of training programs, and benefits that have resulted from such changes; and

"(II) changes for purposes of training the residents in the measurement and improvement of the quality and safety of patient care.

"(v) The numbers of residents described in subparagraph (C) who completed their residency training at the end of such residency academic year and care for children within the borders of the service area of the hospital or within the borders of the State in which the hospital is located. Such numbers shall be disaggregated with respect to residents who completed residencies in general pediatrics or internal medicine/pediatrics, subspecialty residencies, and dental residencies.

"(C) RESIDENTS.—The residents described in this subparagraph are those who—

"(i) are in full-time equivalent resident training positions in any training program sponsored by the hospital; or

"(ii) are in a training program sponsored by an entity other than the hospital, but who spend more than 75 percent of their training time at the hospital.

"(D) REPORT TO CONGRESS.—Not later than the end of fiscal year 2011, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall submit a report to the Congress—

"(i) summarizing the information submitted in reports to the Secretary under subparagraph (B);

"(ii) describing the results of the program carried out under this section; and

"(iii) making recommendations for improvements to the program."

(c) TECHNICAL AMENDMENTS.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is further amended—

(1) in subsection (c)(2)(E)(ii), by striking "described in subparagraph (C)(ii)" and inserting "applied under section 1886(d)(3)(E) of the Social Security Act for discharges occurring during the preceding fiscal year";

(2) in subsection (e)(2), by striking the first sentence; and

(3) in subsection (e)(3), by striking "made to pay" and inserting "made and pay".

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5574), as amended, was read the third time and passed.

AUTHORIZING MAJOR MEDICAL FACILITY PROJECTS AND LEASES FOR THE DEPARTMENT OF VETERANS AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 592, S. 3421.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3421) to authorize major medical facility projects and major medical facility

leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs with amendments, as follows:

[Strike the parts shown in boldface brackets and insert the parts shown in italic.]

S. 3421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2006, with each project to be carried out in the amount specified for that project:

(1) Restoration, new construction or replacement of the medical center facility for the Department of Veterans Affairs Medical Center, New Orleans, Louisiana, due to damage from Hurricane Katrina in an amount not to exceed **[\$675,000,000]** *\$636,000,000. The Secretary is authorized to carry out the project as a collaborative effort consistent with the New Orleans Collaborative Opportunities Study Group Report dated June 12, 2006.*

(2) Restoration of the Department of Veterans Affairs Medical Center, Biloxi, Mississippi, and consolidation of services performed at the Department of Veterans Affairs Medical Center, Gulfport, Mississippi, in an amount not to exceed \$310,000,000.

(3) Replacement of the Department of Veterans Affairs Medical Center, Denver, Colorado, in an amount not to exceed \$52,000,000.

SEC. 2. EXTENSION OF AUTHORIZATION FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS AUTHORIZED UNDER CAPITAL ASSET REALIGNMENT INITIATIVE.

Notwithstanding subsection (d) of section 221 of the Veterans Health Care, Capital Asset, and Business Improvement Act of 2003 (Public Law 108-170; 117 Stat. 2050), the Secretary of Veterans Affairs may enter into contracts before September 30, 2009, to carry out each major medical facility project, as originally authorized by such section 221, as follows with each project to be carried out in the amount specified for that project:

(1) Construction of an outpatient clinic and regional office at the Department of Veterans Affairs Medical Center, Anchorage, Alaska, in an amount not to exceed \$75,270,000.

(2) Consolidation of clinical and administrative functions of the Department of Veterans Affairs Medical Center in Cleveland, Ohio, and the Department of Veterans Affairs Medical Center in Brecksville, Ohio, in an amount not to exceed \$102,300,000.

(3) Construction of the Extended Care Building at the Department of Veterans Affairs Medical Center in Des Moines, Iowa, in an amount not to exceed \$25,000,000.

(4) Renovation of patient wards at the Department of Veterans Affairs Medical Center in Durham, North Carolina, in an amount not to exceed \$9,100,000.

(5) Correction of patient privacy deficiencies at the Department of Veterans Affairs Medical Center, Gainesville, Florida, in an amount not to exceed \$85,200,000.

(6) 7th and 8th Floor Wards Modernization addition at the Department of Veterans Affairs Medical Center, Indianapolis, Indiana, in an amount not to exceed \$27,400,000.

(7) Construction of a new Medical Center Facility at the Department of Veterans Af-

fairs Medical Center, Las Vegas, Nevada, in an amount not to exceed \$406,000,000.

(8) Construction of an Ambulatory Surgery/Outpatient Diagnostic Support Center in the Gulf South Submarket of Veterans Integrated Service Network (VISN) 8 and completion of Phase I land purchase, Lee County, Florida, in an amount not to exceed \$65,100,000.

(9) Seismic Corrections-Buildings 7 & 126 at the Department of Veterans Affairs Medical Center, Long Beach, California, in an amount not to exceed \$107,845,000.

(10) Seismic Corrections-Buildings 500 & 501 at the Department of Veterans Affairs Medical Center, Los Angeles, California, in an amount not to exceed \$79,900,000.

(11) Construction of a New Medical Center facility in the Orlando, Florida, area in an amount not to exceed \$377,700,000.

(12) Consolidation of Campuses at the University Drive and H. John Heinz III divisions, Pittsburgh, Pennsylvania, in an amount not to exceed \$189,205,000.

(13) Ward Upgrades and Expansion at the Department of Veterans Affairs Medical Center, San Antonio, Texas, in an amount not to exceed \$19,100,000.

(14) Seismic Corrections-Building 1, Phase 1 Design at the Department of Veterans Affairs Medical Center, San Juan, Puerto Rico, in an amount not to exceed \$15,000,000.

(15) Construction of a Spinal Cord Injury Center at the Department of Veterans Affairs Medical Center, Syracuse, New York, in an amount not to exceed \$53,900,000.

(16) Upgrade Essential Electrical Distribution Systems at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed \$49,000,000.

(17) Expansion of the Spinal Cord Injury Center addition at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed \$7,100,000.

(18) Blind Rehabilitation and Psychiatric Bed renovation and new construction project at the Department of Veterans Affairs Medical Center, Temple, Texas, in an amount not to exceed \$56,000,000.

SEC. 3. AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2006 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient clinic, Baltimore, Maryland, \$10,908,000.

(2) For an outpatient clinic, Evansville, Illinois, \$8,989,000.

(3) For an outpatient clinic, Smith County, Texas, \$5,093,000.

SEC. 4. AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2007 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient and specialty care clinic, Austin, Texas, \$6,163,000.

(2) For an outpatient clinic, Lowell, Massachusetts, \$2,520,000.

(3) For an outpatient clinic, Grand Rapids, Michigan, \$4,409,000.

(4) For up to four outpatient clinics, Las Vegas, Nevada, \$8,518,000.

(5) For an outpatient clinic, Parma, Ohio, \$5,032,000.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2006 for the Construction,

Major Projects, account, **[\$1,606,000,000]** *\$998,000,000* for the projects authorized in section 1.

(b) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY PROJECTS UNDER CAPITAL ASSET REALIGNMENT INITIATIVE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Construction, Major Projects, account, \$1,750,120,000 for the projects whose authorization is extended by section 2.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until September 30, 2009.

(c) AUTHORIZATION OF APPROPRIATIONS FOR MAJOR MEDICAL FACILITY LEASES.—

(1) FISCAL YEAR 2006 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2006 for the Medical Care account, \$24,990,000 for the leases authorized in section 4.

(2) FISCAL YEAR 2007 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Medical Care account, \$26,642,000 for the leases authorized in section 5.

(d) LIMITATION.—The projects authorized in sections 1 and 2 may only be carried out using—

(1) funds appropriated for fiscal year 2006 or 2007 pursuant to the authorization of appropriations in subsections (a), (b), and (c) of this section;

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2006 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2006 or 2007 that are available for obligation; and

(4) funds appropriated for Construction, Major Projects, for fiscal year 2006 or 2007 for a category of activity not specific to a project.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the Craig substitute amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The committee amendments were agreed to.

The amendment (No. 5074) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 3421), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

AMENDING THE JOHN F. KENNEDY CENTER ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 627, H.R. 5187.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5187) to amend the John F. Kennedy Center Act to authorize additional

appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 5187) was ordered to be read a third time, was read the third time, and passed.

CORRECTING THE ENROLLMENT OF H.R. 3127

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res 48, which was received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res 480) to correct the enrollment of a bill, H.R. 3127.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 480) was agreed to.

EXECUTIVE CALENDAR

TREATY DOCUMENT 109-10A

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following treaty and that it be placed on the Executive Calendar:

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem, adopted at Geneva on December 8, 2005, and signed by the United States on that date.

I further ask unanimous consent that this protocol and those that remain in committee be assigned designations of "A," "B," and "C" respectively to reflect that three protocols were received as part of Treaty Document 109-10.

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

Mr. LUGAR. Mr. President, I ask unanimous consent that a joint statement with Senator BIDEN, and accompanying materials, regarding the Geneva Protocol III—the Protocol Additional to the Geneva Conventions of 12

August 1949, and relating to the Adoption of an Additional Distinctive Emblem—be printed in the RECORD.

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

JOINT STATEMENT OF SENATORS LUGAR AND BIDEN

Today, on behalf of the Committee on Foreign Relations, we have requested that the Committee be discharged from further consideration of the Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Adoption of an Additional Distinctive Emblem, which was adopted at Geneva on December 8, 2005, and signed by the United States on that date (Treaty Doc. 109-10A) ("Geneva Protocol III" or the "Protocol").

The Protocol creates a new distinctive emblem, a Red Crystal, that will serve the same purposes as the Red Cross and Red Crescent emblems. The Red Crystal is a neutral emblem that can be used by governments and national societies that face challenges using the existing emblems or that believe this neutral emblem may offer enhanced protection in certain situations. The Protocol also paved the way for Magen David Adom, Israel's national society, to become a member of the International Red Cross and Red Crescent Movement.

As chairman and ranking member of the Committee, we have reviewed the Protocol, as well as responses provided by the Department of State to written questions that we have submitted on the Protocol. Based on our review, we believe that the Protocol is in the interests of the United States and urge the Senate to act promptly to give advice and consent to ratification of the Protocol. Ratification of the Protocol will reinforce and extend the longstanding and historic leadership of the United States in the law of armed conflict. We support prompt ratification of the Protocol this year, as such action emphasizes the U.S. commitment to the humanitarian objectives of the International Red Cross and Red Crescent Movement and its fundamental principles of universality and neutrality.

Because the Committee has not formally acted on the Protocol, there is no Committee report. Therefore, in order to assist senators in evaluating the Protocol, we are submitting for the Record a summary prepared by professional staff of the Committee outlining the purpose and background of the Protocol, as well as its key provisions. We also are including the responses from the Department of State to questions that we submitted on the Protocol.

Staff Summary of the Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Adoption of an Additional Distinctive Emblem (Treaty Doc. 109-10A).

I. PURPOSE

The Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Adoption of an Additional Distinctive Emblem, was adopted at Geneva on December 8, 2005, and signed by the United States on that date (Treaty Doc. 109-10A).

The Protocol, also referred to as Geneva Protocol III, creates a new distinctive emblem, a Red Crystal, in addition to and for the same purposes as the Red Cross and the Red Crescent emblems.

II. BACKGROUND

The 1949 Geneva Conventions provide for the respect and protection of military medical and religious personnel during inter-

national armed conflicts. The 1949 Geneva Conventions retained the distinctive emblems as a means of easily identifying and protecting such personnel, their vehicles and their facilities. The Conventions also permit authorized national societies of the High Contracting Parties to the Geneva Conventions to use these emblems in certain circumstances. The Geneva Protocol III creates a new emblem, the Red Crystal, equal in all respects to the existing emblems (Red Cross, Red Crescent and the Red Lion and Sun), to be used by military medical and religious services and authorized national societies.

The new distinctive emblem, the Red Crystal, is a neutral emblem that can be used by governments and national societies that face challenges using the existing emblems or that believe that this neutral emblem may offer enhanced protections in certain situations. The United States had urged the High Contracting Parties to the Geneva Convention to conclude a protocol on this issue as an important step towards achieving truly universal membership in the International Red Cross and Red Crescent Movement. The text of the Geneva Protocol III was drawn up in October 2000, following discussions within the Joint Working Group established by the Standing Commission of the Red Cross and Red Crescent pursuant to the mandate assigned to it by Resolution 3 of the 27th International Conference of the Red Cross and Red Crescent and subsequent consultations. This draft followed attempts to resolve this issue during the negotiations of the 1949 Geneva Conventions and during the negotiations of Protocols I and II in the 1970s. As adopted, the Geneva Protocol III paved the way for Magen David Adom, Israel's national society, to become a member of the International Red Cross and Red Crescent Movement.

III. SUMMARY OF KEY PROVISIONS OF THE AGREEMENT

The key provisions of the Geneva Protocol III establish the new emblem, the Red Crystal, and set forth applicable rules.

Article 2 establishes the new emblem "in addition to, and for the same purposes as" the existing distinctive emblems. It also establishes that the emblems "shall enjoy equal status" and that the conditions for use of and respect for the new emblem are identical to those applicable to the existing emblems. Article 2 also authorizes the medical and religious personnel of armed forces of the parties to make temporary use of any of the distinctive emblems (including the Red Crystal) where such use may enhance protection. Article 3 authorizes national societies of parties that decide to use the new emblem to incorporate within it one or more of the existing emblems or "another emblem which has been in effective use by a High Contracting Party and was the subject of a communication to the other High Contracting Parties and the International Committee of the Red Cross" prior to December 8, 2005. This Article also authorizes a national society that incorporates within the new emblem one of the existing emblems to "use the designation of that emblem and display it within its national territory."

Article 4 authorizes the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies and their duly authorized personnel to use the new emblem "in exceptional circumstances and to facilitate their work." Article 5 authorizes the medical services and religious personnel participating in operations under the auspices of the United Nations to use one of the distinctive emblems with the agreement of the participating states. Article 6 extends to the new distinctive emblem provisions of the Geneva

Conventions and, where applicable, Protocols I and II, regarding "prevention and repression of misuse" of the existing distinctive emblems. Parties to Geneva Protocol III are required to take measures "necessary for the prevention and repression, at all times, of any misuse" of each of the emblems. Article 6 also allows parties to permit "prior users" of the new emblem, or of "any sign constituting an imitation thereof," to continue using such emblem or signs, so long as the emblem or signs do not "appear, in time of armed conflict to confer protection" of the Geneva Conventions and, where applicable, Protocols I and II. Prior users, under this provision, must have acquired the rights to use the emblem or signs before December 8, 2005.

IV. IMPLEMENTING LEGISLATION

The executive branch has submitted proposed legislation to Congress that would provide protection for the new Red Crystal emblem, as well as the existing Red Crescent emblem, consistent with the Geneva Conventions and the Geneva Protocol III. These protections correspond to existing protections in U.S. law, set forth in Title 18 of the United States Code, for the Red Cross emblem. This legislation was referred to the Committee on the Judiciary.

V. QUESTIONS FOR THE RECORD

RESPONSES OF HON. JOHN BELLINGER, III, THE LEGAL ADVISER, DEPARTMENT OF STATE, TO QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR RICHARD G. LUGAR

Question: If the U.S. chooses to ratify this treaty, what legislation is necessary to implement this Protocol?

Answer: The Department of State has submitted draft legislation to the House of Representatives and the Senate that would provide protections to the Third Protocol (red crystal) distinctive emblem consistent with Article 6 of the Geneva Protocol III. The draft legislation also provides protections to the red crescent distinctive emblem consistent with the 1949 Geneva Conventions and the Geneva Protocol III. These protections correspond to protections set forth in 18 U.S.C. § 706 for the red cross.

Question: How does the Geneva Protocol III serve U.S. foreign policy interests?

Answer: The Geneva Protocol III serves U.S. foreign policy interests in several ways. First, it lifted an important obstacle to the universality of the International Red Cross and Red Crescent Movement, by adopting a neutral emblem that could be used by any government or national society that face challenges using the existing emblems or that believe that this neutral emblem may offer enhanced protections in certain situations. The adoption of the Protocol made it possible for Israel's national society, Magen David Adom (MDA), to join the Movement after more than fifty years of exclusion. The United States looks to the Movement to deliver humanitarian assistance in response to natural disasters or armed conflict. MDA's exclusion from the Movement meant that the Movement was falling short with respect to one of its fundamental principles—universality—and did not have national societies everywhere operating under its umbrella delivering humanitarian services.

Second, the new emblem created by the Protocol provides the U.S. military medical and religious personnel and the American Red Cross humanitarian workers with another option in circumstances where we believe that the red cross may not be perceived as a neutral emblem. For example, the U.S. government or the American Red Cross may choose to use the red crystal on an exceptional basis to avoid the appearance of a religious affiliation in an armed conflict involv-

ing countries or groups with strong religious ties.

Third, U.S. ratification of the Protocol will advance the longstanding and historic leadership of the United States in the law of armed conflict, just as our role in urging its adoption did. In addition, it will send an important message of the strength of U.S. support for this issue if the United States Government has ratified the Protocol before it enters into force on January 14, 2007. U.S. ratification of the Protocol emphasizes the commitment of the United States to the humanitarian objectives of the International Red Cross and Red Crescent Movement and the Movement's fundamental principles of universality and neutrality.

Finally, the adoption of the Protocol and MDA's subsequent admission into the Movement made it possible for the American Red Cross to end its policy of withholding its dues from the International Federation of Red Cross and Red Crescent Societies (the Federation) in protest of MDA's exclusion. In 2005, the American Red Cross entered into default status in the Federation and lost its ability to run for Federation offices as a result of not paying its dues since 2000. After MDA was admitted to the Movement in June 2006, the American Red Cross resumed its dues payments and regained its status as a member in good standing, thus allowing it to play a very constructive role to ensure that the Movement and the Federation are achieving the policy and program goals that serve the American public.

Question: How do national societies around the world view the adoption of the new emblem? What are their views on its use and potential impact on their security?

Answer: National societies have consistently supported adoption of the Geneva Protocol III by passing unanimously resolutions at the International Movement's Council of Delegates meetings every two years in support of such a Protocol. Moreover, at the 29th International Conference of the Red Cross and Red Crescent held in June 2006, national societies voted in favor of adopting changes to the Movement's statutes authorizing national societies to use the new emblem for purposes of membership, by a vote of 136 to 21, with six abstentions.

The statements of representatives of national societies to these bodies indicate that they believe having an additional neutral emblem will enhance their ability to perform humanitarian work. We understand that they believe that it should offer their workers greater security in situations where the red cross and red crescent are not seen as neutral emblems, especially in mixed populations or where parties to a conflict differ in religious affiliation. Statements by representatives of national societies that were not in favor of the statutes changes or the previous resolutions generally did not focus on problems using the red crystal emblem per se, but on opposition to the entry of Israel's national society, Magen David Adom, into the International Red Cross and Red Crescent Movement or opposition to the policies of the Government of Israel.

Question: Which countries have ratified Geneva Protocol III? When does it enter into force? Although consensus was not achieved in adopting Geneva Protocol III, what are the expectations of support for its ratification?

Answer: As of September 21, 2006, six countries (Bulgaria, Iceland, Liechtenstein, Norway, Philippines, and Switzerland) have ratified the Geneva Protocol III. Article 11 of the Protocol provides that it enters into force six months after two instruments of ratification or accession have been deposited. Accordingly, the Geneva Protocol III enters into force on January 14, 2007, six months

after the second instrument of ratification was deposited. For each country ratifying or acceding to the Protocol after the first two, the Geneva Protocol III enters into force six months after the deposit of its instrument of ratification or accession.

We expect that there will be additional ratifications of the Geneva Protocol III. Twenty-seven countries, including the United States, signed the Protocol on the day of its adoption (December 8, 2005). Since then, another forty-nine countries have signed the Protocol, suggesting continuing strong interest in the Protocol. We expect most countries will follow up by depositing their instruments of ratification after satisfying their domestic requirements for ratification. In addition, we believe the International Committee of the Red Cross will continue to urge countries to become parties to the Geneva Protocol III.

Question: Is it expected that any countries or their national societies will choose to use the red crystal? Will national societies use the option to incorporate another symbol within the red crystal? Are there concerns that the use of red crystal or the incorporation of other emblems or symbols into the red crystal may create confusion about the personnel, vehicles or facilities using the emblems? Does either the International Committee of the Red Cross or the Federation of the Red Cross and Red Crescent Societies plan to change to use of the red crystal as its primary emblem?

Answer: We expect that a number of governments and national societies will choose to use the red crystal on an exceptional basis. In particular, governments and national societies have said that in some current conflict zones, where religion divides the conflicting parties, they may wish to use the red crystal to convey that military medical units and humanitarian workers are neutral and not parties to the conflict. Beyond these circumstances, it is unlikely that many governments or national societies will shift to using the red crystal as their primary emblem. We are not aware of any government currently planning to use the red crystal as its emblem.

Magen David Adom has already declared that when it is working outside of Israel, it will use the Red Shield of David inside the red crystal. In certain circumstances, it may choose to use the red crystal alone, if it believes that it will enhance the security of its staff. The American Red Cross has expressed that it would consider using the red crystal overseas on a case-by-case basis, if desirable due to security and operational circumstances.

We do not believe that incorporating another emblem inside the red crystal will create confusion about the personnel, vehicles or facilities using those emblems. Over time, we believe the public will become more familiar with the red crystal as a symbol in its own right. Moreover, parties to the Geneva Protocol III are required to disseminate the Protocol as widely as possible in their countries so that their armed forces and civilian populations become familiar with the Protocol and the new emblem.

Neither the ICRC nor the Federation plans at this time to adopt the red crystal as its primary emblem, as noted in a preambular paragraph of the Geneva Protocol III. According to Article 4, they may, however, choose to use the red crystal on an exceptional basis, where circumstances merit and where it will facilitate their work, possibly in regions where the red crystal emblem will underscore their neutrality to the parties to the conflict.

Question: How will the adoption of the emblem impact the overall International Red Cross and Red Crescent Movement? Is the

emblem likely to be accepted as a symbol of protection and reduce the risk of targeted attack on aid workers?

Answer: The adoption of the Geneva Protocol III and the establishment of a new emblem significantly impacts the International Red Cross and Red Crescent Movement by helping it fulfill one of its seven fundamental principles—universality. The Movement has been unable to achieve this goal for more than fifty years due to the exclusion of Israel's national society, Magen David Adom (MDA). MDA's membership in the Movement now improves the ability of the Movement to respond to humanitarian crises in the Middle East, with national societies cooperating on an equal basis.

Parties to the Geneva Protocol III are required to disseminate the Protocol as widely as possible so that their armed forces and civilian populations become familiar with the Protocol and the new emblem. As a result, we believe that over time parties to a conflict and the public at large will become more familiar with the red crystal. However, the larger phenomenon of targeted attacks on aid workers has diverse causes, many of which will not be addressed by the use of a more neutral emblem. Those who wish to disrupt the provision of humanitarian assistance for political or military goals do not respect the neutrality of humanitarian workers, regardless of whether the humanitarian workers are perceived as neutral or politically or religiously affiliated.

Question: Will the new emblem increase the protection of aid workers who appear increasingly to come under fire as soft targets, not because of confusion over symbols, but because of perceptions about their political alliance?

Answer: The new emblem gives the International Red Cross and Red Crescent Movement an important tool that may help it operate in exceptional circumstances. While the red cross is not a religious symbol (but the inversion of the Swiss flag), it has been perceived as a symbol of Christianity in some circumstances. Where the Movement is working with populations of different religions, especially if they are in conflict, the red crystal may be a less divisive symbol that better conveys the neutrality of the Movement. Therefore, we expect that the red crystal will enhance the protection of the Movement's humanitarian workers.

However, the larger phenomenon of targeted attacks on aid workers has diverse causes, many of which will not be addressed by the use of a more neutral emblem. Those who wish to disrupt the provision of humanitarian assistance for political or military goals do not respect the neutrality of humanitarian workers, regardless of whether the humanitarian workers are perceived as neutral or politically or religiously affiliated.

Question: The adoption of the Geneva Protocol III and the changes to the Statutes of the International Movement of the Red Cross and Red Crescent were not accomplished by consensus. Was the International Movement damaged in any way because consensus was not achieved?

Answer: While the negotiations over the Geneva Protocol III and the changes to the International Movement's Statutes were challenging, we believe that the Movement was not damaged by the lack of consensus. In the final session of the International Conference of the International Red Cross and Red Crescent Movement, several delegations acknowledged that, while they might have preferred a modified outcome, this issue had reached closure and the Movement should now move forward with other aspects of its humanitarian work. Moreover, when the components of the Movement met imme-

diately after the International Conference to consider admitting the Magen David Adom and the Palestine Red Crescent Society, they admitted them by unanimous acclamation, without having to submit the issue to a vote. We believe this illustrates that the Movement is united behind the outcome of the International Conference of the Red Cross and Red Crescent.

RESPONSES OF HON. JOHN BELLINGER, III, THE LEGAL ADVISER, DEPARTMENT OF STATE, TO QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR JOSEPH R. BIDEN, JR.

Question: As of this date, according to the information available on the Internet site of the International Committee of the Red Cross, there are five states that have ratified the protocol. Why is it important for the Senate to act on this treaty prior to the end of the 109th Congress? Is it expected that the instrument of ratification will be deposited prior to congressional action on the implementing legislation?

Answer: It is important for the Senate to act on the Geneva Protocol III prior to the end of the 109th Congress to underscore its importance and the high priority the United States Government places on it. Urgent ratification of the Protocol will also advance the longstanding and historic leadership of the United States in the law of armed conflict. The Protocol will enter into force on January 14, 2007. It will send an important message of the strength of U.S. support for this issue if the United States Government has ratified the Protocol before it enters into force. In addition, ratification this year emphasizes the commitment of the United States to the humanitarian objectives of the International Red Cross and Red Crescent Movement. It will also emphasize the U.S. commitment to the Movement's fundamental principles of universality and neutrality.

We do not expect that the instrument of ratification will be deposited prior to congressional action on the implementing legislation because at this time we are working with the relevant committees and we expect that Congress will take up the implementing legislation in a timely fashion and at the same time as the Senate is considering the Protocol, consistent with the broad public and congressional support for the Geneva Protocol III.

Question: In ratifying the Geneva Conventions of 1949, the United States entered a reservation to the provisions in the First Geneva Convention with regard to the obligation to make unlawful within the United States the use of the Red Cross emblem, in order to protect certain commercial use in this country.

a. Is there any prior commercial use of the new emblem in the United States of which the Executive Branch is aware?

b. Does Article 6(2) provide the United States sufficient latitude to permit such prior use of the new emblem? Please elaborate.

c. Please provide information from the Patent and Trademark Office about whether there are any trademarks currently registered that are similar to the new emblem (the Red Crystal).

Answer: The Executive Branch is not aware of any prior commercial use of the new emblem, the red crystal in the United States. Nonetheless, the Geneva Protocol III provides sufficient latitude for the continuation of legitimate prior uses of the new emblem to the extent that they may exist. The International Committee of the Red Cross has registered the red crystal emblem as a trademark (U.S. Registration No. 2676576) at the United States Patent and Trademark Office (USPTO). The USPTO has found no other

registered trademarks that are confusingly similar to the new emblem.

Question: In addition to the enforcement powers under the proposed implementing legislation vested in the Attorney General, are there other existing federal statutes relevant to the protection of the Red Cross or the new emblem (the Red Crystal), such as the trademark laws administered by the Patent and Trademark Office or the unfair trade laws administered by the Federal Trade Commission? Please elaborate.

Answer: While the red cross has specific protections in U.S. law (18 U.S.C. §706), the red crystal does not have similar specific protections in U.S. law. The proposed legislation would provide specific protections for the red crystal and the red crescent. In certain circumstances, U.S. unfair competition law could provide some possible protection for the Geneva Convention distinctive emblems, including the U.S. Trademark Act contained in 15 U.S.C. §1051 et seq. For example, 15 U.S.C. §1052(a) provides a basis for the U.S. Patent and Trademark Office to refuse trademark applications on the grounds that the mark falsely suggests a connection with institutions, beliefs or national symbols. 15 U.S.C. §1125 provides a civil action against any person who uses a word or symbol in commerce that is likely to deceive as to an affiliation with the commercial activities of another. We believe the proposed legislation submitted to the Congress by the Department of State will adequately prohibit, at all times, use of the red crystal and red crescent that is inconsistent with the Geneva Conventions and its Protocol III.

Question: Is there a common understanding among the signatories of the term "in exceptional circumstances and to facilitate their work" as used in Article 3(3) and Article 4?

Answer: The term "in exceptional circumstances and to facilitate their work", as used in Article 3(3) and Article 4 of the Geneva Protocol III, was not discussed or debated in detail during the December 2005 diplomatic conference which adopted the Protocol.

Question: The United States is not a party to the 1977 Additional Protocols to the Geneva Conventions (Protocol I and II). Protocol III includes several references to those Protocols. By ratifying Protocol III, would the United States assume any obligations under the 1977 Protocols?

Answer: No, by ratifying the Geneva Protocol III, the United States would not undertake any new obligations under Protocols I and II. The references in the Geneva Protocol III to provisions of Protocols I and II include the language "where applicable". Thus, a provision of Protocol I or II must be "applicable" to a party to the Geneva Protocol III in order to confer an obligation on that party. As noted above, the United States is not a party to Protocol I or II.

Question: Article 6(1) bars the "perfidious use" of the distinctive emblems mentioned in Articles 1 and 2. Is there a common understanding among the signatories of the meaning of this term? Please elaborate.

Answer: The term "perfidious use" in Article 6(1) was not discussed or debated in detail during the December 2005 diplomatic conference which adopted the Geneva Protocol III. Nonetheless, perfidy is generally understood to mean an act inviting the confidence of an adversary to lead him to believe that he is entitled to, or obliged to accord protection, under the law of armed conflict, with the intent to betray that confidence.

Question: Did the U.S. delegation to the negotiating conference make any public statements that relate to the meaning or interpretation of any treaty terms?

Answer: No, the U.S. delegation did not make any public statements that relate to

the meaning or interpretation of any treaty terms during the December 2005 diplomatic conference which adopted the Geneva Protocol III.

ORDERS FOR WEDNESDAY,
SEPTEMBER 27, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, Wednesday, September 27. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 1 hour, with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; further, that following morning business, the Senate resume consideration of H.R. 6061, with 1 hour of debate equally divided between the two leaders or their designees, to be followed by a vote on the motion to invoke cloture on the pending amendment to H.R. 6061.

I further ask that it be in order to file second-degree amendments as provided for under rule XXII until the hour of 11 a.m. tomorrow, Wednesday.

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

PROGRAM

Mr. McCONNELL. Mr. President, the two leaders are continuing to discuss the process to consider the military tribunals legislation as a freestanding measure. If an agreement can be reached early tomorrow morning, then it is possible the scheduled cloture vote will be vitiated and the Senate will consider the bill under this consent agreement. Senators should be on notice that votes in relation to the military tribunal legislation can occur throughout tomorrow's session.

As the majority leader has previously stated, we have much work to complete this week; therefore, all Senators can expect full days and late nights to finish the remaining work.

ADJOURNMENT UNTIL 9:30
TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:33 p.m., adjourned until Wednesday, September 27, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 26, 2006:

DEPARTMENT OF COMMERCE

JANE C. LUXTON, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE JAMES R. MAHONEY.

DEPARTMENT OF ENERGY

KEVIN M. KOLEVAR, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF ENERGY (ELECTRICITY DELIVERY AND ENERGY RELIABILITY), VICE JOHN S. SHAW, RESIGNED.

DEPARTMENT OF THE TREASURY

PHILLIP L. SWAGEL, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE MARK J. WARSHAWSKY, RESIGNED.

UNITED STATES POSTAL SERVICE

THURGOOD MARSHALL, JR., OF VIRGINIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2011, VICE NED R. MCWHERTER, TERM EXPIRED.