

## AMERICA COMPETES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 761, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 761) to invest in innovation and education to improve the competitiveness of the United States in the global economy.

Pending:

Bingaman (for Sununu) amendment No. 938, to strike the provisions regarding strengthening the education and human resources directorate of the National Science Foundation.

Bingaman (for Sanders) amendment No. 936, to increase the competitiveness of American workers through the expansion of employee ownership.

## AMENDMENT NO. 938

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate with respect to amendment No. 938, with the time equally divided and controlled by the Senator from New Hampshire and the Senator from Massachusetts or their designees.

Who yields time?

The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I understand under the order that I will control 15 minutes, and I believe Senator BINGAMAN will control 15 minutes in opposition.

This morning we have 30 minutes of debate on an amendment I offered yesterday afternoon. This amendment deals directly with the National Science Foundation, which I think many Members of Congress believe is the crown jewel for Federal initiatives, investment, and funding of basic scientific research—research in chemistry, mathematics, physics, material science—that provides benefits that are spread over countless areas of our economy, provides benefits over very long time horizons. This is basic research the markets don't invest in, venture capital firms don't look at. It is fundamental science carried out at the best laboratories and universities across America.

I worked at one time in my career as an engineer. I studied to be a mechanical engineer. I worked as an electrical engineer. I have a little bit of an understanding of some of the scientific principles these laboratories, scientists, and graduate students work on every single day. I certainly have enough appreciation for these concepts to recognize that no Member of Congress should be telling the professional leadership, the academic leadership at the National Science Foundation, which program should be funded on any given day, month, or year. That is why the National Science Foundation has a competitive process, a peer review process where ideas are submitted and approved by panels of experts in each of these areas.

As I say, it is competitive, it is free from politics, free from earmarks, the pet projects and pet policies of legisla-

tors, whether they are Democratic or Republican. They are insulated from those things, and that is why it has been so successful.

Unfortunately, in the underlying bill before us, there is for the first time ever a provision to set aside some of that money for a specific area of interest. It may be an interesting area and a very valuable area—the area of human resources and education—but never before have we set aside in legislation funding in this way: over \$1 billion of the approximately \$6.5 billion the National Science Foundation has to spend each year being set aside for this purpose. For the first time, it guarantees a specific authorization. For the first time, the legislation would guarantee a specific increase for this particular area in outyears. For the first time, and maybe even what I think is most fundamentally wrong, it says that because of these protections, this is a more important area. We don't provide this protection to chemistry or physics or computational mathematics. They do not get a designated allocation in this bill. They do not get a specific increase in funding year on year in this bill. But we give it to the area of human resources.

As I said, that is a worthwhile area for investment, the side of education, it can certainly make a difference, but when we start setting it ahead of, on top of, and at a higher priority than the physics, chemistry, computational mathematics, for which the National Science Foundation is not just designed but for which it is world renowned, we are making a huge mistake. We make a mistake not just because it is wrong to set it ahead of these other programs but it is a mistake because it sets us on the wrong path, because the next time we do legislation such as this, someone else is going to want to set aside funds for another initiative and someone else is going to want to guarantee an increase for another area of programming. Over time, we will undermine, weaken, and perhaps even destroy the integrity of the competition and peer review process that is at the heart of the National Science Foundation.

Those who will oppose this amendment will say this is about human resources and education and we care about those things. Well, I care about those things also, but it is still wrong to carve up the National Science Foundation funding in this way. Moreover, if we care about the education initiatives for science, technology, engineering, and mathematics, we should be looking at the report of the Competitiveness Council that categorized over 106 different science, technology, education, and math programs in 8 or 10 different agencies, and 34 of them are within the National Science Foundation, but a dozen are within the Department of Agriculture, 13 in the Department of Commerce, 9 in the Department of Education, 9 in the Department of Defense, 6 in the Department of Transportation, and so on.

Where in this bill did we look at these 106 programs to make them work better? Where in this legislation did we review which of these programs is most effective and most focused on encouraging students to pursue careers in science, technology, and mathematics? Rather than do that, the authors of this particular provision, section 4002, say, well, the National Science Foundation does work in these areas, so let's make sure they are guaranteed \$1 billion a year and guaranteed increases over time.

I think that is the wrong approach to take. It is the wrong approach to take for the National Science Foundation. The scientists who are supported by that foundation have visited me in my office—I am sure they have visited with many other Members of Congress—and time and time again they have said, protect the peer review process, protect the investment in basic science and mathematics. That is what I intend to do as a Senator, and that is why I have offered this amendment to strike that provision that sets aside funds, that guarantees an increase, because it is not the right way to deal with the National Science Foundation.

Mr. President, I yield the remainder of my time.

Mr. BINGAMAN. Mr. President, obviously, I have great respect for my colleague from New Hampshire, and particularly because he is, I believe, the only trained engineer in the Senate, I certainly pay attention when he speaks on issues related to engineering and science, and I think we all need to do that. But I think he is clearly wrong in this circumstance, and let me explain why.

The Senator is offering an amendment to strike the provisions of this bill that provide for annual funding increases for education and human resource programs at the National Science Foundation. The purpose of the provision that is in the bill he wants to strike is to ensure the continued involvement of experts at the National Science Foundation in improving science, technology, engineering, and math education at the elementary, secondary, and the postsecondary level.

This underlying bill, S. 761, provides for substantial increases in funding for the National Science Foundation, and the amount of those increases is contained in section 401. You can see for the next 4 years there are substantial increases. I would reiterate, as we have many times in this debate, these are authorizing levels. This is not actual appropriation of money. That is the heavy lifting which we are going to have to do later on this year. This authorizes, however, significant increases in funding for the National Science Foundation.

As appropriations for the National Science Foundation increase under this legislation, under S. 761, funds for the education and human resources programs will also increase by a proportional amount. We are not in any way

diverting funds from basic research or other activities of the National Science Foundation, and we are not specifying that they do things they have not traditionally done. The National Science Foundation has a very impressive record of accomplishment in education at all levels with regard to science, engineering, and mathematics.

The National Science Foundation is the engine of innovation for K-12 science, technology, engineering, and math education. Strengthening science and math education is a core mission of the National Science Foundation. This is not a sideline, this is a core mission. When the agency was founded, Congress recognized the importance of involving scientists in the critical questions relating to science education, and they made science education a key part of the agenda of that agency. The National Science Foundation programs range from graduate fellowships to programs for secondary school teachers, to informal museum programs. They are designed to attract students to science, engineering, technology, and mathematics. They are designed to give them the preparation and the fundamental knowledge they need to pursue undergraduate and graduate degrees, and they are designed to support the completion of those degrees.

The EHR, which is the education and human resources directorate within the National Science Foundation, also pursues ways for advancing participation and equity in access for all who are interested in pursuing careers in these fields. As a research and development institution, the National Science Foundation is uniquely situated to bring insights to science and math education, and that is the reason why we gave them that job.

The National Science Foundation education programs are a catalyst for change in education, and they have been demonstrated to do that. Let me give one example of a successful program, which is NSF's math and science partnership program. An analysis of 123 schools that participated in that program shows improvements in student proficiency in math and science at the elementary, the middle, and high school levels over a 3-year period. This year, the National Science Foundation's budget includes \$30 million for these MSP, or math and science partnership, awards.

A recent report by the Academic Competitiveness Council found that of the 10 math and science education programs at various Federal agencies they evaluated, all 4 of the programs they found to be effective were being run out of the National Science Foundation. So the authorization level for education and human resources in this bill reflects what the President asked for in fiscal 2008, plus an adjustment of \$300 million to allow for the new programs authorized in the bill.

Let me directly respond to the main points I understood my colleague from

New Hampshire to be making. He started by saying no Member of Congress should be telling NSF how to spend their money, basically. We do that every time we pass an appropriations bill. We tell NSF how to spend their money. We also do it whenever we pass an authorization bill. The last time we passed the NSF reauthorization, which I think was 2003, we specified there precisely how much would go into education versus into other types of activities. So this is not in any way a change.

I think everyone in Congress knows the one thing we are good at is micromanaging. We do not give tens of billions of dollars to any agency and say do what you want. We tell them we want this much spent on research and development, and we want this much spent on education.

The one other point my colleague from New Hampshire made is we should not get into interfering with the peer review system, which is designed to ensure the best activities are chosen. We anticipated that problem and agree entirely with him. Section 4007 of this legislation, on page 183, is entitled "Reaffirmation of the Merit-Review Process of the National Science Foundation," and it says:

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.

So there is nothing in the section the Senator would have us strike that in any way undermines the peer review system. That is certainly something I would not support doing.

I believe very strongly this is not a good amendment; that deleting section 4002, which is what the Senator's amendment would do, would be a substantial mistake, and I urge my colleagues to resist the amendment.

I yield the floor.

Mr. ALEXANDER. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 7 minutes remaining in opposition.

Mr. ALEXANDER. Mr. President, if you would let me know when 3 minutes remain.

I am trying to respect Senator SUNUNU's amendment, because he is a very careful student of these matters, and I am looking at the authorization bill, and I want to ask the Senator a few questions in a moment, if I may, and I will do it on my time.

I am looking at the authorization bills for fiscal years 2003, 2004, and 2005, which is the current authorization bill. In each of those years—the authorization bill—there is a number for specific authorized allocations for, first, research; next, for education and human resources, which is the area the Senator is objecting to; next, a specific authorized allocation for research equipment; next, for salaries; and next, for

the Office of Inspector General. Then we go to 2004 and it is the same there. In each year, there is a specific authorized allocation for each area; one for research, one for education, and one for each of the others.

The difference in this proposed authorization is that for education it says the number. The allocation for education shall go up as much as the specific authorization for research. Would the Senator be more comfortable—and this is my question, through the Chair, if I may ask this—would the Senator be more comfortable if there were specific number allocations which are enacted now for future years? In other words, if we turn the percentages or the suggestion that it ought to go up the same amount and say, instead of that, we will take a number and insert it in there for each of those years? Because that is exactly the way it is done in the current bill.

Mr. SUNUNU. Mr. President, I am happy to respond. First, I would certainly be more comfortable if the guaranteed increases were struck from the bill, because that is a protection, a consideration for this area of funding that isn't given to other areas of funding. I would have concern about that allocation in past years, again because it puts this particular area in effect ahead of the different disciplines of chemistry, math, or physics. It treats it somewhat uniquely.

To the response on the point about appropriations, Senator BINGAMAN is absolutely right. Each year we do an appropriations bill that is much more specific than this, where, ultimately, allocations are made in the specific areas of research, chemistry, or physics. That is based, however, on a request by the National Science Foundation itself in front of that Appropriations Committee. It is based on an exchange for that given year.

I would agree with you, the peer review process needs to be protected. We shouldn't be specifying in authorizing language—even if you make the point it is not meaningful because it is only an authorization—we shouldn't be specifying how much money we are going to allocate to superconducting materials in 2008 or how much funding we are going to authorize for plasma physics in 2009.

We should be much more responsive than that, not prejudge what the needs of the National Science Foundation are going to be in the outyears.

Mr. ALEXANDER. Mr. President, I will take 30 seconds, if I may. I think I am reading this differently than is the Senator. I am reading the authorization language for the year 2003, 2004, 2005, 2006—the existing law, there are specific authorization allocations for each year, not just for education but for research and for research equipment and for salaries and expenses. It goes up each year in the authorization language that exists today. So we are reading a different bill. I will be happy, if I am a part of any conference discussion, if it would help with his concerns,

to translate the “as much as” into specific numbers, if other Senators agree with that.

The PRESIDING OFFICER. Who yields time? The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, let me use a portion of my time to address a particular point; that is, equipment. I fully recognize that equipment is different from funding for specific research. Capital equipment, infrastructure, buildings—those are going to receive separate allocations year on year, and they are going to receive separate authorization numbers. But I come back to this issue of whether we are going to treat the human resources area differently by protecting annual increases and whether we are going to ensure that in the future we maximize the resources available to the National Science Foundation for its core mission of research, of investment in math, science, and engineering research projects. I understand the education role. I understand that is part of the mission of the National Science Foundation, and I support that effort. But I think we need to be very careful before creating long-term setasides for an area such as this.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. BINGAMAN. How much time remains for the Senator from New Hampshire?

The PRESIDING OFFICER. A little over 7 minutes.

Mr. BINGAMAN. Let me use the remaining 2 minutes in opposition to the Senator from New Hampshire, and then the Senator can obviously use as much time as he would like.

Let me just reiterate that I think this section which he is proposing that we strike is an important section to retain in the legislation. This is something which is a direct outgrowth of what the Augustine Commission recommended. They recommended that we increase funding for the National Science Foundation and that we ensure that the National Science Foundation substantially increase its efforts with regard to science education. That is what this provision does. That is what this section of the bill does. It says we want to increase authorization for the National Science Foundation, and as we are doing that, we want to be sure there is adequate funding, there is adequate attention given to science education.

I believe, if there were a single thing which the National Academy of Sciences report concluded, it is that we are investing way too little as a country in science and engineering and math education across-the-board—in the Department of Education, in the Department of Energy, in the National Science Foundation, in our schools, el-

ementary and secondary and postsecondary and universities.

This is an important provision. We should keep this in the bill. I know it is very important to Senator KENNEDY. He was very involved in the discussions that went into the drafting of this portion of the bill. As a member of his committee, I strongly object to us deleting this section of the bill.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. I wonder if the distinguished Senator will yield?

Mr. SUNUNU. Mr. President, I am happy to yield 4 minutes to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will ask that it be taken off the bill, not off his time.

The PRESIDING OFFICER. That time has expired. Without objection, it is so ordered.

Mr. DOMENICI. Very briefly, I wish to say to the Senator that he has made an eloquent presentation and he has certainly shown people that he understands what the National Science Foundation is supposed to do and what it does. But there is no question that it does two things at least and, in most cases, more. It does research, but it also does education. That is enumerated in the year we are in and enumerated in the outyears. That, along with other activities, including research that the Senator is worried about, is enumerated and protected by an actual appropriation; that is, the thing that worries him is the one that should worry all of us, and that is the adequacy and assurance of research and that it will not be gobbled up or picked at as time changes.

It seems to me we did it right here because we earmarked, in a sense, all the different areas and put the two worrying him the most—both of these are there. Both research and education are there. It seems to me that is what we want to do. I don't know how you could do it any other way and we be able to tell the Senators who helped us put this together that they are protected for science research and for education. That is really what we are trying to do because they worked hard on it. They thought this was an area of importance. We agreed with them. It turns out, as Senator BINGAMAN said just two moments ago, it is true, this bill is beginning to sound right because it is saying we were really hurting on basic science, and this is an area, the National Science Foundation, an instrumentation of our Government, which has been doing very well and we want to give them a lot of extra money if we want to do this, a bill like this, for our country.

I thank the Senator for the time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, in closing, let me thank the Senator from New Mexico for his points. I certainly appreciate the commitment I have

heard from everyone who has spoken this morning about the value of the peer-review process, the commitment to this critical role of research, basic research within the National Science Foundation, the desire to make sure we are not giving special treatment, unique treatment to any particular area within the National Science Foundation, notwithstanding the fact that in this legislation, there are guaranteed proportional increases for human resources in the educational area. Of course, I have to take every Senator at their word, but I very much appreciate the word and commitment given here to continue to champion and protect the integrity of the peer-review process moving forward.

Second, I reiterate that there is very little done that I can see in the legislation to look at the existing science, technology, education, and math programs within our Government. There is support for those programs and even creation of some new programs in this legislation, but very little is done to follow up on findings we have in front of us about weaknesses and duplication and overlap in these programs and the need to make them work better for those math, science, and engineering students whom they are intended to benefit. I encourage my colleagues to continue to pursue these very questions as this bill moves off the floor and into conference.

I understand there were a lot of sensitive issues and committee jurisdictions and tradeoffs that had to be made in constructing the legislation. I understand the managers of the bill are not going to support my amendment. But I think the message this amendment carries is an extremely important one. I hope it will be heeded, not just in deliberations over the coming year when we are dealing with math and science and the National Science Foundation, to protect what makes it work, but also as this legislation moves to conference.

I yield any time I have remaining.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment.

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

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

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON) is necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 24, nays 74, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—24

Allard	DeMint	Kyl
Bunning	Graham	Lott
Burr	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hagel	Sununu
Cornyn	Hutchison	Thomas
Craig	Inhofe	Thune
Crapo	Isakson	Vitter

NAYS—74

Akaka	Dorgan	Murkowski
Alexander	Durbin	Murray
Baucus	Ensign	Nelson (FL)
Bayh	Enzi	Nelson (NE)
Bennett	Feingold	Obama
Biden	Feinstein	Pryor
Bingaman	Harkin	Reed
Bond	Hatch	Reid
Boxer	Inouye	Roberts
Brown	Kennedy	Rockefeller
Brownback	Kerry	Salazar
Byrd	Klobuchar	Sanders
Cardwell	Kohl	Schumer
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Clinton	Levin	Stabenow
Cochran	Lieberman	Stevens
Coleman	Lincoln	Tester
Collins	Lugar	Voinovich
Conrad	Martinez	Warner
Corker	McCaskill	Webb
Dodd	McConnell	Whitehouse
Dole	Menendez	Wyden
Domenici	Mikulski	

NOT VOTING—2

Johnson	McCain
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The amendment (No. 938) was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me just get the attention of Senators for a minute. We made good progress on this bill yesterday, and then, of course, we just had a vote this morning. We are anxious to try to complete this bill before this briefing which is scheduled with General Petraeus at 4 o'clock this afternoon, if we possibly can. So we would be very appreciative if Members would come to the floor with any amendments they have and offer those amendments and take a short time to explain them. For any of them it appears we can accept, we are glad to try to accept them. Some we will not be able to accept. But we are anxious to get any additional amendments any Senator wishes to have considered brought to the Senate floor as soon as possible.

I believe both Senator DOMENICI and Senator ALEXANDER want to say a word, and then I believe Senator SANDERS wishes to speak to his amendment. I yield the floor.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. Mr. President, I just want to second that motion as to what Senator BINGAMAN just said and ask Senators on my side of the aisle to take a look, as soon as you can, with your staffs at this bill and tell us whether you have amendments. If we are going to finish at a time certain, we do not want everybody to come

down at 4 o'clock and complain. We have a lot of time, but it will be useless if Senators do not bring their amendments down. We know there are some floating around, but we certainly do not have an adequate understanding of how many Senators have. It would be helpful if Senators would send us a message that they have amendments and what they amount to. We will work with Senators so we can get them done quickly.

Mr. President, I thank Senator BINGAMAN.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 936 WITHDRAWN

Mr. SANDERS. Mr. President, I intended to have considered an amendment I have offered, which is a very important amendment, which would provide assistance from the Department of Commerce to workers, to employees who want to move forward in terms of ESOPs, employee stock ownership plans.

At a time when we are losing millions of good-paying blue-collar manufacturing jobs, white-collar information technology jobs, it seems to me that the ESOP concept, the worker-ownership concept, is, in fact, an important model the U.S. Government should be exploring in terms of how we help those workers purchase their own companies and keep jobs in the United States of America.

I understand there is a problem with jurisdiction. The chairman and ranking member of the Banking Committee would like to work with me on this issue. I think we would like to go forward in terms of holding hearings and then coming forward with some legislation, which seems to me to be a sensible idea.

What I would like to do is, if I could, yield to the chairman of the Banking Committee, Mr. DODD, and then maybe to Ranking Member SHELBY.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague for yielding. I thank my colleague for his consideration.

For those of us who remember the days of Russell Long talking about the employee stock option plans, we all were lectured considerably during our tenure here with Russell Long, who was a strong advocate of the idea of employees being able to have an invested ownership in companies.

I applaud my colleague from Vermont for this idea. It is one that certainly deserves consideration. I have told my colleague from Vermont I will be happy to either conduct the hearing myself or have an appropriate subcommittee conduct it, and be involved with it, as well as the Banking Committee to look at this.

The jurisdiction may also be in the Finance Committee. I know Senator BAUCUS has an interest in this issue as well, so I want to be careful about stepping on the toes of another committee that may have some piece of this as

well as the Banking Committee. But it is an economic development issue, and I am sure, between Senator BAUCUS and myself, we can conduct a hearing that will complement both committees' jurisdictions.

Mr. SANDERS. Mr. President, if my friend will yield briefly, Senator BAUCUS is a cosponsor of this legislation, along with Senator LEAHY and Senator LINCOLN.

Mr. President, I yield back to the Senator.

Mr. DODD. Mr. President, I thank my colleague for his observation. I see my friend from Alabama is in the Chamber, the former chairman of the committee, my ranking member, who cares about this issue as well. I know of his interest in the subject matter.

So we will move forward on this issue in a timely fashion to see if we can have a good hearing and develop further interest in this idea, which I think has great merit. I thank the Senator for raising it.

Mr. SANDERS. Mr. President, I yield to my friend from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I thank my colleague for yielding.

As Senator DODD said, we are all interested in promoting the economic interests of our workers. The ESOP program, employee stock ownership program, has helped a lot of workers create wealth, save jobs, and save companies in this country.

I know this is probably a subject matter for a number of committees, but Chairman DODD said he would hold a hearing on this in the Banking Committee. I join with him in working on this issue. If this or some other legislation like this will help people own companies where they work, I think that is good for America.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I very much thank my friend from Alabama and my friend from Connecticut. We look forward to working with you.

Mr. President, at this time, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that on Wednesday, today, April 25, at 2 o'clock, the Senate proceed to debate concurrently three Coburn amendments, Nos. 918, 921, and 922; that there be a total of 60 minutes of debate, divided as follows: 40 minutes under the control of Senator COBURN and 20 minutes under the control of myself or my designee; that upon the use or yielding back of time, the Senate proceed to vote in relation to each amendment in the order listed in this agreement; that there be 2 minutes of debate equally divided as specified above prior to the second and third votes; that no amendments be in order to any of the amendments covered

under this agreement prior to the vote; and that the second and third votes in the series be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I am glad to accommodate the Senator from West Virginia. He asked if I would restate the unanimous consent request. I am glad to do that.

Mr. President, I ask unanimous consent that on Wednesday, April 25, at 2 p.m., the Senate proceed to debate concurrently three Coburn amendments, Nos. 918, 921, and 922; that there be a total of 60 minutes of debate, divided as follows: 40 minutes under the control of Senator COBURN and 20 minutes under the control of Senator BINGAMAN or his designee; that upon the use or yielding back of time, the Senate proceed to vote in relation to each amendment in the order listed in this agreement; that there be 2 minutes of debate equally divided as specified above prior to the second and third votes; that no amendments be in order to any of the amendments covered under this agreement prior to the vote; and that the second and third votes in this series be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, in Ecclesiastes, the Preacher warns:

The race is not to the swift, or the battle to the strong, nor does food come to the wise, or wealth to the brilliant, or favor to the learned; but time and chance happen to them all.

America is used to being the swiftest. We are used to being the strongest. America has become used to winning the race. We have become used to receiving the cream of the world's wealth. But we would do well to heed the warning of Ecclesiastes, for time and chance will happen to us, as well.

New global competitors have entered the race. Over time, they are growing stronger and more learned. America cannot leave winning the race to chance. We must redouble our speed. We must redouble our learning if we are not to fall behind.

That is why I started in June of 2005 delivering a series of addresses on America's economic leadership. That is why, during the last Congress and this one as well, I have introduced a series

of bills addressing American competitiveness. Those bills dealt with education, with energy, with trade, research, and savings. That is why much of the work of the Finance Committee this Congress this year will address America's economic competitiveness.

The Finance Committee will shortly mark up education tax incentives. We will follow with tax incentives for cleaner and more renewable energy. This year we intend to extend trade adjustment assistance, and we hope to address small business health concerns as well. Each of these bills will help American businesses remain the world's leaders.

The bill before us will help, and it will help a lot. The bill before us will promote excellence in education, technology, and science. I hope to contribute a series of amendments to this bill. Each, I believe, will bolster America's economic competitiveness.

A noted MIT scholar once commented that:

The ability to learn faster than your competitors may be the only sustainable competitive advantage.

Having an educated workforce able to learn and adapt is a cornerstone of a competitive agenda.

My first amendment thus encourages States to incorporate 21st century learning skills into their curriculum. This amendment would help our school systems teach skills to America's students that will best prepare them for tomorrow's economy.

America faces a world more integrated, more interdependent, and more competitive than ever. It is our challenge to succeed in this environment. It is our challenge to leave our children and grandchildren with an economy that is better than the one which we inherited. We must meet this challenge.

Meeting this challenge starts with addressing education in a new way. This bill is just a beginning.

We must change the way we look at education. As policymakers, we tend to look at our education challenge like a multiple choice test. We want to choose between a few simple options—more science and math classes, more AP classes, or better teachers. But the answers are not as simple as "A," "B," or "C."

We must look at our challenge as if it were a math proof. We must think through every step, to reach the end result. The process is as important as the outcome. The outcome must be appropriate for today's needs, but the outcome must also be appropriate for the needs of the future.

One hundred years from now—even 10 years from now—our society will be very different from what we see today.

If we find the right solution, our students will excel in school. If we find the right solution, our graduates will be ready to enter the workforce. If we find the right solution, America will retain its economic leadership. But if we look only for simple options, we may never reach a solution.

My first amendment will assist in the process of developing these solutions. My amendment will encourage school systems to think first and plan early. My amendment will encourage States to look at the big picture. My amendment will encourage States to look at education comprehensively.

My amendment encourages States to incorporate 21st century learning skills into the States' education plan.

Twenty-first century learning skills emphasize learning skills, collaboration, and communication skills.

Our students must know science and math, but more importantly, our students must excel in problem-solving and critical thinking skills. Our students must excel in financial, economic, and business literacy. It is these skills that students today will need to be successful tomorrow.

Our students must also be able to communicate effectively. Twenty-first century skills also include language learning.

This bill sets aside funding for foreign language programs, but in many rural areas like Montana there are not enough teachers. The way to help solve this problem is through distance learning.

That is why I also worked hard to include in the bill a provision to allow language funds to go to programs that use distance learning.

I am proud of programs such as the U.S. Arabic Distance Learning Network out of Montana State University. This program uses interactive video classrooms to allow two-way communication between the professor and students. This innovative solution is helping students to acquire important language skills.

We must look for more ways to be creative in our education methods. Our schools must adapt to new challenges. Our students must begin to learn the skills that companies need today, and students must learn the skills that companies anticipate needing tomorrow.

This bill is a piece of the process in solving the proof. I will continue working on this issue and I encourage my colleagues to do so as well.

Many of the proposals in these amendments and this legislation are good solutions for serious problems, but addressing our problems is not enough. We must also improve the way we identify them. We must improve our diagnosis.

Getting the right diagnosis is especially important to the most dynamic sector of our economy—the services sector. Our economy has evolved from agriculture and manufacturing to services. Services industries today comprise 80 percent of our economy. Since 1990, private services industries have added over 22 million jobs. In our international trade picture, services are a bright spot. Where we so often see deficits, America has a surplus in services exports.

To keep this sector vigorous in a global market, we must track its health and development. But we don't.

Today, the Bureau of Economic Analysis does not produce annual, State-by-State, sector-specific services export data. Tracking this kind of export data is critical to knowing where our strengths and our weakness lie. These data are critical to knowing where jobs are being created and how to build on those successes. These data are equally critical to knowing where jobs are being lost, and to how we can best help those workers.

That is why I am offering an amendment to fund a program in the Bureau of Economic Analysis to study services exports in detail, annually, thoroughly, on a State-by-State basis. We know too little about this sector of our economy and its standing internationally. This amendment would remedy that.

I also have amendments to improve America's energy research. My amendment would double funding for the Department of Energy's Office of Science. That office is the largest supporter of physical sciences research in America. It would provide more than 40 percent of total funding in this area nationwide. The Office oversees a broad range of energy-related research, including that related to renewable energy.

For example, the Office of Science funds research and development projects at the National Renewable Energy Laboratory, or NREL. NREL is the Nation's primary lab for renewable energy and energy efficiency R&D. The Finance Committee has heard testimony from two NREL representatives this year—Dr. Dan Arvizu, director of the lab, and Dr. Robert Farrington, manager of the lab's research on advanced vehicles.

Both of these individuals are very impressive. I believe strongly that we must support their work.

Unfortunately, that support has been lacking in recent years. In January, the New York Times outlined NREL's budget challenges. The Times pointed out that:

Money flowing into the nation's primary laboratory for developing renewable fuels is actually less than it was at the beginning of the Bush administration.

The lab got a bit of a boost after that story was published in January, but the administration's 2008 budget still plans a 3 percent cut for the lab.

We can fix that by doubling the Office of Science's budget over the next 5 years. This injection of resources would provide badly needed funding for NREL and the other national labs. The Office of Science would receive \$3.8 billion for 2007, a small increase over last year's amount. My amendment would increase the Federal commitment to DOE's Office of Science to \$8 billion by 2011. That is double what the office receives now, and that is more than a 50 percent increase over what is called for in the underlying bill.

This amendment is consistent with a recommendation of the National Commission on Energy Policy, a bipartisan group of 20 of the Nation's leading energy experts. Last week, the commis-

sion recommended doubling Federal spending on energy-technology R&D.

But simply increasing funds for DOE's Office of Science is not enough. We also need to establish a new office of research outside DOE. My amendment to establish ARPA-E would do just that.

I am very pleased that the underlying bill proposes an Advanced Research Projects Authority—Energy, or ARPA-E.

The National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine joined to form the Committee on Prospering in the Global Economy of the 21st Century. Norm Augustine chaired the committee. The committee recommended creating an ARPA-E: Advanced Research Projects Agency—Energy.

The new agency would be modeled on DARPA—the Defense Advanced Research Projects Agency—in the Department of Defense. Among the revolutionary technologies that DARPA has developed are the Internet and stealth technology for aircraft.

The Augustine Committee recommended that ARPA-E be designed to conduct transformative, out-of-the-box energy research.

In the last Congress, and earlier this year, I introduced legislation to create an ARPA-E.

The bill before us today proposes a variation on my legislation by creating an "authority" within the Department of Energy, instead of an agency.

My amendment would move the "authority" out of the DOE and establish it as an agency, and my amendment would flesh out some of the details of the office.

My amendment proposes that ARPA-E be a small agency with a total of 250 people. A minimum of 180 of them would be technical staff. A director of the agency and four deputies would lead ARPA-E. My amendment proposes that ARPA-E be funded at \$300 million in fiscal year 2008, ramping up to \$2.0 billion in 2012.

With gasoline again rising to \$3 a gallon and increased concerns about global warming, I believe we need to establish the most muscular ARPA-E possible. That is why my amendment frees the agency from the bureaucratic restrictions of the DOD, and that is why my amendment would elevate the status of the agency by establishing a direct reporting link to the President.

The underlying bill has taken a critical step forward by proposing an ARPA-E. It is now up to the Senate and House to make this terrific idea a reality to address the issues of energy security, energy supply, and global warming.

By advancing amendments like these, we can help to ensure America's economic leadership.

Let us thereby help to ensure that America's business remains the swiftest. Let us ensure that our economy remains strong. Let us not leave our economic future to time and chance.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. MCCASKILL. Mr. President, I am a proud cosponsor of the important legislation we have been debating this week in order to help America compete, to put America in a competitive place with the rest of the world on technology and engineering. I know how important it is that we make smart investments right now. In a previously adopted amendment I cosponsored along with Senator DEMINT, we have adopted an amendment I proposed, along with Senator DEMINT, which is important to this legislation.

While I support this legislation, while I think it is very important we invest in technology and invest in the future of our economy in a new, global, technology-driven marketplace, I also am very concerned about the way we spend Federal money. I am very concerned about programs that are put in place that we don't check back on to make sure they are working the way they should and that we are spending money the way we should. The amendment that has been adopted—and I want to thank the managers of the bill for accepting the amendment—simply says this: In 3 years, the GAO has to take a look. The GAO has to come in and do a study on how we have spent all of these billions of dollars we are going to set aside—precious dollars—precious Federal tax dollars that, frankly, have so many needs right now, including bringing our deficit under control.

I understand sometimes you have to invest money in order to make our economy thrive, and I am all for that investment, but it needs to be a wise investment. The GAO needs to come in in 3 years and look at the way this money has been spent and tell the American people—and, most importantly, my colleagues in the Senate and our colleagues in the House—that this money is being used the way we want it to be used: efficiently and, most importantly, effectively. That will give us an opportunity to take the temperature of these programs to make sure we are not throwing money down a rat hole, that we are not coming up with a good idea and never having the discipline to follow up and make sure the money is wisely spent.

So I appreciate the acceptance of this amendment. I think it is important. I think doing the kind of followup scrutiny of Government programs is something that has been woefully lacking in Washington, DC, and I look forward to continuing to mandate GAO studies at intervals in programs such as this to make sure the money is being spent

the way the taxpayers would want it to be spent.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

#### IRAQ SUPPLEMENTAL APPROPRIATIONS BILL

Mr. DURBIN. Mr. President, in the next day or two, the House and Senate will consider the Iraq supplemental appropriations bill. This is the fifth year of our war in Iraq. This is the seventh time the President has come to Congress for an emergency supplemental bill.

In the ordinary course of events, a President and administration will submit to Congress an appropriation. We carefully review it, consider amendments, vote on it, and send it back to the President for signature.

The exceptions to the rule I just gave are for emergency situations, unanticipated situations, such as natural disasters, situations that came upon us so quickly that we could not have anticipated them. But for 5 straight years now this administration has insisted that this ongoing war is an unanticipated expenditure. I wish that were true, but we have known now for more than 4 years that this war is costly; first, in terms of human life, and, second, in terms of the Treasury of this country. Despite that, the President continues to send us emergency bills, unanticipated appropriations.

This time, almost \$100 billion is to be added to the expenses of the wars in Iraq and Afghanistan. The total cost to date is somewhere in the range of \$500 billion. We have appropriated that money. We have given the President every penny he has asked for and more. Members of Congress and the Senate with serious misgivings about this policy in Iraq have said to the President as Commander in Chief responsible for our men and women in uniform: We never want to shortchange them in battle. We want them to be safe. We want them to come home safe.

I was one of 23 Senators who voted against this invasion of Iraq. I thought this was a serious mistake from the start, but I have never said no to the President's request for the funds for those troops. As I have said often, and I will repeat now, if it were my son or daughter in uniform, I would want them to have everything they need to come home. I may think this is the worst foreign policy decision in our time, but it is not to be taken out on our troops. They shouldn't be the bargaining chip in this important debate which is going on in Washington.

Now comes the President with another supplemental, about \$100 billion that he wants for the troops to have in the months to come. He will receive that money. There is no doubt that he will receive it. The Democratic majority in the House and Senate has already pledged to provide all the money our troops need. But we cannot ignore the obvious. It is time for us to have a serious discussion in this country about this war.

The day before yesterday, nine American lives were given up in Iraq. Nine soldiers and marines lost their lives while many of us were in the safety of our homes or at our workplace.

Whether it is on Sunday with the Stephanopoulos show or every day in the Washington Post, I try to make a point of reading the names and ages and hometowns of these soldiers, marines, sailors, and airmen who are casualties. I do that because I don't want their loss to become a numbing statistic. I want to try to visualize that 19-year-old soldier, that 23-year-old sergeant, that corporal in the Marine Corps who was 20 years old. I want to try to visualize them in terms of my family and the people I love. I think every Member of Congress needs to do the same thing—and I hope they do the same thing—to remember that it isn't just 3,320 lives, these are 3,320 sons and daughters and husbands and fathers, mothers and wives, loved ones. These are real people and real lives.

So now we are in this debate about how this war is going to end. It is well overdue that we have this debate.

When we went into this war, we were told by the President that there were reasons for doing it. I think most Americans recall it. I recall the litany very well.

First, the administration told us that Saddam Hussein and Iraq had weapons of mass destruction which could be used—chemical and biological weapons—in a terrorist mode to kill innocent people in the Middle East and around the world.

Second, we were told they were developing nuclear weapons in Iraq, nuclear weapons that could destabilize the Middle East and even attack America. The leaders in this administration were giving speeches about mushroom clouds from these nuclear weapons.

Then we were told that Saddam Hussein had some connection to the al-Qaida terrorists who caused the 9/11 tragedy in America.

Then we were told that this madman, this dictator, was so ruthless that he even killed and gassed his own innocent civilians, his own people in Kurdish regions.

The Senate came to debate this, listening to the speeches by President Bush, Vice President CHENEY, Secretary Rumsfeld, Secretary Colin Powell, and Condoleezza Rice, and the debate engaged. At the time of this debate, I was a member of the Senate Intelligence Committee. I would read the headlines in the paper in the morning

and watch the television newscasts and shake my head because, you see, just a few hundred feet away from here in a closed room, carefully guarded, the Intelligence Committee was meeting on a daily basis for top-secret briefings about the information we were receiving, and the information we had in the Intelligence Committee was not the same information being given to the American people. I couldn't believe it. Members of this administration were in active, heated debate over whether aluminum tubes really meant that the Iraqis were developing nuclear weapons. Some in the administration were saying, of course, not, it is not the same kind of aluminum tube; at the same time, members of the administration were telling the American people to be fearful of mushroom-shaped clouds.

I was angry about it. Frankly, I couldn't do much about it because, in the Intelligence Committee, we are sworn to secrecy. We can't walk outside the door and say the statement made yesterday by the White House is in direct contradiction to classified information that is being given to this Congress. We can't do that. We couldn't make those statements. So in my frustration, I sat on the floor of the Senate and listened to this heated debate about invading Iraq thinking the American people are being misled, they are not being told the truth. That is why I joined 22 of my colleagues in voting no. I didn't believe at the time that the American people knew the real facts.

So what happened? We invaded, turned loose hundreds, if not thousands of people scouring Iraq for these weapons of mass destruction and never found one of them. We looked for nuclear weapons. There was no evidence whatsoever. We went into our intelligence files and said: OK, Saddam Hussein and al-Qaida—let's get this linkage put together once and for all. There was no evidence at all of a linkage.

The American people were deceived into this war. That doesn't take a thing away from the men and women in uniform who answered the call. They stand and fight. They don't make the policy. The policy is made in Washington. And they have shown extraordinary courage.

Now, in this supplemental appropriations bill for Iraq, we want to engage the White House and the American people in an active discussion about where this war is going. I don't want to wake up every single day and read a headline about 5 more Americans, 9 more Americans, 10 more Americans losing their lives in the middle of a civil war. We are saying to the President: It is time for you to accept the reality of the situation, and the reality is, as good as our military is—and it is the best in the world—it cannot win a civil war in Iraq. This war dates back 14 centuries. Two sects of the Islamic religion in pitched battle for 1,400 years about who

is the legitimate heir of the great Prophet Muhammad, and our soldiers are in the middle of this fight? Is that what we bargained for? Had the President come to us and said: We want to send in 150,000 American soldiers to risk their lives in the hopes that these two warring religious sects will reach an agreement in Iraq, he wouldn't have had two votes in favor of that. But that is where we are today.

Meanwhile, this Iraqi Government, a Government which we have had a great deal to do with creating, continues to fail us.

The supplemental appropriation we will send to the President of the United States starts talking about bringing American troops home, not all at once, not immediate, not a hasty withdrawal that would be dangerous for everyone, but in a systematic way. Many of us believe that is the only way to convince the Iraqis to stand up and take responsibility for their own country, to make the important and tough political decisions for their own future. Unless and until we do that, I am afraid we will continue to see the casualties grow and we won't see the stability we seek.

This congressional action which we are sending to the President with this supplemental appropriation is not about really sending a message to the President, unfortunately. He is not listening. We know he has ignored his generals, and they are lined up to say the policy and strategy in Iraq is not succeeding. He has ignored the American people, who overwhelmingly believe it is time for American soldiers to start coming home. And he has refused to accept the realities of this war.

Sadly, this administration is the architect of the worst foreign policy decision in recent memory. The President has led the best military in the world into a desperate civil war. He has spent American treasure at a record rate, driving us deeply into debt, and, unfortunately, there is no end in sight.

The poor judgment of this administration has led to the invasion of Iraq, which has cost us over 3,300 American lives, over 25,000 injured, as many as 10,000 seriously injured with amputations and traumatic brain injury. His failed leadership has sent too few soldiers into too many battles without the training, the equipment, and the rest they need. And now he is extending the tours of duty of these men and women. I can't imagine that family back home marking the days off the calendar, reading the e-mails in anticipation of dad coming home, being told: You have to stay 90 days longer.

Do you know, Mr. President, that this extension of the tour of duty for National Guard members is the largest extension since World War II? We are pushing these men and women to the limit. We are asking more of them than has been asked in 40 or 50 years. It is obvious that this administration had no idea at the time of this invasion of the extreme cost of ending this war, and frankly, they still don't.

This failed policy in Iraq may not change until this President has left the White House, but that doesn't mean congressional action and congressional debate are any less important. If President Bush is not listening, then we trust that the Iraqis will listen. They should know this Congress will continue to work to make one thing very clear: American troops are coming home. The Iraqis have to stand up for their own country.

I commend to my colleagues and all those who follow this debate an article from the New York Times of April 4 this year, just a few weeks ago, written by Leon Panetta, a former colleague of mine in the House of Representatives—a great personal friend, I might add, a man who has served this Government at the congressional level and then again in the Clinton White House and most recently was a member of the Iraq Study Group.

What he basically says in this article of April 4 is, What about those other Iraq deadlines? What he does is he goes through and lists all of the deadlines the Iraqis agreed they would live by, the things they said they would achieve. As you go through them, you can understand the frustration many of us have about the current situation.

The Iraqis promised to achieve by the end of 2006 or early 2007 the approval of a provincial election law. So far, no progress on that.

The approval of a law to regulate their oil industry and share revenues—a very hot political topic, and while the Council of Ministers in Iraq has approved a draft, it has yet to be approved by their Parliament.

They agreed by the end of 2006 or early this year to approve the deBaathification law, to reintegrate officials of the former regime and Arab nationalists into public life. No progress at all.

They agreed to approve a law to rein in sectarian militias. No progress at all.

By March, the Government promised to hold a referendum on constitutional amendments. No progress at all.

By May, the Prime Minister of Iraq committed to putting in place the law controlling militias. No progress at all. The approval of an amnesty agreement—no progress at all. The completion of all reconciliation efforts—clearly no progress.

By June, the Iraqi Government promised to hold provincial elections. No date has been set.

By April, the Iraqis want to take over total control of the Iraqi Army. Not likely based on the current situation.

By September, the Iraqis want to be given full civil control of all the provinces. Today, they control 3 out of the 18 provinces.

By December, the Iraqis, with U.S. support, want to achieve total security self-reliance. It is too early to tell, but does anyone believe that will occur?

What Leon Panetta spelled out here is promises by Iraqis; that if we con-

tinue to risk American lives, if we continue to spend \$8 billion to \$10 billion a month, they will tackle the tough political issues in their country, and time and time again they have failed. How long will we wait? How many American lives will we offer up while they twiddle their thumbs thinking about political possibilities?

Mr. President, I ask unanimous consent to have printed in the RECORD the April 4 op-ed by Leon Panetta.

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

[From the New York Times, Apr. 4, 2007]

WHAT ABOUT THOSE OTHER IRAQ DEADLINES?

(By Leon E. Panetta)

SEASIDE, CA.—What has been particularly frustrating about the debate in Washington over Iraq is that everyone seems to be fighting one another and forgetting the fundamental mission of the war.

Whether one is for or against the war, the key to stability is to have an Iraq that, in the words of the president himself, can "govern itself, sustain itself and defend itself." Achieving that goal is largely dependent on the political reforms that Iraqi leaders have promised but failed to put in place in their country.

As a member of the Iraq Study Group, I found that every military commander we talked to felt that the absence of national reconciliation was the fundamental cause of violence in Iraq. As one American general told us, if the Iraqi government does not make political progress on reforms, "all the troops in the world will not provide security."

Instead of dividing over the strategy on the war, the president and the Congress should make very clear to the Iraqis that there is no open-ended commitment to our involvement. As the Iraq Study Group recommended, Iraqi leaders must pay a price if they continue to fail to make good on key reforms that they have promised the Iraqi people.

In calling for a specific withdrawal date, the House and Senate versions of the supplemental spending bill send a clear message to the Iraqis (even if they do face a certain veto). The worst mistake now would be to provide money for the war without sending the Iraqis any message at all about their responsibility for reforms. Both the president and the Congress at the very least must make the Iraqi government understand that future financial and military support is going to depend on Baghdad's making substantial progress toward the milestones Prime Minister Nuri al-Maliki has publicly committed to.

Unfortunately, with a few exceptions, little progress has been made. Consider efforts toward stabilizing democracy and achieving national reconciliation:

The Iraqis promised to achieve, by the end of 2006 or early 2007, the approval of a provincial election law (so far, no progress); approval of a law to regulate the oil industry and share revenues (while the Council of Ministers has approved a draft, it has yet to be approved by the Parliament); approval of the de-Baathification law to reintegrate officials of the former regime and Arab nationalists into public life (no progress); and approval of a law to rein in sectarian militias (no progress).

By March, the government promised to hold a referendum on constitutional amendments (no progress).

By May, the prime minister committed to putting in place the law controlling militias



(no progress); the approval of the amnesty agreement (no progress); and the completion of all reconciliation efforts.

By June, the Iraqi government promised to hold provincial elections (no date has been set).

As for security issues, things are not going much better. The Iraqis have increased security spending over 2006 levels as promised, but they are falling behind on the number of battle-ready Army units.

By April, the Iraqis want to take over total control of the Iraq Army (not likely based on current progress).

By September, the Iraqis want to be given full civil control of all provinces (to date they control 3 of 18 provinces).

By December, the Iraqis, with United States support, want to achieve total security self-reliance (too early to tell, but does anyone really find this likely?).

Yes, there have been some notable successes. For example, the Baghdad government has made good on its promise to appreciate the Iraqi dinar to combat accelerating inflation, and has increased domestic prices for refined petroleum products.

But particularly in terms of reforms needed to reconcile Sunnis and Shiites, progress has been minimal. And unless the United States finds new ways to bring strong pressure on the Iraqis, things are not likely to pick up any time soon.

In seeking support for the so-called surge and the supplemental spending bill, the Bush administration argues that American forces have to provide temporary stability to enable the Iraqi leaders to negotiate political solutions. True, but after a while this becomes an excuse for inaction on the political reforms that are essential to stability itself.

This is why the Iraq Study Group report made clear that "if the Iraqi government does not make substantial progress toward the achievement of milestones on national reconciliation, security and governance, the United States should reduce its political, military or economic support for the Iraqi government."

Until the Bush administration and Congress can jointly convince the Iraqi government that this threat is real, there will be little chance of reaching the one goal on which Republicans and Democrats can agree: a safe, stable and prosperous Iraq.

Mr. DURBIN. Mr. President, this debate is long overdue. It is time for us to let them know we are coming home. It is time for them to understand in Iraq that they have received more from the United States than any nation should ever ask or hope for. We have offered up our best and bravest men in uniform. We have brought home those broken in body and spirit and said we will stand by them the rest of their lives, knowing in the process the sacrifices that have been made by them and their families.

We have spent \$500 billion, which might have been spent in this country for a lot of things we desperately need—health care, paying for No Child Left Behind, medical research, basic investments in this country's future. We have given up on them because we had to spend the money in Iraq, and we continue to.

When it comes to this bill, which we hope to send to the President, he has already dismissed it with a wave of the hand. I am going to veto this bill, he says. Well, he is going to be vetoing a bill which is critically important. It is

important to tell the Iraqis they have to accept responsibility for their own future. It is important because it adds billions of dollars for medical care for our veterans, billions of dollars we need so we don't face that shameful situation at Walter Reed that was reported a few weeks ago, billions of dollars so our veterans hospitals can truly take care of these soldiers who are coming home with injuries that were unimaginable just years ago; a billion dollars for the National Guard to buy more equipment which has been destroyed or left behind in Iraq so they can keep America safe while they prepare for their next redeployment.

These are dollars that are critically necessary for America. For the President to just, with the back of his hand, say: I'm going to veto this because this is just a political game, is to ignore the obvious. There is no political gamesmanship in this bill. This is a critical, life-and-death debate about a lot of our brave Americans whose lives are on the line today.

I urge my colleagues, when this bill comes to the Senate, to search their hearts and ask, how many more days can we stand reading about nine Americans losing their lives? How many more funerals? How many more broken bodies returning from Iraq? How many more families heart broken that their soldiers are going to have to stay on and on and on in a war that has no end? This foreign policy decision is one that will haunt America for a generation. We need to do our part to speak for America, to speak for the families who have no other voice, and to speak for those soldiers. If we truly support those soldiers, support their coming back home to the heroes' welcome they deserve.

I yield the floor.

#### IRAQ TROOP WITHDRAWAL

Mr. GREGG. Mr. President, I believe it is appropriate to respond to the assistant leader on the Democratic side relative to his commentary because this is obviously an issue of significance, probably the most significant issue we face as a nation today in the area of concern for our citizens who are carrying the burden of service and who wear the uniform of America.

I do think it is a touch cynical for the other side of the aisle to come to the floor of the Senate and say they are going to support the troops, when only 3 months into General Petraeus's leadership in Iraq they are suggesting that the rug should be pulled out from underneath his efforts. General Petraeus was sent there with an overwhelming vote of this body in support of his efforts to try to bring stability, specifically to Baghdad, and to give the Government of Iraq, which was freely elected—something which the other side of the aisle manages to ignore with a fair amount of energy—to give them the breathing space they need in order to be able to get going and to be able to create stability.

A stable Iraq is critical to our national defense, and it is critical to our

ability to fight terrorism. A unilateral withdrawal forced upon us by the Democratic leadership of this Congress within the next 3 months—which is the proposal they put into the language of this bill—will guarantee that Iraq goes into chaos. It will probably guarantee that thousands, tens of thousands of Iraqis will die as a result of genocidal activity or activity that will border on genocide, and that will make the Balkans look like it was minor in comparison to Iraq as far as chaos. It will establish without doubt a client state for Iran, probably partitioned within Iraq. It will clearly create functioning safe havens for al-Qaida, which has sworn, of course, to attack America on American soil, and has already done so and has proven its ability to do this.

The fact that after only 3 months of General Petraeus being in the field we would pull from beneath him the ability to support the troops he needs there is really, in my opinion, an act of cynicism. The plan is set up in a manner—the language which was put into this plan is set up in a manner so that the Iraqi Government must meet 16 major goals in restructuring its Government within 2½ months. My goodness, the Congress of the United States, the Senate of the United States can't pass anything in 2½ months. Yet we expect the Iraqi Government and Legislature to reorganize its entire structure within 2½ months?

That is the condition put in this bill in order to maintain funds for our troops who are in the field. If the Iraqi Government is unable to meet those conditions, then within 3 months the money is withdrawn from the troops in the field, General Petraeus's flexibility is removed, and he is essentially handcuffed. The commanders in the field are no longer the generals in the field. It is no longer General Petraeus and his colonels and lieutenant colonels, his captains and his lieutenants. The commanders become the leadership of the other side of the aisle. They make the decisions on military action within Baghdad. General Petraeus's hands will be tied behind him, or at least one hand will be tied behind him.

Even if the Iraqi Government did the amazing thing of putting in place all these, significant conditions—and there should be conditions, no question, benchmarks for Iraq—these fairly significant conditions in a compressed timeframe, which guarantees they will not be accomplished, but let's say even if that Government were able to succeed in those conditions, then what is the reward for putting in place that type of stability and that type of restructuring? The language in the bill requires that the troops begin to be withdrawn and the money start to be cut off 3 months later. They are giving them a 3-month breathing space of having the support they need and General Petraeus having the support he needs in order to accomplish his goals.

The other side of the aisle comes to the floor of the Senate and acts as if

these are not significant; that we are not putting in place things which can't be accomplished; that we want to support the troops in the field. Well, read the conditions. The conditions cannot be met, and they are intentionally structured not to be met. Listen to the real language from the other side of the aisle.

The majority leader says the war is lost. He wasn't talking just about Iraq. It appears he was talking about the entire war against terrorism, which happens to be a fairly significant statement. It is also obvious that when you make a statement like that, as the leader of the Democratic Party, the most senior Democratic Member of the Senate, one of the most senior Members of the Democratic leadership of the Government of this country, when you say the war is lost, you put your credibility on the line.

Quite honestly, if we institute the language as proposed in this bill, which dramatically limits the capacity of General Petraeus and the American troops to succeed in their mission, well, I guess that will probably guarantee the war is lost, so they will have a self-fulfilling prophecy as relates to Iraq. The consequences of that will be catastrophic in the area of death and destruction within Iraq.

For us, as a nation and for our national security, should a client state be created for Iran within Iraq, should al-Qaida have free haven in Iraq, the consequences for us could be equally dramatic.

In addition, a little point should be made here. The language in this bill, as it is being brought forward, is blatantly unconstitutional. It essentially cedes responsibility for the management of the troops in the field to the legislative branch. Nowhere in the Constitution did the Founding Fathers believe there should be 435 people running military decisions in the field. They had just been through a war. They had been through the revolution, where they had one person running the army in the field, George Washington. They understood that you either put one person in charge or you have chaos in any sort of military action. That is why the Constitution says the Commander in Chief shall be the President, and that the military shall report to the Commander in Chief.

The language of this bill, on its face, is clearly unconstitutional because it essentially cedes responsibility for field command over our troops to the leadership of the Senate, the Democratic leadership of the Senate, ironically, which guarantees chaos in the area of order relative to defining and executing the mission as assigned to the troops in the field. You can't say to the American soldier, who is on the ground in Iraq, who is in Baghdad, who is doing their mission, and doing their mission well, very, very well—and General Petraeus has said there is progress occurring there—you can't say to that soldier: A, we are going to take the

money away from you to support your mission; B, we are going to give your enemies a defined date when we are going to leave so that your enemies, our enemies, can wait you out and can basically harass you knowing that you are going to withdraw; and, C, that your new commander is the majority leader and the assistant leader of the Senate and the Speaker of the House.

We can't say: When General Petraeus gives you a command, you don't necessarily have to listen to him because the people who are going to make the decision as to how you execute your mission aren't in the line of authority of the military or the Commander in Chief; they have suddenly become the legislative branch of the Government.

The language in this bill is structured to accomplish one thing, and that is to assure defeat in our efforts to try to bring about a stable and responsible Government in Iraq. All you have to do to confirm the logic of that view and the accuracy of that view is to return to the words of the majority leader. The war is lost, he said. In order to assure that happens, they have brought forth the language in this bill which guarantees that our enemy will know when we are going to leave; that the freely elected Government of Iraq will not get the support it needs to survive as a stable and responsible Government; and that our soldiers will not know who is commanding them, but they will know they are not going to get the necessary support to accomplish their mission. That is defeat.

Mr. President, I yield the floor.

Mr. DEMINT. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

Mr. DEMINT. Mr. President, I will yield to the chairman for a UC request before I bring up my amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague for his courtesy.

Mr. President, I ask unanimous consent that Senator DEMINT be recognized to offer amendment No. 930; that there be 20 minutes of debate prior to a vote in relation to the amendment, with the time equally divided and controlled between Senator DEMINT and myself or our designees; that no amendments be in order to the amendment prior to the vote; that at the use or yielding back of time, the amendment be set aside to recur at a time to be determined by the majority leader, following consultation with the Republican leader.

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

#### AMENDMENT NO. 930

Mr. DEMINT. Mr. President, again, I ask unanimous consent to set aside the pending amendment, and I call up amendment No. 930 and ask for its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes amendment No. 930.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit congressional earmarks of funds appropriated pursuant to authorizations in the bill)

At the appropriate place, insert the following:

#### SEC. \_\_. EARMARKS.

(a) IN GENERAL.—It shall not be in order to consider a bill, resolution, amendment, or conference report that proposes a congressional earmark of appropriated funds authorized by this Act.

(b) DEFINITIONS.—For the purpose of this section, the term "congressional earmark" means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of  $\frac{3}{5}$  of the Members, duly chosen and sworn. An affirmative vote of  $\frac{3}{5}$  of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. DEMINT. Mr. President, my amendment provides what we call an earmark shield for the funds authorized in this bill, the America COMPETES Act, S. 761.

Specifically, it establishes a 60-vote point of order against appropriations bills that contain congressional earmarks for the funds authorized in this bill. Let me be very clear. This does not apply to all appropriations bills or to all appropriations earmarks. It simply applies to those bills that contain appropriations earmarks for the programs authorized in the bill that we are considering today, the America COMPETES Act.

What we are trying to avoid is setting up a new fund for new earmarks, so we are setting this bill aside and protecting it from earmarks. If an appropriations bill comes to the floor for funding of these programs but without earmarks, no point of order would lie against the bill. In a similar way, if an appropriations bill comes to the floor with earmarks for other programs outside of the programs funded through the America COMPETES Act, then no point of order would lie against that bill either.

My amendment only creates an earmark shield for the program we are

funding today. The goal of this amendment is to ensure the funds authorized in this bill are allocated according to a competitive or merit-based process.

As my colleagues know, congressional earmarks circumvent the normal competitive or merit-based process, and award funds based on politics. This bill is focused on competition. Earmarking perverts the competitive process and substitutes the judgment of lawmakers and their staff for professional scientists and engineers who truly recognize a competitive proposal that merits funding.

Congress has been able to keep earmarks out of the National Science Foundation and it has made that foundation one of the most successful Federal science agencies. The bill recognizes and affirms what is already explicitly in the bill. Let me read a section from the America COMPETES Act. My amendment is consistent with the stated intent of the bill, which says on page 183 that nothing in divisions A or D shall be interpreted to require the National Science Foundation to "alter or modify its merit-based system or peer review process."

Many of America's leading institutions oppose earmarks for research because they understand earmarks siphon funds away from the research programs their talented researchers could compete for. Several universities have official policies in place opposing congressional earmarks. Let me read a few of their policies. I will start with the University of Michigan and I will quote from their policy statement.

The University of Michigan supports competitive peer review as the primary and best mechanism to allocate Federal research funds. Consequently, it is the policy of the university not to seek or accept government earmarks in support of faculty research.

Here is a quote from Yale:

Yale University does not seek appropriations for individual research projects that would circumvent existing merit-based procedures of Federal agencies for selecting projects for funding. The university has long held that evaluation of proposed projects on the basis of merit as judged by peer review is the best method of identifying the most promising research or scholarly projects.

And a quote from MIT's policy:

MIT has a long-standing policy that prohibits the knowing acceptance of grants and contracts funded via Congressional action. Such awards are known as "earmarks," and funding is not generally the result of peer review. Earmarked funds are often a way to secure funds for new buildings, and for major equipment needed for cutting edge research, but institutionally MIT avoids seeking or accepting earmarked funds.

It seems the whole country is starting to realize that the earmarking process we have adopted in this Congress is wasteful and actually subverts the goals we set for many of these bills. It is clear we do not need to earmark funds in order for our funding programs to be effective. My amendment simply creates an earmark shield for funds authorized in this bill to ensure they are allocated in the most competitive way.

It is important to recognize that a number of Members of this Senate from many different committees have placed the authorization of this money in very specific categories that we need to protect and not subvert. It is time for the Senate to begin taking steps to discourage the use of earmarks when appropriating funds for important programs and we need to make sure this bill is not a new slush fund for Congress. My amendment will not only preserve the integrity of the competitive allocation process, but it will also make America more competitive by making these programs more effective.

I thank the Senator for his courtesy in allowing me to bring up this bill. I understand we will be voting on it as part of a number of bills after the lunch hour.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank the Senator for coming to the floor and making his argument for this amendment at this time. He is right, under this unanimous consent agreement the plan would be to add it to a package of other amendments we are voting on later this afternoon at a time chosen by the majority leader.

I will speak briefly in opposition to the amendment at this point. I know the Senator from South Carolina has had to leave the floor, but I do think it best in order that anyone who is following our discussions here on the floor can know the problem I have with the amendment.

First, I agree with the concern about Congress stepping in and diverting funds from the good purposes we lay out in this legislation and diverting those to other, more parochial applications. That is a valid concern. I object to that and I hope we can prevent that from happening in the future. But I would argue this amendment is not the way to keep that from happening.

This amendment sets up a unique process. It basically says you cannot bring an appropriations bill to the Senate floor unless you have 60 votes. Any appropriations bill you try to bring to the floor is subject to a 60-vote point of order if it contains in it what is described as a congressional earmark. You say, What is meant by a congressional earmark? It goes on to say that is any provision or report language—if you have a report that accompanies the appropriations bill, that is report language—that provides or authorizes or recommends a specific amount of funding or discretionary authority or credit to an entity.

That is pretty broad. Essentially what we would be saying is the Appropriations Committee, for example, if they determine—one example the Senator from Tennessee and I were talking about today as we were discussing this amendment was, if we said we want \$60 million spent for the supercomputing program and the Appropriations Committee said, no, it ought to be \$80 mil-

lion, an extra \$20 million for the supercomputing programs in a particular agency of the Federal Government, that is in fact within the definition of "earmarked Congressional funding here," so a 60-vote point of order could be raised against that provision.

I don't think the Congress wants to go to that extreme in tying its own hands. You would have essentially two sets of rules: one set of rules that would apply to most appropriations bills and a different set of rules that would apply to appropriations bills that would cover the subjects that are the subject of this legislation—that would be Health and Human Services, because there is a substantial amount in this legislation that goes to the Department of Education; that would be the Commerce, Science and Justice legislation. Let's see, what is the other—the Energy and Water appropriations bill, of course. Those are appropriations bills that would be subject to this different and more strenuous point of order requirement.

This is well intentioned, I am certain. I have no doubt about the good intentions of the Senator from South Carolina. We have all been concerned about the overuse of earmarks in the Congress in recent years. I know there is a great deal going on to require more transparency, to require that all these things be out in public so we can know what is being voted on and we can object. That is the best shield. He talked about an earmark shield. That is the best shield. It is the eternal vigilance of people here in Congress, paying attention to what is in the bills and insisting only those things are in the bills that in fact further a good public purpose.

So I do object.

I yield the remainder of the time that is reserved in opposition to this amendment. But before I yield the floor, let me do another consent agreement.

AMENDMENTS NOS. 931, AS MODIFIED; 923, AS MODIFIED; 941, AND 960

There are four amendments that have been filed that relate to the Commerce Committee's jurisdiction and that have been cleared on both sides of the aisle. There is a modification at the desk to amendment No. 931 by Senator MCCASKILL. She spoke to that amendment a few minutes ago. There is a modification at the desk to amendment No. 923 by Senator OBAMA. There is an amendment No. 941 by Senators SNOWE and KOHL. There is an amendment No. 960 by Senators LEVIN and VOINOVICH.

I ask unanimous consent that these amendments, as modified if modified, be agreed to and the motions to reconsider be laid upon the table.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 931, AS MODIFIED

At the appropriate place, insert the following:

**SEC. —. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF ACTIVITIES, GRANTS, AND PROGRAMS.**

—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that—

(1) examines each annual and interim report required to be submitted to Congress under this Act (including any amendment made by this Act);

(2) assesses or evaluates assessments of the effectiveness of the new or expanded activities, grants, and programs carried out under this Act (including any amendment made by this Act); and

(3) includes any recommendations as the Comptroller General determines are appropriate to improve the effectiveness of such activities, grants, and programs.

(b) SURVEY.—

**AMENDMENT NO. 923, AS MODIFIED**

On page 5, line 19, strike the period at the end and insert the following: “, including representatives of science, technology, and engineering organizations and associations that represent individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).”

On page 5, line 24, strike “for areas” and insert “, including recommendations to increase the representation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in science, engineering, and technology enterprises, for areas”.

Beginning on page 8, strike line 9 and all that follows through page 9, line 8, and insert the following:

“(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 (20 U.S.C. 6311 (b)(3)), especially in mathematics, science, and reading, identified by ethnicity, race, and gender;

“(B) the rate of student entrance into institutions of higher education, identified by ethnicity, race, and gender, 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, identified by ethnicity, race, and gender; and

“(ii) certificates, associate degrees, and baccalaureate degrees awarded in the fields of science, technology, engineering, and mathematics, identified by ethnicity, race, and gender; and

“(D) access to, and availability of, high quality job training programs;

“(12) the projected outcomes of increasing the number of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in science, technology, engineering, and mathematics fields; and

“(13) the identification of strategies to increase the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in science, technology, engineering, and mathematics fields.

On page 12, line 20, after “employees” insert the following: “, including partnerships with scientific, engineering, and mathematical professional organizations representing individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).”

On page 17, line 18, strike the period at the end and insert the following: “, including strategies for increasing the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in science, technology, engineering, and mathematics fields.”.

On page 19, insert between lines 22 and 23, the following:

“(vi) Nongovernmental organizations, such as professional organizations, that represent individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in the areas of science, engineering, technology, and mathematics.

**AMENDMENT NO. 941**

(Purpose: To clarify the types of expenses available to Regional Centers under the Hollings Manufacturing Extension Partnership program in meeting their non-Federal funding commitment, and for other purposes)

At the end of title IV of division A, insert the following:

**SEC. 1407. CLARIFICATION OF ELIGIBLE CONTRIBUTIONS IN CONNECTION WITH REGIONAL CENTERS RESPONSIBLE FOR IMPLEMENTING THE OBJECTIVES OF THE HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.**

Paragraph (3) of section 25(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(3)) is amended to read as follows:

“(3) FINANCIAL SUPPORT.—

“(A) IN GENERAL.—Any nonprofit institution, or group thereof, or consortia of nonprofit institutions, including entities existing on August 23, 1988, may submit to the Secretary an application for financial support under this subsection, in accordance with the procedures established by the Secretary and published in the Federal Register under paragraph (2).

“(B) CENTER CONTRIBUTIONS.—In order to receive assistance under this section, an applicant for financial assistance under subparagraph (A) shall provide adequate assurances that non-Federal assets obtained from the applicant and the applicant’s partnering organizations will be used as a funding source to meet not less than 50 percent of the costs incurred for the first 3 years and an increasing share for each of the last 3 years. For purposes of the preceding sentence, the costs incurred means the costs incurred in connection with the activities undertaken to improve the management, productivity, and technological performance of small- and medium-sized manufacturing companies.

“(C) AGREEMENTS WITH OTHER ENTITIES.—In meeting the 50 percent requirement, it is anticipated that a Center will enter into agreements with other entities such as private industry, universities, and State governments to accomplish programmatic objectives and access new and existing resources that will further the impact of the Federal investment made on behalf of small- and medium-sized manufacturing companies. All non-Federal costs, contributed by such entities and determined by a Center as programmatically reasonable and allocable are includable as a portion of the Center’s contribution.

“(D) ALLOCATION OF LEGAL RIGHTS.—Each applicant under subparagraph (A) shall also submit a proposal for the allocation of any legal right associated with any invention that may result from an activity of a Center for which such applicant receives financial assistance under this section.”.

**AMENDMENT NO. 960**

(Purpose: To include the Great Lakes in research, development, and science education programs of the National Oceanic and Atmospheric Administration)

On page 48, line 9, strike “ocean” and insert “ocean, coastal, Great Lakes.”

On page 48, line 22, insert “Great Lakes,” after “coastal.”

Mr. BINGAMAN. Mr. President, let me, to alert my colleagues as to the state of activity here at the current time, say what it is, as I understand it.

We have a unanimous consent agreement to consider three amendments Senator COBURN of Oklahoma wishes to offer. That will begin at 2 o’clock this afternoon. We are not certain if we will require a rollcall vote on all three of those amendments or only two of those amendments, but that will be determined in the future.

We also, of course, now have a unanimous consent agreement to have a vote on the DeMint amendment we were discussing. That will be scheduled presumably after we have the votes on the Coburn amendments or in some sequence around that same time.

I am informed we also have an amendment Senator INHOFE wishes to bring to the floor and to discuss and offer, which I hope can be done between now and the 2 o’clock time for beginning the discussion on the Coburn amendments. I see Senator INHOFE is on the floor. If he is agreeable to going ahead with his amendment at this time, he could argue in favor of his amendment, and then I will have some arguments against his amendment, and there may be others also wishing to speak against his amendment, and we could hopefully schedule a vote on that as well.

That is a total of five amendments I am aware of that may require rollcall votes. I hope we can get all of those amendments debated and scheduled for votes and voted on before we have the briefing at 4 o’clock, the briefing by General Petraeus. If we were able to do that, I don’t know why we couldn’t also go to final passage before 3 o’clock, or if there were a problem in doing that, of course, we could come back after the briefing and have final passage. But I know of no other amendments.

If Senators are sitting in their offices or their staffs are sitting in their offices with other amendments they intend to offer to this legislation, we urge they come to the floor and offer those amendments in the very near future.

I will defer to my colleague from Tennessee for his observations, but as far as I am informed, once we have disposed of these five amendments, we will have disposed of all of the amendments people have insisted on having rollcall votes on.

With that, I yield the floor and I will allow my colleague from Tennessee to speak.

Mr. ALEXANDER. That is my understanding as well. Senator GRASSLEY still has an amendment about which he

wants us to talk. That is the only other amendment I know about, other than the one you said. It is my hope we could follow the schedule the Senator from New Mexico suggested and finish the bill before 4 o'clock. I think that would be the sentiment of most Senators to whom I talked. It will permit us to move promptly to the business before us concerning Iraq.

I concur in the comments of Senator BINGAMAN. I hope by now we have had such extensive participation in this legislation over the last 2 years that everyone believes he or she has had a good hearing. The Coburn amendments and Inhofe amendment are the only ones I know about for sure. They are scheduled, or will be, and we will have to talk with Senator GRASSLEY about his proposal.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 955

Mr. INHOFE. Mr. President, it is going to be my intention in just a moment to bring up and ask for the immediate consideration of my amendment, No. 955.

We are working on a modification to make sure those on the Finance Committee will find it to be acceptable. I have discussed this with the leadership and the minority. However, it will take a minute to get the language up.

Essentially, what the amendment will say is, notwithstanding any other provision of the law, no Federal funds shall be provided to any organization or entity that advocates against tax competition or U.S. tax competitiveness.

Now, I cannot think of anything that would be more significant in a competitiveness bill than to have this language. There are several organizations, one of which is called the OECD, which is the Organization of Economic Cooperation and Development. This organization actually was transformed back in 1961 after the Marshall Plan came into effect, and they have been, over a period of time, advocating increases in taxes for the United States. In fact, over the past fairly short period of time, 24 different times they have advocated increases in U.S. taxes. One was—I will just list them here—a value-added tax, a 40-cent increase in the gas tax, a carbon tax, a fertilizer tax, ending the deductibility of State and local taxes in the calculation of Federal taxes, new taxes at the State level, and a host of other new and innovative taxes on U.S. citizens.

They also have advocated for a period of time a global taxation scheme. It is very difficult to find anyone in this country who would say this is in our best interest.

Now, in this particular organization there are some things they do that I have found have been helpful. So the modifications I am making will list three things that will not be considered under this act to be anticompetitive. That is the language I am waiting for right now, which we should have in the next couple of minutes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

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

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

Mr. COLEMAN. Mr. President, I rise today to offer my strong support for the American COMPETES Act, legislation that will help to ensure that our Nation remains competitive in today's increasingly global economy. The basis of this bipartisan legislation was a report by Norm Augustine called "Rising Above the Gathering Storm," and a report by the Council of Competitiveness titled "Innovate America."

I remember being at a dinner last year not too far from these Chambers, and well over 30 Senators were there. It wasn't a fundraiser, we were there to hear Norm Augustine—bipartisan, leadership, new Members. I think it speaks to the importance of this issue.

Both of these reports assess the current situation. What they do is set out specific plans to get us where we need to be. The reports have served to put us on notice that we cannot take our competitive leadership for granted in a world that, as Tom Friedman has put so well, is increasingly flat.

For the American people following our deliberations on this legislation, I hope you will take notice that this is one of those issues that rises above party politics, rises above partisan politics, legislation that is about Republicans and Democrats coming together to address fundamental challenges to our Nation's competitiveness.

I am proud to join in that effort. Keeping our country competitive is ultimately about jobs. It is about ensuring that our future workforce can compete in a global economy and that our current workforce remains competitive.

I was chairman of the Western Hemisphere Subcommittee the last 4 years. I remember being at a conference in Mexico, with some Mexican academics complaining about the impact of low-wage jobs in China on the Mexican manufacturing economy.

When I was in China last year talking with some Chinese academics and economists, they complained about the impact of low-wage jobs in Vietnam on the Chinese manufacturing economy.

If we begin to lose ground, we are not going to win the race to low-wage jobs.

Our ability to be the world's greatest economic power is going to depend on our creativity, our productivity, and our innovation. If we begin to lose ground in the critical areas of math and science, we will also lose ground in the race for high-wage jobs, and that is the race we should be winning better trained workers, greater opportunity.

Last month, Microsoft's Bill Gates came before the Health, Education, Labor and Pensions Committee to talk about keeping our country competitive. One of his statements particularly stood out to me.

He said:

The U.S. cannot maintain its economic leadership unless our workforce consists of people who have the knowledge and skills needed to drive innovation.

He further said:

We simply cannot sustain an economy based on innovation unless our citizens are educated in math, science and engineering.

I could not agree more. The challenges we face are significant when it comes to the future competitiveness of our workforce. Today, China graduates at least four times as many engineers as the United States. In fact, I was told at one point the figure was 600,000 engineers in China, 350,000 in India, and 70,000 in America.

The small nation of South Korea graduates just as many as we do. In 3 short years, Asia will be home to more than 90 percent of the world's scientists and engineers.

According to a recent poll, 84 percent of middle school students preferred to clean their rooms, take out the garbage, go to their dentist, or eat their vegetables than to do homework, something we have to change.

As Tom Friedman wrote in his book "The World is Flat," when he was growing up, his mother used to tell him to eat all his vegetables because kids in China were starving. Today, his mother would say: Do your homework because the kids in China are starving to take your job.

Several reports have indicated that U.S. students do not perform at the level of their international counterparts in math and science. American high school students currently rank 24th out of 29 among developed nations in math literacy and problem solving.

As if this were not worrisome enough, we also need to concern ourselves with the coming retirement wave of high-skilled workers in the fields of engineering, science and technology, and math.

According to the National Science Foundation, about one-third of American scientists and engineers are over 50 years old. Tiger Woods said before a recent major tournament:

I can't win the Masters on Thursday, but I can lose it.

We can't win the global economic battle today, but we can lose it in our elementary school classrooms.

Mr. President, the legislation before us will help go a long way toward preparing our future workers by improving K-12 education. For instance, the

bill increases the offering of advanced placement and international baccalaureate programs and expands math and science specialty schools.

While we are beginning to take action in Washington, I proudly note that my State of Minnesota has been very active in ensuring the State's future workforce can compete with the best of them from around the world. Our Governor is a leader in the development of the National Governors Association Innovation America initiative. In Woodbury, a math and science academy is developing a curriculum to meet the needs of the 21st century workplace. In Brainerd, the chamber of commerce is developing an innovative program to transform education through five rural school districts by creating career pathways focusing on regional high-demand, high-pay occupations called Bridges Career Academies.

Minnesota is doing its part.

While the challenges to our leadership in the global economy are indeed significant, I am confident that through a bipartisan and public-private partnership approach, we will meet those challenges.

I have a series of amendments that I anticipate and hope the body will act upon before we conclude deliberation on this bill. One of them is a bonus grants program. Both of these I coauthored with Senator PRYOR. On the other one, he is the principal author. The bonus grants provide math and science partnership grants to three elementary and three secondary high schools in each State which make the largest year-to-year improvement in their efforts to score highly on the State's math and science assessment test. This is about putting our money where our mouths are. This is about providing reward and incentive for schools to do better in these critical areas of math and science.

The other amendment, which is a Pryor-Coleman amendment, No. 966, establishes a small business innovation, research, science, technology, engineering, and math workforce development grant program. This is a way to get leading small businesses to provide short-term workforce training opportunities for colleges in the field of science, technology, engineering, and math.

The one amendment I will not offer but I do want to bring to the attention of the Senate has to do with expediting the FBI background check on doctors and scientists. We have the world-renowned Mayo Clinic in Rochester, MN, the greatest medical facility in the world. Some of the doctors have been waiting years to get background checks cleared. We are in danger of losing them. We need to move quickly.

I know the sense is that immigration issues will be dealt with at a later time. We need to deal with the immigration issue. We need to deal with it in the sense of stronger borders, guest worker programs, and we also need to

look at some of these smaller pieces that are important—expediting the ability to get background checks so we keep the best and brightest in this country. That debate will be for another day.

Today, the debate is to ensure that America can compete in a global economy. This bill offers that opportunity. It is bipartisan. I am glad to be part of that effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 955

Mr. INHOFE. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 955.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 955.

Mr. INHOFE. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To protect American competitiveness)

At the appropriate place, insert the following:

**SEC. —. PROHIBITION AGAINST FUNDING ANTI-COMPETITIVENESS**

Notwithstanding any other provision of the Law; no federal funds shall be provided to any organization or entity that advocates against tax competition or United States tax competitiveness.

AMENDMENT NO. 955, AS MODIFIED

Mr. INHOFE. Mr. President, we had some objection to this amendment. We have been working with people from both tax committees and the Foreign Relations Committee. I have agreed to some language. I will read the language, but first I ask unanimous consent that the amendment be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

**SEC. —. PROHIBITION AGAINST FUNDING ANTI-COMPETITIVENESS.**

Notwithstanding any other provision of the Law; no federal funds shall be provided to any organization or entity that advocates against tax competition or United States tax competitiveness.

Provided, however, that advocating for effective tax information exchange, advocating for effective transfer pricing, and advocating for income tax treaties is not considered to be advocating against the competition of United States tax competitiveness.

Mr. INHOFE. Mr. President, I have already stated what this amendment does. It does try to get some sense into some of these organizations advocating noncompetitiveness or anticompetitiveness for the United States. One

such organization is called the OECD, Organization for Economic Cooperation and Development. This organization I have already talked about, but one of the things they advocate is high taxes for the United States. In order to make sure we can still use this organization for a function that seems to be desirable by the tax committee, I will read the modification. The amendment currently reads:

Notwithstanding any other provision of the Law; no federal funds shall be provided to any organization or entity that advocates against tax competition or United States tax competitiveness.

This is the modification:

Provided, however, that advocating for effective tax information exchange, advocating for effective transfer pricing, and advocating for income tax treaties is not considered to be advocating against the competition of United States tax competitiveness.

I think we have taken care of that need.

With that, I ask that we get into the mix here so we can get a vote on this or else agreement.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I appreciate the Senator's willingness to consider modifications in the amendment. We are still checking with particular Senators who have expressed an interest in this on our side. It will still be a few minutes before we are in a position to say whether this is still an amendment on which we would require a vote. I hope this is something on which we can agree not to have a rollcall vote. Perhaps we will know in the next few minutes.

AMENDMENT NO. 905, AS MODIFIED

While I have the floor, let me indicate there is an amendment which has been filed which relates to the Energy Committee's jurisdiction. It has been cleared on both sides. It is a modification that is at the desk to amendment No. 905 by Senator OBAMA. I ask unanimous consent that this amendment, as modified, be agreed to and the motion to reconsider be laid upon the table.

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

The amendment (No. 905), as modified, was agreed to, as follows:

On page 78, strike line 21 and insert the following:

“(D) \$27,500,000 for fiscal year 2011.

**“CHAPTER 6—ADMINISTRATION**

**“SEC. 3195. MENTORING PROGRAM.**

“(a) IN GENERAL.—As part of the programs established under chapters 1, 3, and 4, the Director shall establish a program to recruit and provide mentors for women and underrepresented minorities who are interested in careers in mathematics, science, and engineering. The program shall pair mentors with women and minorities who are in programs of study at specialty schools for mathematics and science, Centers of Excellence, and summer institutes established under chapters 1, 3, and 4, respectively.

“(b) PROGRAM EVALUATION.—The Secretary shall annually—

“(1) use metrics to evaluate the success of the programs established under subsection (a); and

“(2) submit to Congress a report that describes the results of each evaluation.”.

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

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

AMENDMENT NO. 914

Mr. GRASSLEY. Mr. President, I come to the floor to offer an amendment that I am going to withdraw. I ask unanimous consent, if necessary, to set the pending amendment aside and offer my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 914.

The amendment is follows:

(Purpose: To increase the fee to be paid by employers of H-1B nonimmigrants and to set aside 25 percent of such fees to improve programs and projects for gifted and talented students)

At the appropriate place, insert the following:

**SEC. . H-1B VISA EMPLOYER FEE.**

(a) IN GENERAL.—Section 214(c)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(B)) is amended by striking “\$1,500” and inserting “\$2,000”.

(b) USE OF ADDITIONAL FEE.—Section 286 of such Act (8 U.S.C. 1356) is amended by adding at the end the following:

“(w) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

“(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the ‘Gifted and Talented Students Education Account’. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account 25 percent of the fees collected under section 214(c)(9)(B).

“(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).”.

Mr. GRASSLEY. Mr. President, in his bestselling book, “The World is Flat,” Thomas Friedman discusses the challenges of globalism using the metaphor of the world getting flatter to describe how the breaking down of international barriers to the movement of goods, services, people, and ideas creates an intensely competitive global environment. I liked it so much, and it has so much wisdom in it.

In chapter 8, entitled “This Is Not a Test,” Friedman says, “If this moment has any parallel in American history, it is the height of the cold war, around 1957, when the Soviet Union leaped ahead of America in the space race by putting up the Sputnik satellite.”

Not coincidentally, the Congress passed the National Defense Education Act the following year, 1958.

That act really started Federal Government involvement in education.

It was designed primarily to jumpstart education in math, science, and modern foreign languages so we would be able to match and exceed the achievements of the Soviets and win the cold war.

According to Thomas Friedman, to meet the challenges of what he calls “flatism” will require, “as comprehensive, energetic, and focused a response as did meeting the challenge of communism.”

As I mentioned, Federal education policy started with an urgency to support and encourage students to excel in fields that were considered to be of major importance to national security during the cold war.

Subsequently, Federal education policy became concerned with equity between students of different socioeconomic classes as part of President Johnson’s war on poverty.

Both of these dual focuses of Federal education policy, excellence and equity, are legitimate and important.

However, we sometimes seem to ping pong between the two, forgetting about one in favor of the other.

The No Child Left Behind Act of 2001 deepened the existing focus of the Elementary and Secondary Education Act on making sure that all students have an adequate education.

Now while we don’t have a single event like Sputnik to bring home to us the current challenges we face, there is a growing recognition that, for the sake of our future economic competitiveness, we cannot neglect the importance of challenging and encouraging students to excel so that they will some day be the scientists, engineers, and researchers that will create the innovations that will drive our economy.

This means that we must not only help underachieving students to achieve at grade level, but we must encourage high ability students to achieve to their full potential.

For years, I have been leading the charge to do a better job unlocking the tremendous potential that lies in gifted and talented young Americans. They represent a national resource that, unfortunately, too often goes untapped.

Gifted students learn faster and to a greater depth than other students and often look at the world differently than other students. As a result, it takes a great deal more to keep them challenged and stimulated.

If they are not sufficiently stimulated, they often learn to get by with minimum effort and adopt poor learning habits that can prevent them from achieving to their potential.

In fact, many gifted and talented students underachieve or even drop out of school.

Jan and Bob Davidson, from the majority leader’s home State, wrote an important book called “Genius Denied” about how, nationwide, we are letting gifted students fall through the cracks and wasting their potential.

The Belin-Blank Center in my home State of Iowa produced a report titled, “A Nation Deceived: How Schools Hold Back America’s Brightest Students.”

This situation must be reversed if America is to retain its competitive edge which, obviously, is the purpose of the very good legislation before us, led by Senators BINGAMAN and ALEXANDER.

I am glad that the American competitiveness bill currently before the Senate recognizes the need to do a better job of helping students to excel in fields like math, science, and critical foreign languages.

However, if we want to go toe to toe with countries that place a very high value on learning, we must do more to support and encourage the best and brightest American students.

My amendment would increase the fee employers pay for H-1B visas for highly skilled foreign workers to immigrate to the United States and to use that additional funding for the Jacob Javits Gifted and Talented Students Education Act.

This is the only Federal program that provides funding to support programming to meet the unique learning needs of our brightest, most promising students.

It funds a national research center that produces invaluable research in instructional strategies that can truly tap into the potential of gifted students as well as a small grant program to encourage such research nationwide.

The Javits Act also contains a grant program to encourage greater focus in the States on meeting the needs of gifted learners, although it has been funded at levels that severely limit its effectiveness. The quality or even existence of services for gifted students varies widely among our 50 States.

While the Federal Government should not assume the primary responsibility for funding gifted and talented education, just as Congress provides funding to augment State efforts to provide an equitable education for disadvantaged students and students with disabilities, the Federal Government still has a vital national interest in encouraging State efforts to fully develop the gifts and talents of American youth.

The proposal that is in my amendment before the Senate would essentially charge a fee to those investing in talent from abroad and use it to invest in talent for the future here at home.

Doesn’t it make sense if we are using our educational system to bring students or workers over here to train them better—they take advantage of our higher education system; they take advantage of our educational system generally—wouldn’t it be wise to use those resources so we can enhance the opportunity we have for our own gifted and talented students right here in the United States?

We have to put more attention on education. Now, I am offering a Federal program, I know, or the expansion of a Federal program, and funding it in a

way that is not appreciated by those who will soon be involved in the immigration bill that is going to be before us. They have asked I not offer this amendment, and that is why I said I would offer it and withdraw it.

But I think this is a very important approach we must use if we are going to make adequate use of our own talented and our own gifted students right here at home—the homebred students whom we have—as opposed to thinking we have to rely, in the 21st century, in this great country of America, upon the talent of foreign lands.

Now, there is a lot of talent in foreign lands that if we can draw upon it, we ought to draw upon it. But the fact we have to do that, or we think we are willing to submit to that sort of an approach, to advance the competitiveness of our economy in this globalization we are involved in, is a sad commentary.

That is why I have offered this amendment. I want to say even though I am withdrawing it, I am doing it with the idea I am not giving up on this effort. I am going to advance this effort in other appropriate places in the legislative process in the future.

Let me suggest, for those who maybe want to fight it, it is going to be in the near future. For those who maybe like it, would they join me in this effort to get this job done?

Having emphasized competitiveness and everything involved in it, I want to say my philosophy of improving education in this country is not rested only upon Federal programs. I think four basic things are at the base of changing or improving our educational system, and they do not involve the expenditure of more money. It basically is a societal attitude that needs to be changed.

No. 1, we have to think in terms that there is nothing wrong with homework. There are too many parents, too many teachers in this country who think, somehow, we have to eliminate homework. Secondly, we have to have the schools in this country and the parents involved think that education and book learning is more important than sports; thirdly, that weekends are not something just for leisure. Weekends have to be used for study as well. And lastly—and the one thing that is most important—parents, to a greater degree than they are presently, have to be involved and show interest in the education of their own kids, and supporting the great teachers of this country who are there doing both the job of parenting as well as the job of teaching.

Those societal changes are going to do more to enhance education and the competitiveness of our economic system than anything we can do by passing any Federal program. But I think we can enhance a lot of programs, and this bill is a good step in that direction. I wish I had been able to convince the people on the Judiciary Committee that we ought to advance this amendment here at this time because it is

very associated with the competitiveness of our society and the purposes of this bill.

AMENDMENT NO. 914 WITHDRAWN

But I ask unanimous consent to withdraw the amendment.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is withdrawn.

The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, today, I join with over 60 of my colleagues from both sides of the aisle to support the prompt passage of the America COMPETES Act. Before I begin, I want to thank my colleagues who have actively participated in developing and cosponsoring this legislation in the 109th Congress. In particular, I wish to acknowledge the work of Senator JOE LIEBERMAN with whom I began the task of developing competitiveness legislation over 2 years ago.

Last August, working together, in a bipartisan manner, we were able to bring together a bill that combined elements of the PACE Energy bill that Senator ALEXANDER, Senator DOMENICI, and Senator BINGAMAN had worked on, with the American Innovation and Competitiveness Act that Senators STEVENS, INOUE, HUTCHISON, and I worked on. We also included important education provisions from Senator KENNEDY, Senator ENZI, and members of the HELP Committee.

Today, I am very pleased to say the cooperative, bipartisan effort we undertook in the last Congress has led to the consideration of the America COMPETES Act in this Congress. As other Members have noted, this legislation focuses on three primary areas of importance: increasing Federal investment in basic research; fostering science, technology, engineering, and mathematics talent in the United States; and developing an innovation infrastructure. The bill reflects a good balance of spending on key priorities, such as basic research and education, while being sensitive to avoiding duplication among Federal agencies.

It was not easy, but we remained focused on the key recommendations in the “Innovate America” and the “Rising Above the Gathering Storm” reports. There are a lot of folks with plenty of good ideas out there. By sticking to the recommendations in these two groundbreaking reports, however, we were able to safeguard this bill from becoming so large, unwieldy, and expensive that it could never pass the Senate. This is why we have a good chance on this bill of actually passing it in a strong bipartisan way either today or tomorrow. One of the keys to this process was getting the chairmen and ranking members of the Commerce Committee, Energy Committee, and HELP Committee to join the majority leader and minority leader to introduce the final product.

The America COMPETES Act would double funding for the National Science Foundation by 2011, increase

support for the National Institutes of Standards and Technology, and the Department of Energy’s Office of Science. I am a fiscal conservative, but the dollars we invest in basic research will come back to us in spades in terms of stimulating economic activity and helping the United States to remain at the forefront of global innovation.

Our continued investment in basic research is made more essential by the actions of other nations such as China and India. Such countries are not sitting idly by waiting to see what we will do to remain competitive. Rather, they are undertaking ambitious efforts to expand their own research and development base at our expense. A study recently highlighted by the Council on Competitiveness indicates that China has surpassed the United States as the most attractive location for the world’s top corporate R&D investors to locate their R&D facilities. Sadly, in 2006, the World Economic Forum announced our country had dropped from first to sixth place in its Global Competitive Index.

We must address the long-term competitiveness challenges we face to maintain our leadership in innovative research, and this bill will enable us to do so. In addition, the bill addresses the need to encourage more American students, from elementary school through graduate school, to pursue careers in science, technology, engineering, and mathematics.

Although estimates of the number of engineers, computer scientists, and information technology students who obtain 2-, 3-, and 4-year degrees vary, there is no question that the increased focus in China and India on educating more of their population in these fields is cause for serious concern. One estimate indicates that in 2004, China graduated about 350,000 engineers, computer scientists, and information technologists with 4-year degrees, while the United States graduated about 140,000. Over the past 3 years, both China and India have doubled their production of 3- and 4-year degrees in the field of engineering, but in the United States the production of engineers has stagnated. This must change.

We need to aggressively encourage more American students to pursue careers in these fields, especially as our current scientific workforce ages. The America COMPETES Act would do this in part by expanding existing graduate research programs and strengthening NSF’s technology talent program. The bill also strengthens the skills of thousands of math and science teachers by establishing new undergraduate and graduate training programs.

Finally, the bill authorizes competitive grants to States to promote better alignment of elementary and secondary education with the knowledge and skills needed to succeed in institutions of higher education in the 21st century. It is very important we focus on transforming our educational system to meet the workforce needs of tomorrow.



Technological change and globalization have increased the need for our students to receive better education to remain competitive in the world economy for high-skilled jobs that lead to innovative solutions, higher incomes, and better standards of living. This emphasis on quality education in science, technology, engineering, and mathematics needs to start early in the course of a student's education.

Unfortunately, last year, the Organization for Economic Cooperation and Development released a study on education that highlights the fact that while the United States invests significantly more per student on education—with an \$83,000 cumulative expenditure per student ages 6 through 15—than any other country in the world except for Switzerland, students from 16 other countries' students performed better, on average, than American students in science. Sixteen other countries performed better than American students in science. In mathematics, the numbers are even more troubling. Students in 23 other nations performed better, on average, than American students did—23 other nations. This was on an international standardized math exam.

Other countries have more scientists and mathematicians teaching science and math. In the United States, we mostly have education majors teaching science and math. If you think about it, if your passion is science and math, you have a better chance of translating that passion to your students. I have spoken with the presidents of our schools back in Nevada, at UNR and UNLV and our community college, about trying to transform the way we teach our teachers in Nevada. The University of Texas at Austin has an innovative program called UTeach. They are actually taking science and math majors and teaching them to be teachers. The results so far have been very promising. The University of California system is pursuing a similar approach. Our country must try to change the way we are educating science and math teachers so we can inspire the next generation of Americans more effectively.

I am also reminded of the story the president of the Museum of Science in Boston, Dr. Yannis Miaoulis, shared with me last year when discussing how to foster innovation in math and science education. Dr. Miaoulis discussed how in school, at a young age, students learn about volcanoes and make models to simulate how they work. While the accumulation of knowledge on volcanoes or other life science topics is a very good thing, unfortunately, grade schools often do not dedicate as much time and attention to exploring science through practical exploration of engineering topics—for instance, how a car works. To drive home his point on the need to focus more attention on engineering at an earlier stage in students' education, Dr. Miaoulis asked us a simple question: Do we spend more time in a car or a volcano?

The answer is obvious, and his point is well taken. We need to think strategically about how to educate and inspire the next generation of Americans and increased focus on science, technology, engineering, and mathematics is a very important part of maintaining our Nation's long-term global competitiveness.

As the title of Thomas Friedman's popular book reminds us, in the 21st century, the world is flat and the United States must adjust to this reality in creative ways or suffer the consequences.

This bill before us today, the America COMPETES Act, will be a critical first step forward to lay the groundwork for the kinds of change and investments we need to make for our country to be competitive in this new century. The key to success on this issue is to move the bipartisan bill before us, while resisting the urge to attach every good idea that has come along in math, science, and technology areas. We were able to keep this work product fiscally responsible while addressing critical needs, and a big part of that was including metrics to measure and reward successful efforts and to provide more accountability for existing governmental programs. As our citizens, businesses, universities, and scientists compete in the most interconnected global economy in history, failure to pass a competitiveness bill now would seriously harm the economic and national security of the United States.

I hope all of my colleagues will join with me in helping to pass this critical bipartisan bill as soon as possible.

Mr. ENZI. Mr. President, I wish to speak about the importance of supporting and passing the America COMPETES Act.

It has been 50 years since Sputnik was launched by the Soviet Union. The United States was quick to react with a flurry of activity and investment to spur innovation. Its launch also had a dramatic impact on education in this country. Students wanted to be the best and wanted to prove that the United States was a better and stronger country. Today the need is just as great, but we don't have a catalyst, like Sputnik, driving the need. The need is driven by our economy and companies that need bright and innovative workers. This need is driven by the competition the United States now faces from across the globe.

Last year I was in India and saw firsthand what Thomas Friedman discusses in his book, "The World is Flat". It does not take long to figure out that by numbers alone, India has to educate only 25 percent of its population to have more literate and educated people than the total population of the United States. This trip reinforced my belief that we need to ramp up our efforts in the areas of education and labor to keep our country competitive.

Add to this perspective the fact that China has 20 percent of the world's pop-

ulation and has sharply increased the proportion of its college-age population participating in higher education from 1.4 percent to over 20 percent in just a generation. It should not be surprising that a substantial portion of our workforce now finds itself in direct competition for jobs with highly motivated and often well-educated people from around the world. Unless we pay attention to these facts, this competition will only increase in the future.

Here are a few of the facts that I find paint a compelling picture and show why this legislation is needed: Business is spending billions each year to train new employees and remediate the educational skill gaps of those already in the workforce. The American workforce is aging—77 million baby boomers are set to retire over the next several decades.

Reading proficiency among 12th graders has declined to the point where just over one-third of them are even considered proficient readers. In addition, 47 percent of those with a college degree are not considered proficient readers according to the most recent National Assessment of Adult Literacy. Only 68 of every 100 ninth grade students graduate "on time," in other words, within 4 years. America's high school graduation rate is among the lowest in the industrialized world, and the impact on our minority students has been especially severe, where this rate hovers around 50 percent.

Nearly one-third of entering college freshmen need at least one remedial course. The United States has one of the highest college enrollment rates, but a college completion rate average to below average among developed countries in the world.

Four out of every five jobs will require postsecondary education or the equivalent, yet only 52 percent of Americans over the age of 25 have achieved this level of education. Seventy-five percent of today's workforce will need to be retrained just to keep their current jobs.

Median earnings of a high school graduate are 43 percent higher than those of a nongraduate and those of a college graduate are 62 percent higher than those of a high school graduate. Two-thirds of the 7 million worker gap in 2010 will be a skilled worker shortage.

If our students and workers are to have the best chance to succeed in life and employers to remain competitive, we must ensure that everyone has the opportunity to achieve academically and obtain the skills they need to succeed, regardless of their background. To accomplish this, we need to build, strengthen, and maintain our educational pipeline, beginning in elementary school. We must also strengthen programs that encourage and enable citizens of all ages to enroll in postsecondary education institutions and obtain or improve their knowledge and skills. The decisions we make about education and workforce development

will have a dramatic impact on the economy and our society for generations to come.

This legislation is the product of bipartisan negotiations and input from members of 3 Senate committees—the Senate Commerce, Energy, and HELP Committees. Work on this legislation began last year in response to the “Rising Above the Gathering Storm” report, the “Innovate America” report, and the President’s American Competitiveness Initiative. I want to thank all those who worked on this bill for their hard work and dedication and commend them for the collegial manner in which this bill was crafted.

This bill includes provisions that improve math, science, and critical foreign language education in our Nation from elementary school through graduate school. It supports improvements to teacher preparation, establishes stronger links between graduate schools and employers, provides funding to support students trained at the doctoral level in science, technology, engineering, and mathematics, and enhances Federal programs that support students in graduate school.

It should come as no surprise that I particularly support the education components of this bill. Education at all levels, including lifelong learning opportunities, is vital to ensuring that America retains its competitive edge in the global economy. In this global economy, learning is never over and school is never out. Every American can and should be part of our Nation’s success. The education and skills of today and tomorrow’s workforce were a high priority for me even before I became chairman and now the lead Republican of the Health, Education, Labor, and Pensions Committee.

The America COMPETES Act is a good starting point, but we need to do more. Maintaining America’s competitiveness requires that all students have the opportunity to continue to build their knowledge and skills. We need to find ways to encourage high school students to stay in school and prepare for and enter high-skill fields such as math, science, engineering, health, technology, and critical foreign languages. For many, including those at the cutting-edge of science, technology, engineering, and mathematics, acquiring a postsecondary education or training will be the key to their success. Therefore, I remain committed to reauthorizing the Higher Education Act.

Individuals in the workforce often need retraining to keep up with our fast-paced economy. Businesses also need help in finding well-qualified individuals to meet their needs. The Workforce Investment Act and the system created to support it provide those needed services. We must reauthorize the Workforce Investment Act this Congress.

Finally, our children need a strong foundation of knowledge to succeed in both education and knowledge. The No

Child Left Behind Act provides funds to States and local school districts to support our neediest and most disadvantaged students. Those students need a hand up in order to succeed in the future. I look forward to working with Chairman KENNEDY to reauthorize the No Child Left Behind Act this year.

Fifty years after Sputnik, the United States is in another equally important race that will define our leadership. This race is fueled by innovation, education, and skills. Its success is measured by jobs and prosperity for American families. It is a race we cannot afford to lose.

I ask my colleagues to support the passage of the America COMPETES Act.

Mr. LIEBERMAN. Mr. President, I rise today in support of the America COMPETES Act. I am pleased to join Senators REID and MCCONNELL, together with Senators BINGAMAN, ALEXANDER, INOUE, STEVENS, ENSIGN, KENNEDY, ENZI and a majority of the Senate, in this bipartisan effort.

I particularly commend my colleague from Nevada, Senator ENSIGN, for his foresight and leadership on innovation and competitiveness issues. Beginning in 2005, I started working together with Senator ENSIGN on the National Innovation Act to build a new century of progress and prosperity for our Nation by spurring a new wave of American innovation. With his leadership in the Commerce Committee, Senator ENSIGN and I supported a bipartisan approach, focused on talent, investment, and infrastructure, to sustain and enhance U.S. science and technology leadership for the future. The National Innovation Act addressed a number of the most critical issues involving technology leadership in the United States, realizing the critical need for increased Federal support for basic research.

Senator ENSIGN and I also worked closely together on the National Innovation Education Act. The intent of that bill was to enhance our science and technology talent base and to improve national competitiveness through strengthened education initiatives. Our bill proposed initiatives spanning across the science education spectrum to improve quality instruction and access to learning for all students.

I am pleased that the America COMPETES Act addresses many of the approaches to science research and education proposed by Senator ENSIGN and I in these measures in addition to many of the initiatives put forth by Senators BINGAMAN, ALEXANDER, and others in the PACE bills. In large part, these bills sought to incorporate recommendations from the National Academies’ report “Rising Above the Gathering Storm” and “Innovate America” from the Council on Competitiveness.

In this bill we seek to address the challenge of keeping the United States competitive in the global economy. Innovation, from the development of the Internet to the sequencing of the

human genome, stimulates economic growth and improves the quality of life and health for all Americans. Through our investments and leadership in basic research and innovation, we ensure that our children and grandchildren will continue to have the unprecedented prosperity and opportunity that we enjoy today. We also have high expectations that science and engineering will solve essential worldwide needs from the mitigation of natural disasters to the development of alternative energy sources.

This act recognizes that the Nation depends upon the development and the productivity of highly trained people to generate these innovations. It is disconcerting that only 29 percent of Americans believe the United States has the most innovative economy in the world. Nearly half choose China or Japan instead. Why? The No. 1 reason cited by Americans is their belief that other countries are more committed to their education, their youth, or their schools. In fact, tests show U.S. students are falling behind other developed nations in math and science. We must restore confidence in our education system and ensure it is second to none.

For example, we need to engage the Nation’s top universities to lead some of their best and brightest students, especially in science, technology, engineering and mathematics, STEM, fields, into successful teaching careers. In this bill we stimulate partnerships for college math, science, and engineering departments to work with teacher development programs. These programs will increase the supply of certified, knowledgeable teachers in areas critical to meeting America’s needs, giving us a greater opportunity to improve student interest and achievement in STEM areas.

We know that new teachers in STEM classrooms across the country need support and mentoring from knowledgeable, established teachers. This bill supports programs for existing teachers seeking to enhance their content knowledge, teaching skills, and leadership in STEM and foreign languages.

We cannot wait for students to reach college to ensure that they are prepared for the future. It is troubling that many students with their newly obtained high school diplomas find themselves ill-equipped for college or the workforce. It is time to ensure that high schools prepare their students for the future. To do this right, States must start aligning what children learn starting in kindergarten, or earlier, to meet the evolving higher education and business needs for the 21st century and beyond.

High-quality data systems are also critical to improve schools and student outcomes. Accountability for high school graduation numbers and dropout rates is important to address education reform in our high schools. States and schools need data systems

to trace successful educational outcomes back to specific programs, coursework, and interventions. They need to know what works and what doesn't work. I am pleased that this legislation contains many of the components of a bill I introduced last year, the College Pathways Act, to improve data systems and alignment.

The National Science Foundation is the principal agency sustaining basic research across all science and engineering fields. Basic research outcomes have led to many important innovations, stimulating economic growth and improving the quality of life for all Americans. NSF focuses on the areas of discovery, learning, and in building the country's research infrastructure and world-class facilities. These areas line up directly with our three primary areas in this act: increased research investment, STEM education, and innovative infrastructure. It is critical that we develop and support each of these: the people, their ideas and the large-scale tools needed for discovery and innovation.

To encourage more students to enter technical professions, this legislation increases Federal support for STEM graduate fellowships and trainee programs by expanding the NSF Graduate Research Fellowship Program and the Integrated Graduate Education and Research Traineeship Program by a total of 2,500 students.

The America COMPETES Act further addresses the issue of improving talent across scientific disciplines by expanding the existing STEM Talent Expansion Program, STEP, to the scope originally intended. The STEP, or Tech Talent Program, which I first proposed in 2001 as part of the Technology Talent Act, provides competitive grants to undergraduate institutions to develop new methods of increasing the number of students earning degrees in science, math, and engineering.

The Department of Energy's Office of Science is the principal Federal agency for research in high energy physics, nuclear physics, and fusion energy sciences. This legislation puts the Office of Science on a doubling track, over 10 years. We create important educational opportunities through Centers of Excellence in Mathematics and Science. These centers bring together our premier National Laboratories as partners with high-need high schools. National Laboratories also will host summer teacher institutes and will provide expert assistance to teachers at specialty schools in math and science.

The bill also creates an Innovation Acceleration Research Program to stimulate transformational research by setting a goal for Federal research agencies to allocate 8 percent of their current R&D budgets to breakthrough research—the kind of research that gave us fiber optics, the Internet, and countless other technologies relied on every day in this country and around the world. We anticipate this funding

will be used for “grand challenges” and other high-risk/high-reward research that will expand the frontiers of discovery and innovation.

It is time once more for the Nation to focus on the health and direction of scientific research. Late in 1944, President Roosevelt called on a leading science and engineering advocate, Vannevar Bush, to report on how the Nation should prepare in the post-World War II era to deal with the “new frontiers of the mind [that] are before us” and to “create a fuller and more fruitful employment and a fuller and more fruitful life.” The report, “Science—The Endless Frontier,” led to the development of the National Science Foundation. We call on the President to issue a new report on key research and technology challenges based on a national science and technology summit of leaders from labor, industry, academia, government, and elsewhere. The President will also establish a Council on Innovation and Competitiveness to, among other things, assess R&D investment and address future areas needed to maintain the United States as a world leader in research and technological innovation.

We must continue to encourage the groundbreaking experimentation and longer-term outlook that made this country great. I am pleased to join my colleagues in this bipartisan effort to address the science, technology, and education needs that will fuel innovation and continue to drive American growth and prosperity. I urge my colleagues to join us and support passage of the America COMPETES Act.

Mr. OBAMA. Mr. President, there is concern that America is losing its competitive leadership. I am proud to cosponsor the America COMPETES Act because it proposes a meaningful response to that loss of leadership, and I compliment the bill managers on the bipartisan manner in which the Senate is addressing this issue. America COMPETES is a strong piece of legislation, but I wish to propose amendments that I believe will strengthen this legislation in several areas.

As our Nation becomes more diverse, scientists, engineers, and technology professionals continue to be recruited from a narrowing segment of our population. If we were able to increase the participation of underrepresented groups, including women, to a level reflective of their representation in the population, we would diminish the workforce issues that restrict our economic progress and generate a pool of talent that could refresh our ability to innovate. If we do not tap the diversity of our Nation as a competitive strength, we will diminish our capacity to innovate. Full participation by all segments of our populace would do more than just increase the number of workers in high technology fields; full participation would bring fresh perspectives and inventive solutions.

To increase participation, I have offered several amendments to America

COMPETES. The first establishes a mentoring program to support women and underrepresented groups as they progress through education programs being proposed at the Department of Energy. Mentoring is an effective means for experienced scientists to provide professional assistance and advice to developing scientists, and such a program would ensure the success of these education programs. I also propose that women and minority scientists and engineers be represented and consulted as strategies are developed to increase America's competitiveness. This inclusion should occur at the proposed National Science and Technology Summit, on the President's Council on Innovation and Competitiveness, and elsewhere. If the concerns of diverse groups of technology professionals are not heard, it will be too easy to overlook the advantages these groups can bring to the innovation landscape.

I have also proposed that, to profit from the strength of our diversity, we must start with America's young students. Summer is a time when, as a result of summer learning loss, young students may lose several months in math skills. The summer learning loss is greatest for children living in poverty. Summer programs combat this loss, accelerate learning, and can serve to close the achievement gap in mathematics and problem-solving that currently robs us of the talents of too many children. I have introduced an amendment that supports summer learning opportunities, with curricula that emphasize mathematics and problem solving, aligned to the standards of school-year classes.

Finally, I propose that one of the major challenges facing us is an issue we understand on the basis of science; an issue that can be solved, at least partially, through technology; an issue that has the potential to greatly affect our competitiveness. It is an issue offering both challenges and great opportunities. Therefore, I am proposing an amendment to create a Climate Change Education Program to broaden our understanding of climate change. The program would emphasize information to help us comprehend climate change and to promote implementation of new technologies that would ensure our place as an international leader, willing to use science to understand our world, willing to apply technologies to address the serious challenges facing us.

I urge my colleagues to support these amendments.

Mrs. CLINTON. Mr. President, at a moment of profound change for our country, as the global economy grows more interdependent, the reach of technology more vast, and the consequences more important for future generations of Americans, I am proud to support the America COMPETES Act as an original cosponsor and proud to have been able to include several of my proposals in the final bill. I am also

pleased to see that partnership—not partisanship—ruled the day.

The challenge is to achieve the promise while avoiding the perils of this moment.

Modern technology is making the American workforce more and more productive—while making it increasingly possible for employers to hire the most skilled workers no matter where in the world they live. Our young people see so many promising new fields and avenues—but too many American students, even some graduates of college, are not equipped with the skills to compete, especially when it comes to participation in challenging math and science fields.

That is why this bill is so important: education will help us overcome these obstacles while opening the doors to new opportunities.

America's global economic competitiveness will rest more and more on the back of our education system, and the scientists, engineers, and inventors that the system produces—but today that back is breaking.

The United States currently ranks 21st out of 40 industrialized nations in the largest and most comprehensive educational study to date. China produces far more engineers than the United States each year. Fewer well-educated scientists and engineers means fewer inventions, fewer high-tech exports, and fewer jobs for Americans.

And we are trying to compete with one hand behind our back: half our population disproportionately avoids math and science. Women and minorities are routinely underrepresented in these fields.

The National Academy of Sciences, NAS, outlined solutions to these and other challenges America will face as we contend with other countries in the science, technology, engineering, and mathematics. Their report, "Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future," gave us a roadmap to avoid this storm. The America COMPETES Act will implement these recommendations.

For example, this legislation would provide funding to increase the number of teachers serving high-need schools who are qualified to teach advanced, college level courses in math and science. It also supplies grants to community colleges to offer training to allow women to enter higher paying technical jobs.

This act also provides new incentives for math and science research. The bill doubles the current funding for the National Science Foundation, NSF.

I am also pleased this legislation includes two of my amendments. The first asks the National Academy of Sciences to collect and disseminate "Promising Practices" in the areas of math and science education, as well as techniques proven to help teachers improve their instructional skills. Many States across the country are doing an

amazing job of raising their State standards, while others are watering them down.

The NAS report outlined the need for consistency in math and science education as one of the important recommendations in their report. That is why I introduced the Math and Science Consistency Act which instructs the National Academy of Sciences to create voluntary goals for learning in the areas of math and science education.

I thank everyone involved with this package, in particular Senator BINGAMAN, for working with me to include elements of my legislation into the America COMPETES Act.

If we want to truly prepare our students to compete, then it is especially important to look at successful models of math and science education and place this information in the hands of our math and science teachers. These promising practices will help all States improve their math and science education.

It is imperative that we figure out what is working and reproduce it. The math and science education our children receive today is an investment in the economy of tomorrow.

I also worked alongside Senator SCHUMER to include a provision that will create two new fellowship programs within the National Science Foundation. These new fellowship programs are modeled after the highly successful Newton Fellowship and Newton Master Teacher Programs in New York City.

Through Math for America, the Newton Fellowship Program has brought a cadre of talented professionals to teach math in NYC school. Additionally, the Newton Master Teacher Program trains current math teachers who demonstrate solid math knowledge to become leaders in their schools through mentoring and professional development. I am pleased our amendment will allow these successful models to be replicated around the country.

Once implemented, the first fellowship program will be available for professionals who possess advanced math and science skills. It will allow professionals from the private and public sectors to apply to become "NSF Teaching Fellows." If selected, these individuals would receive a scholarship to attend a 1-year master's program that results in certification. The fellows would then commit to teach for 4 years in a high-need school. This is the commonsense approach we need in order to build a pipeline of math and science teachers who are experts in their fields.

The second fellowship program entitled the "NSF Master Teaching Fellows" Program, will allow current teachers who hold a master's in math or science to apply and serve as leaders in a high-need school. In exchange for receiving a stipend, these fellows would commit to mentoring their peers, developing curricula, and assisting in professional development activities for 5 years.

I am pleased that we are making a commitment to expanding the pipeline of math and science teachers, and this amendment is our first step in that expansion. I thank Math for America and the Newton Fellows and Newton Master Teachers for all they do every day to improve math education for students in New York City and around the country.

The America COMPETES Act is a comprehensive strategy to help America compete and win in the global marketplace. As cochair of the Senate Manufacturing Caucus, I am pleased that this legislation makes a significant investment in the Manufacturing Extension Partnership Program that is critical to sustaining our nation's manufacturing base.

I am also pleased that this bill includes a new energy research proposal modeled on DARPA. This is an idea that I first put forward at the Clinton Global Initiative in 2005, and introduced legislation on in January of 2006. My legislation would create a new agency to sponsor a diverse portfolio of projects that will: Increase national security by significantly reducing petroleum and imported fuels consumption; significantly improve the efficiency of electricity use and the reliability of the electricity system; and significantly reduce greenhouse gas emissions. Section 2005 of the America Competes Act mirrors many of these provisions. However, section 2005 does not include provisions from my legislation that provide additional management flexibility, and that I believe are important to the success of this new agency. In addition, section 2005 does not authorize a specific level of funding. I recognize that there are funding constraints, but I think that a much bigger, bolder investment is needed. So I am pleased that section 2005 is included in the bill, but I hope that we can make improvements during conference with the House.

We must do what is best for our children and their economic future. When Americans have the tools for success, America succeeds and that is what this bipartisan legislation can help us achieve.

Mr. MARTINEZ. Mr. President, I rise today to address S. 761, the America COMPETES Act. This is an effort to help prepare our children to enter the fields of math, science, engineering, and technology and the ultimate goal is to keep the United States at the forefront of these fields on the increasingly competitive global stage.

I congratulate Senators LAMAR ALEXANDER and JEFF BINGAMAN for posing the questions they did to the National Academies of Sciences, Engineering, and Medicine and for working the panel's recommendations into legislation. And I agree with the findings that basically say if we don't do a better job of teaching our children in the areas of math, science, and technology, other countries will surpass us in a way that we might never overcome.

I commend the Academies' full report to all of you, and I think they are on the right track. We need to take some significant and comprehensive steps to better prepare our young people to enter the Information Age workforce. It is critical to our Nation's future and it is critical that we approve this legislation and start preparing our children of today for the future of tomorrow.

And it is critically important we start preparing for tomorrow today.

In a 2003 Trends in International Mathematics and Science Study, fourth graders in three countries—Chinese Taipei, Japan, and Singapore—outperformed U.S. fourth graders in both mathematics and science. In the new world marketplace, the United States will have to make an even greater effort to keep our high standard of living, to remain competitive.

People in India, China, Singapore, Finland, and Ireland know very well that brainpower is universal, it is valuable, and it is the secret weapon to producing good jobs and a good quality of life.

Given that physical barriers such as distance have been torn down by the World Wide Web and the benefits of free trade, our foreign competitors know there is no reason that they can't have a standard of living more like the United States. So they are working hard to develop better trained citizens and create their own stream of discoveries.

The challenge of our generation is to change these troubling trends. Our commitment needs to be redoubled.

I am a great believer in the transforming power of education. Coming from Cuba at age 15, not knowing the language of this country, not knowing how my future would unfold, I relied heavily on the power of education to survive.

My father was the first person in our family to earn a college degree, and he would always remind us that the only thing the Communists could not take from him was his education. That concept of an education became a valued treasure in our family. So that is why I worry so greatly about the education of our next generation.

According to recent statistics compiled by the U.S. Department of Education, our nationwide graduation rate in public schools is about 74 percent. That means one out of every four children who starts out as a freshman, does not get a high school degree. In Florida, the graduation rate drops to 71 percent. Nationally, if you look at young people between the ages of 16 and 24 who don't have a high school diploma, the numbers are alarming: Hispanics, 25 percent, Blacks, 11 percent, Whites, 6 percent.

These are rates that have been virtually static over the last decade. They forecast a tragic pattern that we must change, for the good of these children, but also as a matter of national competitiveness in a shrinking but competitive world.

We as a country are falling behind. We are losing the opportunity to remain competitive on a global scale unless we address these percentages and change them.

So when we talk about improving education, we, as individuals, parents, community leaders and elected officials, need to focus on quality education.

We need to encourage our young people to seek that diploma and degree, and we need to help those who might otherwise not have access to a higher education.

And we need to remember that America has been the global leader in innovative technologies, and as those technologies grow and expand and proliferate throughout the world, we have to become even more prepared to compete in a global market.

All young Americans, no matter their race, creed, or ethnicity deserve the opportunity to gain not just an education, but the best quality education. This is our obligation and our national imperative.

We are a great nation, but that greatness will not be enjoyed by the next generations if we fail to properly educate that next generation. That is why the America COMPETES Act is so very critical.

This bill will improve teacher training in math and science by creating summer programs hosted by the National Science Foundation.

This bill will increase the support for Advanced Placement Programs to expand access for low income students so they might perform better in college preparatory courses.

Over the next decade, this bill doubles the investment in basic research at our Nation's leading Federal scientific research facilities so that we can take research out of the classrooms and put it into real-world applications.

That last point is equally important as the previous two. Yes, we should expand the math, science and engineering training for teachers, but we also need to focus now on the kinds of research that will elevate the production of technological innovation.

I am certain all of us come into contact with a computer every day, and it is a safe bet that many of those computers have an Intel chip inside.

One of the people who worked on the Academies report, Craig Barrett, the chairman of Intel, points out that 90 percent of the products his company delivers on December 31 did not even exist on January 1 of that same year.

That is an amazing pace of change. Handheld computers, Blackberrys, flash drives, the iPhone—these kinds of advancements create opportunity and demand for human capital. Human capital can harness science and opportunity—and keep our Nation at the cutting edge of global innovation.

So the challenge is clear we need to ensure our young people have the tools they need to harness their brainpower

and keep up with the rate of innovation. That's going to take a greater commitment to public education in the areas of math, science, and engineering.

And I can tell you that if our children can't, won't, or don't take advantage of these opportunities, the children of other countries will. Our task is to commit to their success and this legislation does just that.

To conclude, I will say that the Federal Government alone will not solve these problems, and I don't believe Congress has a magic bullet to address all—or even most—of the challenges mentioned here today.

I do, however, believe we can all support the legislation before us today. The report by the National Academies panel is a fair and realistic assessment of how we ought to proceed.

Who could argue that we shouldn't look at ways to increase the pool of qualified math and science teachers, strengthen the Nation's commitment to research, make the United States the most attractive place to the Nation's and world's brightest minds, and ensure we protect intellectual property while allowing the freedom to innovate? These issues deserve the attention of our Nation.

I know—working together—we can and will adopt initiatives that will provide the best education for our future generations.

Mr. BOND. Mr. President, in today's global economy, continued progress in math, science, and engineering, and the transfer of this knowledge, is vital if the U.S. is to maintain its competitiveness and keep good-paying, cutting-edge jobs here at home. New products, processes, industries and future employment opportunities depend on the advances in research and their movement into the marketplace.

Missouri is a leader in a field of science that hardly existed 20 years ago—biotechnology. And I want Missouri to continue to be a leader in producing the best math and science minds in the country. How do we do that? One of our toughest educational challenges is helping our young people perform better in science and math.

We know that America's fourth graders and eighth graders are performing above the international average in math and science. But when they get to high school, they fall behind.

We need to do more. That is why I am pleased to support the America COMPETES Act, which strengthens educational opportunities in science, technology, engineering, and mathematics from elementary through graduate school, with a particular focus on math and science teachers. In addition, this bill makes a bold Federal investment in basic science research at the National Science Foundation, the DOE Office of Science, NASA and the National Institute of Standards and Technology.

As many of you know, I have been a strong supporter of NSF over the

years. NSF plays a critical role in the economic, scientific and intellectual growth of this Nation. It is one of our primary tools in meeting the global challenges of the 21st century by pushing the boundaries of scientific research and technology. NSF's work will give us a better insight into the world around us. This work will grow our economy and speed innovation, improving the quality of life for all people.

NSF's impact over the past half century has been monumental, especially in the field of medical technologies and research. The investments have also spawned not only new products, but also entire industries, such as biotechnology, Internet providers, e-commerce, and geographic information systems. Medical technologies such as magnetic resonance imaging, ultrasound, digital mammography and genomic mapping could not have occurred, and cannot now improve to the next level of proficiency, without underlying knowledge from NSF-supported work in biology, physics, chemistry, mathematics, engineering, and computer sciences.

New NSF support for research in nanotechnology, high-speed computing, plant genome research, biocomplexity, and cognitive neuroscience will further advance the state of technological change and improve our quality of life through creation of new products, a better understanding of how humans behave, and how our ecological systems can survive.

Unfortunately, the Federal Government has not always adequately supported NSF and the physical sciences with the dollars it deserves. While the Congress and the current and past Administration has strongly supported the life sciences, the physical sciences have been left behind. This has resulted in a major funding disparity between the life sciences and the physical sciences. This funding imbalance is alarming because it directly jeopardizes our Nation's ability to lead the world in scientific innovation. Further, we jeopardize the work of the National Institutes of Health because we are undermining the physical sciences, which provide the underpinning for medical technological advances.

Inadequate funding for NSF also hurts our economy and the creation of good jobs. In recent years, there has been an outcry of outsourcing jobs to other countries. And, our high-tech industry has been struggling to fill high-tech positions with American born workers. The best remedy to this issue is not protectionism but investing in the education and skills of our future workforce. This means better math and science education and technological skills, such as computer literacy. This is also a major part of NSF's mission.

My good friend Senator BARBARA MIKULSKI and I, along with many of my other colleagues, were pioneers in the fight to double the funding of NSF. Thanks to this effort we increased

funding for NSF significantly; however, we fell short of our goal to double funding. The bill before us today provides an important opportunity to refocus attention on this critical goal and I am pleased that this bill puts us on the path to double NSF funding. It is critical that doubling funding for NSF remain one of our highest priorities and as a member of the Appropriations Committee, I hope we can do our part.

Future job and economic growth in the areas of health care, life sciences, defense, agriculture and transportation is directly related to scientific advancement. For these reasons it is important to support the America COMPETES Act and make an important investment in the economic security and growth of our country.

Mr. MENENDEZ. Mr. President, I rise in support of S. 761, the America COMPETES Act. I am proud to be an original cosponsor of this legislation, which takes important steps to make sure we are preparing our young people to be competitive and working to secure our Nation's future in a global economy.

That need has never been more urgent than today, when globalization and technology are tearing down the walls of geography, language, and income. Globalization has brought increased educational, technological, and societal advances to regions that only once dreamed of innovation. Today, as nations abroad are gaining a competitive edge, our younger generations are at risk of falling behind.

For a nation with endless resources at its fingertips, it is inexplicable that the United States continues to fall far below other nations when it comes to higher achievement. Yet this is the reality. On international assessments, our young people score below the average compared to other developed nations on math tests. Even when we just look at the highest achieving students, the United States still ranks near the bottom.

In the global race to have the most trained, highly-skilled, best prepared workforce, we are losing ground. And we are especially losing ground in fields that are the source of innovation and technology, which will increasingly become a key sector of the global economy.

Fewer of our college students are pursuing degrees in math, science and engineering, and if those trends continue, by 2010 more than 90 percent of all our world's scientists and engineers would be living outside the United States.

We cannot sit back and expect that we will continue to be at the top when it comes to global achievement. Where other countries are strengthening their education systems, we are not keeping up. We must regain that ground by investing in our younger generations. We must provide quality opportunities for young people now so that they can gain the science, math, and technological skills they need in an emerging global

marketplace. We stand at a critical juncture, and how we proceed will determine the future for generations to come.

That is why this legislation is so critical—it is a commitment that we will do what is necessary to strengthen our Nation's future. This legislation will both bolster our research and development capabilities and better equip our young people to become the future leaders that this Nation needs. The America COMPETES Act will strengthen educational opportunities in science, technology, engineering, and mathematics from elementary through graduate school. It will create grants for master's degrees in math, science, and foreign language and establish programs to improve math instruction for elementary and secondary students. This legislation also calls for substantially increasing funding for the National Science Foundation, doubling basic research funding over the next decade, and the creation of a national science and technology summit.

I am pleased this bill includes provisions I introduced last year to increase the participation of women and minorities in science. Specifically, this bill directs the Energy Department to increase the numbers of women and minorities in science and technology fields at all education levels—from kindergarten through the graduate level—and establishes a new outreach program for underrepresented minorities in grades K-12 to encourage careers in science and technology. While opportunities in these fields are becoming more accessible to all students, women and minorities are still sorely underrepresented in the sciences. It is my hope this legislation will help us to close that gap and ensure that young people of all backgrounds have the opportunities they deserve.

This bill also contains an initiative that would authorize partnerships between high-need or rural school districts, higher education institutions and the private sector, with the goal of revitalizing the high school science labs in those schools. This will help schools purchase scientific equipment, renovate laboratory space, design new experiments or methods of integrating the laboratory with traditional lectures, and provide professional development for high school lab teachers. This provision—which I introduced last year as a separate bill—will improve the science learning experience for students in low-income and rural schools across the country.

As someone who was raised to believe there were no boundaries to what I could achieve, I know first hand that a strong education is the key to success. I was not constricted by the income my parents made, or by the neighborhood I lived in, but only my ability and my determination. With the assistance of the Federal Government, I graduated from college and law school, and had a world of opportunity open to me. I want every young person to have the

chance to achieve their dreams an fulfill their God-given potential. This bill will undoubtedly help countless young people reach that goal.

The time has come to make a robust, national commitment to the education of our youth at all levels, from kindergarten through graduate school and beyond. We cannot expect our country to be adequately prepared unless we are making the necessary investments in all of our students.

Our Nation faces great challenges to meeting the demands of global innovation and competition. A nation that is united in its purpose can answer that challenge, as we have so many times throughout our history. Just as an entire generation was once inspired to dream new dreams of reaching space, and a nation launched a bold investment in science and technology that put a man on the Moon, so can we lead a generation to be the next great leaders and innovators. This legislation will help achieve that goal. It will strengthen not only the competitive future of our young people but of our Nation. I urge my colleagues to support this important bill.

Mr. DODD. Mr. President, I wish to express my support for ensuring the ongoing competitiveness of U.S. capital markets, our economy and American workers. I have served on the Banking Committee since my first day in the Senate 26 years ago. During my tenure on the committee, and now as its chairman, preserving and strengthening America's preeminent position as the world's leading financial center has been among my primary objectives.

Based on that experience, I would like to share what I believe are three important considerations that should guide us in any discussion of how to make America's capital markets more competitive.

First, we must remain mindful that our markets remain the largest, most liquid, and most transparent on the planet.

Second, the current and continued success of those markets depends on the presence of effective, efficient legal rules that protect investors; as such, we should resist the temptation to engage in a regulatory race to the bottom as a rationale to stay on top. Members of the Senate resisted that temptation yesterday when they voted, overwhelmingly, to defeat an amendment that would have significantly weakened a critical investor protection provision of the Sarbanes-Oxley Act. I want to thank the sponsors of this amendment, Senator SCHUMER and Senator CRAPO, for their vote opposing yesterday's amendment. In doing so, they affirmed their support for an efficient and effective regulatory structure and ongoing efforts at the Securities and Exchange Commission to lower the cost of compliance for small businesses.

Third the success of our markets also depends on our Nation's ability to educate, train, and recruit the kind of tal-

ented and driven people who can compete and win in the global economy.

We should do all we can to promote the ongoing competitiveness of America's capital markets. Our Nation's ability to strengthen security, create opportunity, and expand prosperity for every citizen depends in large part on the success of our capital markets and of our financial services sector generally. Maintaining the preeminence of capital markets will not be easy. It will require honest and thoughtful leadership. As chairman of the Banking Committee, I look forward to furthering the dialogue on this important issue.

Mr. President, I ask for unanimous consent that the following remarks on competitiveness that I recently delivered to the U.S. Chamber of Commerce in March be inserted into the RECORD immediately following my statement.

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

[Prepared Remarks of Senator Dodd to the U.S. Chamber of Commerce, Mar. 14, 2007]

FIRST ANNUAL CAPITAL MARKETS SUMMIT:  
SECURING AMERICA'S COMPETITIVENESS

Thank you, Tom, for that kind introduction. And thank you all for this opportunity to speak with you this morning. It's hard to believe that ten years have passed since Tom became President and CEO of the Chamber. He has done an outstanding job of leading this remarkable organization.

I am proud to have had Tom's and the Chamber's support on some of the most important pieces of legislation with which I have been associated. Laws like the Private Securities Litigation Reform Act; the Y2K litigation reform act; the Class Action Fairness Act; the Gramm-Leach-Bliley Act, which has helped bring our financial services sector into the 21st century; and the Terrorism Risk Insurance Act, which in the aftermath of 9/11 has played a crucial role in keeping our economy strong.

In all seriousness, these pieces of legislation represent hard-fought changes that have benefited the American economy and in so doing have also made our Nation a more hopeful and prosperous place for all.

They represent what can happen when people decide to reject partisanship and embrace partnership to create positive change for America. It is once again that sense of partnership that has brought us together today.

America in these early years of the 21st century is by some measures doing well. But I defy anyone to say that we cannot do better. Wherever I go—from boardrooms to classrooms to living rooms—Americans are deeply concerned about our nation's future. And I share that concern.

We are at a critical moment in our nation's history. Our leadership in the world has been achieved over a period of two and a quarter centuries by the vision and sacrifice of generations of patriots and statesmen. U.S. leadership is today being questioned and in some ways squandered as it has never been before. The stakes for all of us as Americans could not, in my view, be higher.

The topic of today's gathering is the future of America's capital markets. But in reality, we are all here out of a shared concern about the future of America itself. The issue before us today presents an opportunity for us all—Democrats and Republicans, private entrepreneurs and public leaders—to come together to have a serious discussion about ways to move our country forward.

The Capital Markets Commission report is a thoughtful document that makes an important contribution to the debate about the future of our Nation's capital markets.

I commend the Chamber, the Commission and its co-chairs—my good friend Bill Daley and Arthur Culvahouse—for highlighting some of the key challenges facing our capital markets. I look forward to analyzing the report's recommendations in greater depth and examining them in the Senate Banking Committee at a hearing I intend to hold in the coming weeks.

I have served on the Banking Committee since my first day in the Senate. No one now in the Senate has served there any longer. As a member of that Committee, and now as its Chairman, I have had one overarching objective: to preserve and strengthen America's preeminent position as the world's leading financial center.

That objective is so crucial because our nation's ability to strengthen security, create opportunity, and expand prosperity for every citizen depends in large part on the success of our capital markets and of our financial services sector generally.

My service on the Banking Committee has provided me with a tremendous opportunity to observe, study, and, I hope, strengthen our capital markets. Based on that experience, I would like to share what I believe are three important considerations that should guide us in any discussion of how to make America's capital markets more competitive.

First, we should keep in mind that, as we speak, America's capital markets remain the most dominant in the world. That is not empty rhetoric. It is a demonstrable fact.

For example, the total amount of financial stock in the U.S.—equities, bonds, loans, and deposits—is more than six times the amount of the U.K.'s, more than double Japan's, and four times that of the other Asian capital markets.

America's dominance is also proven by the market capitalization of the major exchanges. Yes, IPO and trading activity on overseas exchanges has been growing. I am very aware of that, but the market capitalization of the major U.S. exchanges dwarfs that of their overseas competitors. The market cap of the New York Stock Exchange is \$15 trillion dollars. That is 15 times the value of the Shanghai Stock Exchange, four times the value of the London Stock Exchange, and three times the value of the Tokyo Stock Exchange.

Much of the growth in capital is coming from overseas investors—and according to some measures, in record amounts. The most recent Economic Report of the President found that foreign investment in U.S. financial stock such as U.S. Treasury securities, corporate stocks, and corporate and other private bonds totaled \$5.7 trillion in 2005—the highest level in nearly thirty years.

In addition, 34 foreign IPOs listed on U.S. exchanges last year—the highest percentage of foreign IPOs in the U.S. in 20 years.

It is worth pointing out that all of this growth has been achieved despite the 2001 recession, the 9/11 terrorist attacks, a string of corporate scandals, and the ongoing lengthy, bloody, and costly wars in Iraq and Afghanistan.

So, despite the bearishness of some, the United States remains the preeminent destination for global capital.

We're hearing a lot these days about London, and Hong Kong, and Shanghai. But the fact is, the U.S. capital markets remain the largest, most liquid, most innovative, most resilient, and most lucrative in the world.

And on my watch, as Chairman of the Senate Banking Committee, I intend to keep them that way. Which leads me to the second consideration that must guide us: our

capital markets are strong precisely because of—not despite—the legal architecture within which those markets have been conceived and grown.

That is probably not a particularly surprising observation from someone who has helped to build that architecture. But lawmakers are not the only ones who understand the value of our laws to our capital markets.

Three years ago, Alan Greenspan was asked to explain the phenomenal size and strength of the American economy. He had this to say: “[A]rguably the most important factor is the type of rule of law under which economic activity takes place.”

Glenn Hubbard, the former chairman of President Bush’s Council of Economic Advisors, echoed those thoughts in a 2004 report. He said: “Effective capital markets require . . . the enforcement of laws and property rights, transparency and accuracy in accounting and financial reporting, and laws and regulations that provide the proper incentives for good corporate governance.”

More recently, last month, a Goldman Sachs study analyzed the condition of America’s capital markets. It found that the strength and continued appeal of those markets could be explained in no small part by what the report called: “a history of solid regulation.”

That “history of solid regulation” means that investors know that they are reasonably certain to get a fair shake in our markets. Win or lose, they invest with a high degree of confidence that American balance sheets are accurate, that investment products like securities and derivatives are properly valued, and that the markets are well-policed against those who would commit negligent, deceptive, or fraudulent acts.

So the value of the laws and regulations within which our markets operate can hardly be overstated.

Now, let me quickly add that is not to say that all regulation is good—any more than it is accurate to say that any regulation is bad. Our laws and regulations are not to be entrenched—and attempts to revise them must not be resisted.

On the contrary, we write our laws on paper. We don’t etch them in stone. We should never be unwilling to revisit and reexamine past assumptions, and we will do just that under my Chairmanship.

That is why I also support the efforts of Chairman Cox and Chairman Olson with regard to improving regulations implementing the Sarbanes-Oxley Act. Sarbanes-Oxley was never intended to handcuff companies that seek to innovate. It was meant to improve accountability and transparency in our public companies and restore confidence in the integrity of the markets. The rulemaking currently underway will help ensure that the core intent of Sarbanes-Oxley is upheld and advanced.

That is also why I support the effort by the NASD and the NYSE to consolidate into a single SRO for all broker-dealers. This new self-regulatory organization holds the potential to not only improve the efficiency and consistency of securities industry oversight, but also to reduce costs to member firms.

I have always been open to new ideas and new approaches to achieve important policy goals in new, more efficient, and more effective ways. That kind of approach is more critical today than ever. The stakes are simply too high for us to be afraid to think innovatively and to act decisively.

I take a back seat to no one in my commitment to the preeminent power of America’s markets.

But we must resist the temptation to engage our international competitors in a regulatory race to the bottom. Our laws and

rules to protect individual investors are a crucial competitive advantage in the global marketplace. Our competitors know that. If we jettison some of those legal protections, we hand our competitors a victory greater than any they could achieve on their own. And we would almost certainly see the slow flow of capital out of our markets and into those of our competitors.

The third and final thought I wish to make today is that America’s continued ability to attract financial capital hinges on our ability to cultivate and attract intellectual capital.

There is no question that the growth of capital markets in Asia, Europe, and elsewhere merits our consideration—and in certain respects, our concern. Without a doubt, the number and size of IPOs in places like Moscow, London, and Hong Kong is on the rise. I want you to know that I am not unmindful of that.

But a closer examination of these foreign markets reveals an interesting fact: American firms are leaders there, just as they are leaders here. Consider America’s leadership in the European capital markets. According to the McKinsey report commissioned by Mayor Bloomberg and Senator Schumer, three of the top five firms in the European markets—be they engaged in IPOs, mergers and acquisitions, or debt issuance—are Americans.

Visit virtually any emerging market in the world today, and you are almost certain to find American firms shaping, guiding, and leading that market into the 21st century global economy. American firms are providing the lawyers, accountants, analysts, investors, and entrepreneurs who are structuring deals, growing jobs, and creating new wealth.

In that regard, the growth of markets overseas is something to embrace rather than fear. Because that growth is creating new opportunities for American firms to earn new business.

However, our ability to tap and shape those markets depends in large measure on our ability to educate, recruit, and train the best talent in the world. Last week, I listened to Bill Gates. He came to Washington to sound an alarm bell about how the shortage of educated and skilled workers threatens our Nation’s overall economic competitiveness. It was a sobering assessment.

Yet, a decline in the number of educated and skilled American workers is by no means inevitable. On the contrary, many of us in the Senate—Republicans as well as Democrats—share a strong commitment to improving the educational achievement of our students. That is particularly true of math and science, where we continue to lag behind many other industrialized nations.

In a global economy, we must realize that an American child no longer competes for a job against the child from the next town. Nor does he or she compete against a child from another state or region of the country. No. Now our kids are competing for jobs against kids from China and England and India. And the best jobs will go to the kids who can think creatively, can understand key mathematical and science concepts, and can solve problems—regardless of where they live.

So we must work to increase the pool of home-grown entrepreneurs and highly skilled workers. At the same time, we must remain open to those from other nations who have the talent and drive to succeed in America. Our immigration laws necessarily should place a priority on homeland security needs. But that can be done without erecting needless barriers to those who can help America create new wealth and new jobs.

In sum, then, when we discuss the competitiveness of America’s capital markets, I hope that we will keep these thoughts in mind:

First, that our markets are still the largest, most liquid, and most transparent on the planet.

Second, that the current and continued success of those markets depends on the presence of effective, efficient legal rules that protect investors.

And third, that the success of our markets also depends on our nation’s ability to educate, train, and recruit the kind of talented and driven people who can compete and win in the global economy.

Creating the change necessary to maintain the preeminence of our capital markets will not be easy. It will require leadership. But we dare not shrink from the challenge.

At the outset of these remarks, I said that while today’s meeting is about the future of our capital markets, in a broader sense, it is about the future of our country.

I had an experience not long ago that I want to share with you. My five year old daughter, Grace, was getting ready for school one morning, when she looked up at me and said, “I wonder what my day is going to be like.” It’s not every day that you get that question from a five year old.

A moment later, she looked up again and said these exact words: “I wonder what my life is going to be like.” She had just turned 5. How do you answer that? It’s a question that I would guess many of you have heard before. Because it’s a question that all parents often ask about their children or grandchildren.

None of us can know with certainty the answer to that question. But we do know that the lives all of our children lead will depend in no small measure on the work that you and I will accomplish in the next few years.

We gather today not as Republicans or Democrats, but as Americans who are committed to the future success of the greatest wealth generator of all time: American capitalism.

We all have a stake in creating hope and prosperity for those who will come after us. I will work with you to build on our legacy of the American dream and expand security and opportunity for all Americans.

Because these urgent times demand nothing less than all of us working together to create that change.

That is what I have been doing my entire life in public service—reaching out and turning rhetoric into results, ideals into initiatives, and principles into progress for our country. Many talk about change. This is not a time for talk. It’s a time for action. Our challenges are too serious and too urgent to merit anything less.

So let us join together once again to turn people’s dreams into realities. And let later generations say that, at the beginning of the 21st Century, after an uncertain start, America’s leaders charted a new course that once again matched America’s progress to her promise.

Mrs. MURRAY. Mr. President, with this bill, we are taking a major step forward to help America’s workers compete and win in the global economy.

I have been working on education, workforce and competitiveness issues for many years, and I will never forget a roundtable I held in Washington State a few years ago. Sitting around the table, we had business owners, higher education officials and public school educators.

The big question was this—who is responsible for making sure our students get the skills they need? Businesses didn’t want to hire somebody and then have to train them in the basics. Higher education leaders wanted to be able



to focus on college-level material, not remediation. And high school leaders were working as hard as they could just to deal with the demands on their plate.

So whose responsibility is it to make sure our students get the skills they need?

It is all of our responsibility, and that is what this bill finally recognizes. It ensures that our Federal agencies—from Commerce to Education to Energy to the National Science Foundation—take aggressive steps to keep American workers ahead of the curve.

I am very proud that our country is home to some of the most innovative workers, schools, and companies in the world. But I have been frustrated that for too long our government has not used all the tools available to strengthen the hand of American workers in the world marketplace. This bill finally gets us on the right track, and that's going to pay dividends for generations.

I worked to strengthen this bill through my amendment to improve math education in high school. Just yesterday, we had a hearing in the Senate HELP Committee, where education experts from across the country told us that math instructional support does not extend as far as it needs to in high school. That's why I offered an amendment to help address this shortcoming. The Murray Math Skills Program offers competitive grants to help high schools hire math coaches to provide targeted support for students and math teachers. It will ensure high school students have the rigorous math materials, instruction, and support they need to pursue college and careers in engineering, science, math and technology. I am excited that my amendment was included in this bill to make sure high school students get the math support they need.

I am pleased that this bill doubles funding for the National Science Foundation and the Energy Department's Office of Science over the next 10 years. It also encourages high-risk research and supports research at NASA.

As I work on issues like this, I bring the perspective of not just a Senator, but a former educator and someone who represents one of the most innovative regions of our country—the Pacific Northwest. I have seen firsthand the connection between what we do in our schools and what our businesses and economy are able to do. I am proud to represent a state that is home to some of the most innovative workers and companies in the world in diverse fields like computers, software, biotechnology, aerospace, and many more. So as I work on these issues, I know how important a skilled workforce is to our quality of life.

I also know that so much is at stake. Businesses spend about \$60 billion just to remediate new employees, and that doesn't include what colleges have to spend to help incoming students catch up.

The statistics are troubling. According to a report called "Tough Choices or Tough Times" from the National Center on Education and the Economy, the number of engineering degrees in the United States is down 20 percent from its peak year in 1985. This is just one indicator of the trouble ahead if we don't turn this ship around.

I have heard time and again from experts, including the "Rising Above the Gathering Storm" report, that our economic future depends on our ability to innovate, think creatively, and create technological breakthroughs.

Our students and workers need strong skills in math, science, engineering, technology, and problem solving to make these kinds of technological and scientific breakthroughs that help ensure our Nation's place in the world. This bill moves us in the right direction by putting in place several key pieces of the puzzle.

Let me turn to the substance of the bill. The America COMPETES Act helps increase our country's investment in research, including the type of higher risk research that can lead to major breakthroughs. It also helps students get the skills and experiences they need from elementary school through graduate school in science, technology, engineering, and mathematics. I applaud the bill for also making great steps towards attracting women and minorities into these studies and careers; groups that have been historically underrepresented in math and science. Finally, the bill helps bring an array of representatives to the table to develop a foundation for innovation and creativity, which is so important to our country's competitiveness.

When the HELP Committee first began to consider these issues in the 110th Congress, we heard from Bill Gates, chairman of Microsoft in my home State, at a hearing titled "Strengthening American Competitiveness for the 21st Century." We all heard his urgent call for our country to invest in education, healthcare, and basic science research. As Bill Gates put it:

The U.S. cannot maintain its economic leadership unless our work force consists of people who have the knowledge and skills needed to drive innovation.

This bill recognizes that truth and moves our country in the right direction. It is not the final word. We still have a lot of work to do in areas like workforce investment—but it is a critical step forward, and I urge my colleagues to join me in voting for the America COMPETES Act.

Mr. VOINOVICH. Mr. President, I rise today to join a number of my colleagues in support of the America COMPETES Act, of which I am an original cosponsor.

Prior to the completion of the National Academy of Sciences' "Rising Above the Gathering Storm" report more than a year ago, I joined my colleagues, Senators ALEXANDER and

BINGAMAN, in a meeting with Norm Augustine, the lead author of the report and the former CEO of Lockheed Martin. It became clear to me then that Congress had to make the report's recommendations a top priority in order to maintain our Nation's competitive edge. I am proud to come to the floor today to say that we are on our way toward meeting their challenge.

In the big picture of where the United States stands, it is clear that the economic framework of our Nation needs to be renewed. I happen to believe that our Nation's health care system places our businesses at a disadvantage globally, and that we must build regimes globally to enforce intellectual property rights, which will be the currency from which our economies will grow. Most importantly, the time is now right for a national commitment toward becoming more energy independent. I call it a Second Declaration of Independence—this time from foreign sources of energy.

However, reaching these goals will be impossible without a workforce full of educated and motivated young Americans. This means we must place more emphasis on careers based in the fields of science, engineering and mathematics.

Right now, we are not getting the job done. Globally, the United States ranks 17th in the proportion of the college-age population earning science and engineering degrees, falling from third place several decades ago. Countries including England, South Korea, Germany, Australia, Singapore, Japan and Canada all produce a higher percentage of science and engineering graduates than the United States.

The America COMPETES Act will help us reverse these trends. The COMPETES Act would strengthen mathematics, science and engineering education and expand opportunities for students; it also would improve our science infrastructure and increase our investment in critical research.

Since the release of the NAS report, I have traveled throughout Ohio to discuss the recommendations with scientists from our State's top research institutions, elementary and secondary school teachers who are preparing tomorrow's workforce, business leaders and others. At Youngstown State University, I visited with local math and science teachers in grades 5-10 who had partnered with the University and the Department of Education to improve their skills and gain the tools necessary to pique students' interests in the math and science fields. I also traveled to The Ohio State University in Columbus and spent time at the Future Engineers Summer Camp with Ohio eighth graders, and was briefed on the collaboration among the University of Akron, Akron City Schools and the National Inventors Hall of Fame for a middle school focused on math and science. These are the types of programs that will strengthen our nation's competitiveness and these are

exactly the types of programs that the COMPETES Act aims to expand.

Again, I am encouraged that so many of my colleagues in Congress have recognized the need to focus on these goals by sponsoring the bipartisan COMPETES Act. While this bill isn't perfect, it is certainly a step in the right direction and a great example of what my colleagues and I can do by working together. Too often around here we get caught up in driving our own train and are too busy to realize that we don't have any passengers. I am happy to be a passenger on this particular "train" and am confident our action in the Senate this week on the COMPETES Act is a step in the right direction for our country and our position in today's global economy.

Mr. LEVIN. Mr. President, yesterday I voted to table Senator COBURN's sense-of-the-Senate amendment that would have called for a requirement that all newly authorized programs be offset by deauthorizing something else. I support eliminating programs which are wasteful or unneeded whether or not we are authorizing a new program.

The Coburn amendment was offered to an authorization bill which spends no money. It targets the authorizing process, not the appropriations process by which Congress allocates funds and determines priorities among authorized programs. The Coburn amendment also fails to address tax cuts which dig us into a deeper and deeper deficit ditch.

I support fiscal responsibility and have supported a number of strong budget tools this year like the provision which reestablishes a strong pay-go rule, which would require any new spending or tax cuts be paid for elsewhere in the budget or receive a supermajority of at least 60 votes in the Senate. The amendment offered by Senator COBURN takes the wrong approach.

I yield the floor.

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

AMENDMENT NO. 942

Mr. KOHL. Mr. President, I ask unanimous consent the pending amendment be set aside so I can call up my amendment, which is No. 942, for consideration.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself, Ms. SNOWE, Mr. REED, Ms. STABENOW, Mr. BROWN, Mr. LEVIN, Mr. DURBIN, Mrs. CLINTON, Mr. KERRY, and Mr. LEAHY, proposes an amendment numbered 942.

Mr. KOHL. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

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

Mr. KOHL. I ask unanimous consent to add Senators BAYH, MENENDEZ, and

VOINOVICH as cosponsors to amendment No. 942.

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

The amendment is as follows:

(Purpose: To increase the amounts authorized to be appropriated for the Manufacturing Extension Partnership Program)

On page 34, line 17, strike "\$120,000,000" and insert "\$122,005,000".

On page 34, line 20, strike "\$125,000,000" and insert "\$131,766,000".

On page 34, line 23, strike "\$130,000,000" and insert "\$142,300,000".

Mr. KOHL. Mr. President, I rise today to offer this amendment to the America COMPETES Act which would authorize appropriations for the Manufacturing Extension Partnership, known as MEP, through 2011. I am a long-time supporter of the MEP program and believe a healthy manufacturing sector is key to better jobs, rising productivity, and higher standards of living in the United States.

Manufacturers today are seeking ways to level the playing field so they can compete globally. One way to level the playing field and increase competitiveness of manufacturers is through the MEP program. MEP streamlines operations, integrates new technologies, shortens production times, and lowers costs, which leads to improved efficiency, by offering resources to manufacturers, including organized workshops and consulting projects.

In Wisconsin, three of our largest corporations—John Deere, Harley-Davidson, and Oshkosh Truck—are working with MEP centers to develop domestic supply chains. I am proud to say these companies found it more profitable to work with small- and medium-sized Wisconsin firms than to look overseas for cheap labor.

The amendment I am offering would increase the amount of funding available to the MEP program by \$19 million over 4 years, allowing MEP centers to reach more manufacturers and to increase the services they provide. I believe we would be hard-pressed to find another program that has produced the results that MEP has on their limited budget. In fiscal year 2005, MEP clients reported over 53,000 new or retrained workers, sales of \$6.3 billion, and \$1.3 billion in cost savings. This is the type of program in which we should be investing more, not less.

Unfortunately, the administration doesn't support this award-winning program. I believe MEP is one of the most valuable assets the Government gives manufacturers. The program has a proven record of saving manufacturing jobs now, and it will strengthen the U.S. manufacturing base for the future. I have written to Secretary Gutierrez, and I have spoken to him about the need to save MEP. The MEP program has received wide bipartisan support in the Senate. This year, 48 Senators signed a letter asking for increased funding for MEP, and the amendment I am offering has 12 cosponsors from both sides of the aisle.

Ten years ago, American manufacturers were not facing the competitive threats they now face from low-cost producing countries such as China and India. The increase in competition from these countries has required our manufacturers to find better, cheaper, and other ways to produce their products, which is where MEP directly comes in. MEP can help these companies reduce their costs and enter new markets, thus allowing them to be competitive in the global marketplace. With the increased threats American manufacturers now face, there is more need than ever to increase the funding for the MEP program. So I urge my colleagues to support this program.

At this time I will avoid asking for the yeas and nays.

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

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

Mr. KOHL. Mr. President, I ask unanimous consent that notwithstanding adoption of Obama amendment No. 923, as modified, the previously agreed to DeMint amendment No. 929 still be in order.

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

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

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

Mr. BROWN. Mr. President, I rise in support of the Kohl amendment. I, first of all, appreciate the terrific work he has done in the Manufacturing Extension Partnership.

I come from a State with many of the same problems the Senator from Wisconsin faces, including a decline in our industrial base. In too many cases, many of the 3 million manufacturing jobs our country has lost are in my State, and it especially hurts those small manufacturing companies, those small tool and dye makers, those small machine shops in Steubenville and Akron and Toledo. The work he has done on the Manufacturing Extension Partnership has already helped turn around some of those businesses in my State, in Ohio, in the Miami Valley, and the Mahoney Valley and everything in between.

The MEP allows small companies—the big companies don't need the help so much—similar to the Agriculture

Extension Service, which is so important throughout the world and America—the Manufacturing Extension Partnership has really mattered in helping these small companies, whether it is cutting energy costs, whether it is learning how to export, working with the U.S. Export Assistance Center, whether it is dealing with some kind of trade policy, perhaps, or tax policy, helping those small companies learn how to compete in this increasingly difficult and competitive global environment. The MEP has had strong support from both parties, so I strongly urge my colleagues in both parties to support this amendment.

There is simply no reason the administration every year comes and tries to cut this, and every year we fight back and restore the funding. I will be discussing later, either in this bill or sometime later, legislation I have introduced to allow a revolving fund through the Manufacturing Extension Program done locally. In Ohio I believe there are 11 or 12 regions of the State under MEP that can help, that really can help, help form MEP programs in working with these small businesses, these small manufacturers. In Cleveland there is a program called Magna, and in Kyoga County specifically they have had this revolving loan program—sort of a pilot program—that has helped with innovation and with the manufacturing, marketing, and with the development of new products. I think the Kohl amendment will go a long way in helping MEP help small businesses and help us compete globally. So I ask my colleagues for support of the Kohl amendment.

I yield the floor and 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. 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.

#### AMENDMENT NO. 955, AS MODIFIED

Mr. BINGAMAN. Mr. President, I am informed by the chairman and ranking member of the Finance Committee, whose jurisdiction this would be under, that the amendment Senator INHOFE has offered, amendment No. 955, as modified, which is now at the desk, is acceptable to both sides at this point.

Mr. President, I ask unanimous consent that it be brought up, agreed to, and that the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The amendment (No. 955) was agreed to.

Mr. BINGAMAN. 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. REID. 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.

(The remarks of Mr. REID are printed in today's RECORD under "Morning Business.")

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

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

Mr. COBURN. Mr. President, in consultation with the managers of the bill, they have granted me some time to bring up three additional amendments that I believe are important as we look at the bill.

#### AMENDMENT NO. 918

Mr. COBURN. First, I ask unanimous consent that the pending amendment be set aside and that my amendment No. 918 be called up.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 918.

The amendment is as follows:

(Purpose: To provide a sunset date)

At the end, add the following:

#### DIVISION E—GENERAL PROVISIONS

##### SEC. 5001. SUNSET.

The provisions of this Act, and the amendments made by this Act, shall cease to have force or effect on and after October 1, 2011.

The ACTING PRESIDENT pro tempore. Under the order, the Senator is recognized for up to 20 minutes.

Mr. COBURN. Mr. President, this is a sunset amendment. It is very plain, very straightforward. It says, can we be assured that we have, with absolute certainty, all the wisdom, facts, and knowledge we will need 4 years from now as to the viability of the programs expressed in this bill?

It is one thing the American people would like to see us do—relook at, on a regular basis, what we authorize to make sure what we are doing still has application. As a matter of fact, the biggest problem I have noticed in our Government is that we don't do oversight, we don't review and reassess, except in very rare instances.

This amendment is very simple. It just says that in 4 years, we are going to look at it again. We are going to sunset the bill, and probably a year before that Senator ALEXANDER and his companions will come back, relook at it, tweak this, make the changes they need to make, and then have the America COMPETES Act again 4 years from now. The key component of what it does is it forces us to look at it because it is going to expire, it is going to run out of gas.

What happens now is that we pass things and don't ever look at them again. I believe the Senator from Tennessee, as well as the Senator from New Mexico, would agree that we fail to do proper oversight in this body. That is one of the very lacking components of the job. It is hard work, oftentimes not fun, but it is very important to the future of this country.

Some people will say that we should not sunset this, that the implication is that we know now what we are going to need to know 4 years from now. But, in fact, we sunset a lot of things, from the PATRIOT Act, to the tax bills, to the Ryan White health care bill, to Defense bills, to veterans bills. I put forward that we need more sunsets because of the discipline it will force on us as representatives of the American people to do what is in their best interest, with the knowledge we have on hand at that time.

I don't know whether this amendment will pass, but it is a great judgment for the American people to look at us and say are we serious about doing the business or are we so arrogant or elitist that we think we know now absolutely what we need to know 4 years from now.

I had a good debate with Senator DURBIN on the previous bill the body considered. One of his suggestions was that I should have offered a sunset to that legislation. I think that is a great suggestion. I think it is equally apropos that we do it on this legislation. It gives us the benefit of our experience over the next 3 years, it allows us to have the hearings in the committee and the committee work we need to do—as a parenthesis, this bill didn't go through any committees, didn't have the pleasure of the Commerce or HELP Committee—and allows us to look at and see what we have been doing and whether it is effective, whether or not the American people actually get good value for the money over what we intend them to do. That is our real obligation. It is not to create an America COMPETES Act, it is not to pass a piece of legislation, but, in fact, it is to make sure that whatever we do, the American taxpayer dollar gets a great accomplishment for that.

I reserve the remainder of my time and will listen to the opposing points of view on this amendment.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I will speak briefly on the amendment. I know the Senator has two other amendments he wants to also discuss, and there may be others who want to come back and say something about this amendment.

I urge my colleagues not to support this amendment. Under the rules of procedure that we follow in the Senate, an appropriation can be objected to if the underlying activity that the money is being appropriated for has not been authorized. So we try to pass authorizing bills. That is what this legislation is. This is authorizing legislation.

If everything were perfect around this place, then we would always get our authorizing bills reauthorized in time so that there would never be a lapse. Unfortunately, that is not the case. There are a lot of authorizing bills that we have allowed to lapse. That does not mean that we quit funding those activities. We, in fact, continue funding those activities through the appropriations process until Congress organizes itself and passes a new reauthorization. But the old reauthorization remains in place until there is something new to replace it or until there is some conscious decision.

These are not new activities, by and large, we are talking about in this legislation. A lot of this is activities that we have done for a long time, and we are trying to, once again, authorize them. We are trying to increase the amounts available for these different activities, whether it is science education, scientific research—whatever the issue is.

If the amendment of the Senator is adopted, my understanding is that effective on October 1, 2011, there is no authorization at that point from then on for any of this bill. Therefore, any Congress that tries to appropriate the funds, a point of order could be raised that this is trying to appropriate money for an activity for which there has not been an authorization. I think that would be unwise. That is my basic view.

I certainly favor the Congress performing its appropriate job of coming back by the time these authorizations are completed, the various dollar figures we have in this bill, and looking at this again and doing a rewrite of the authorization. That is what we are trying to do with No Child Left Behind right now. I can tell you that before No Child Left Behind was ever enacted, there was a year or 2 years where the Elementary and Secondary Education Act essentially had expired by its language. There was no sunset such as the Senator is recommending here, but the 5-year authorization had expired. Yet we could go ahead because the underlying language still had force and effect.

I also have great questions as to the legal effect of this amendment. Here we say the provisions of the act and the amendments made by the act shall cease to have force and effect on or after October 1, 2011.

Some of the provisions of the act are repeals of other acts or repeals of other provisions. Are we saying that in one bill we would be saying we are repealing this provision, but we are also saying as of October 1, 2011, the repeal no longer has any force and effect and the provision comes back into effect?

I think there are all sorts of confusion that would be sown by trying to adopt this amendment. I oppose it myself. As I say, I think there are others who wish to speak on it before we get to a vote. I know the Senator has two other amendments he wishes to address.

I yield the floor, and yield to my colleague from New Mexico, Senator DOMENICI.

Mr. DOMENICI. Mr. President, I don't want much time. How much time does the Senator have?

The ACTING PRESIDENT pro tempore. The Senator has 15½ minutes for all three amendments.

Mr. DOMENICI. Mr. President, I hope I don't use over 3 minutes. Maybe the Chair can notify me at 3 minutes.

I rise to indicate that I don't think we should adopt this amendment. Frankly, some of the provisions in this act are only authorized through 2011. Now we come along and authorize them for that long, meaning we are going to probably work at redoing them, but we have hanging over our heads a sunset that came into existence just a couple of years after we put the bill into play.

Here is the problem: If you want to go to a sunset approach to minimizing our Government, then why in the world would you start with one of the best pieces of legislation we have adopted? This is good law. This is going to be doing great things. If you want to have a sunset provision, pick a bunch of these things you know aren't any good and sunset them, not sunset a bill that has some force and effect that carries on much broader and has the chance of doing some real good.

This one in the end will be extremely mischievous at the most, and some people will claim that it did great things. The truth is, this bill needs more than the time allowed by this amendment because it is new ground, new approaches to putting more brain power into the brains of America's students as they go through school. You can't do that in a short period of time.

This is the wrong bill, the wrong time to sunset, and it won't do any good. Therefore, it should not be adopted. I thank the Senator for yielding me 3 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, the claim of Senator BINGAMAN that a point of order will lie against this is wrong. Paragraph 7, rule XVI only requires the Appropriations Committee to list the unauthorized programs. He made my point: 20 percent of our appropriations are unauthorized from expired or sunsetted programs. It won't stop anything if it is a good program.

I contend with Senator DOMENICI that he thinks this is a great bill, but the only way we are going to know is the results of the bill. So based on what we think, not on what we know, is the reason this bill should be sunsetted so that it forces us to go back and look at what we might think we know today but didn't know and change it.

It is about putting discipline into our body. It is about forcing us to do the work the people told us they wanted done when we came here. It requires us to not be fortune tellers, to not be seance dwellers, but to, in fact, look at

the facts after 3 years, see what it has accomplished, and forces us to make the changes.

The Senator knows quite well that on most of the programs we haven't done that. That is one of the reasons we had a \$350 billion deficit. That is one of the reasons we had \$200 billion that we spent on wasteful, duplicated, or fraudulent programs last year out of the \$1 trillion we spent in the discretionary budget.

What I am trying to do is force us to do the hard work of relooking. I agree, does that make it hard? Yes. Nobody said it was going to be easy. But I would want any Senator in this body who says they know the outcome of this bill to put something behind that and say we don't need to relook at it. That is the question. This is a disciplinary force that says we have to come back and look at it.

Let me remind my colleagues again. There are great ideas in this legislation. I don't doubt that for a minute. This didn't go through the committee process. This wasn't made available for amendments. On an \$80 billion authorization—which is what it is going to be if we guess at the sums that are authorized for this bill—to not have it go through either committees of jurisdiction and come to the floor, and we are going to spend this kind of money and we are going to think rather than know it is going to work, and to say we should not look at it I find really ironic, and I feel pretty sure most of the American people would think we can't know for sure.

It is a commonsense amendment and will cause us to do what is necessary.

AMENDMENT NO. 922

Mr. President, I ask unanimous consent to set the pending amendment aside.

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

Mr. COBURN. I call up amendment No. 922.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 922.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To promote transparency at the National Oceanic and Atmospheric Administration)

At the end of title V of division A, add the following:

**SEC. 1503. NOAA ACCOUNTABILITY AND TRANSPARENCY.**

(a) REVIEW OF ACTIVITIES CARRIED OUT WITH NOAA FUNDS.—

(1) REQUIREMENT FOR REVIEW.—The Inspector General of the Department of Commerce shall conduct routine, independent reviews of the activities carried out with grants or

other financial assistance made available by the Administrator of the National Oceanic and Atmospheric Administration. Such reviews shall include cost-benefit analysis of such activities and reviews to determine if the goals of such activities are being accomplished.

(2) AVAILABILITY TO THE PUBLIC.—The Administrator shall make each review conducted pursuant to paragraph (1) available to the public through the website of the Administration not later than 60 days after the date such review is completed.

(b) PROHIBITION ON USE OF NOAA FUNDS FOR MEETINGS.—No funds made available by the Administrator through a grant or contract may be used by the person who received such grant or contract, including any subcontractor to such person, for a banquet or conference, other than a conference related to training or a routine meeting with officers or employees of the Administration to discuss an ongoing project or training.

(c) PROHIBITION ON CONFLICTS OF INTEREST.—Each person who receives funds from the Administrator through a grant or contract shall submit to the Administrator a certification stating that none of such funds will be made available through a subcontract or in any other manner to another person who has a financial interest or other conflict of interest with the person who received such funds from the Administrator.

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

Mr. COBURN. Mr. President, we passed the Fisheries Act, the Magnuson-Stevens Act, which was reauthorized this year in which Senator STEVENS undertook, correctly, the responsibility of eliminating conflicts of interest and created oversight on the fisheries boards.

We have recently had notification and seen some pretty significant abuse within NOAA of some of their grant processes. All this amendment says is, we are going to add some accountability and transparency to the National Oceanic and Atmospheric Administration grants program.

I refer my colleagues to a Baltimore Sun article which has been prominent in that newspaper over the last couple of weeks where over \$10 million in a grant has failed to demonstrate results. It is riddled with conflicts of interest, and it has had little to no oversight from NOAA.

Before we expand NOAA, one of the things we ought to do is make sure there are no conflicts of interest, financial or otherwise, in the grant process.

I ask unanimous consent to have printed in the RECORD both articles outlining this situation, as well as a Stanford study on other areas of NOAA where there is a lack of informed consent and a lack of conflict of interest rules for NOAA.

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

[From the Environment News Service, Nov. 13, 2003]

FISH PERISH AS CONFLICT OF INTEREST  
SNARES MANAGEMENT COUNCILS

WASHINGTON, DC.—The regional fishery management councils that govern the multi-billion dollar U.S. commercial and recreational fishing industry are dominated by

the industry, exempted from federal conflict of interest laws, and subject to little federal oversight, says a new report released Wednesday by three Stanford University researchers. Sixty percent of appointed council members have a direct financial interest in the fisheries that they manage and regulate, say the authors of the report, "Taking Stock of the Regional Fishery Management Councils."

Stanford's Josh Eagle, Barton Thompson Jr., and Sarah Newkirk conducted a review of the mandates, constitution, rules, and procedures of the United States' Regional Fishery Management Councils, and surveyed members of four of the eight councils. Their study, sponsored by The Pew Charitable Trusts, concludes that the councils have presided over the economic and biological decline of many fisheries, and that the councils are not likely to implement the kind of management necessary to prevent future declines. "The oceans are among the nation's greatest natural resources, yet few Americans know who manages the nation's fisheries or how decisions affecting the sustainability of fisheries are made," said co-author Josh Eagle, director of the Stanford Fisheries Policy Project and lecturer in law at Stanford Law School.

The eight fishery councils were established in 1976 by the passage of the Fishery Conservation and Management Act, now known as the Magnuson-Stevens Act, to take primary responsibility for the management of dozens of fisheries along U.S. coasts in Atlantic, Caribbean, Gulf of Mexico and Pacific waters.

The recent collapses of once abundant species, such as cod in New England and rockfish off the Pacific coast, have caused hardship for fishing communities across the country. In addition salmon, tuna, red snapper, lobster, and blue crab, among many other species, are overfished, and many scientists, including the report's authors, say an essential step in helping these species recover is to put an end to overfishing. Eagle said, "With more than a third of the nation's studied fish stocks overfished and the status of many more uncertain, it is clear that we must apply standards of good government to the management of America's fisheries and place the public's interest first."

The councils opened a three day conference today in Washington, DC to educate the public, policy makers, and media on the marine fishery management process. They are presenting successful management examples by region, and current management and research initiatives. The councils say they wish to "help bridge the gap between perception and reality regarding fisheries management" and to provide a forum for information exchange and to solicit a wide range of perspectives on future management and marine research directions. But Eagle, Thompson, and Newkirk say in their report that the councils are unlikely to solve the current problems facing the Nation's fisheries for at least three reasons.

First, council members face a conflict of interest because they must limit the number of fish that can be caught to ensure their conservation while also allocating the allowable catch among members of the industry, who may apply pressure to increase the size of their quotas. Second, because 80 to 90 percent of appointed council members are from the fishing industry, diverse viewpoints are not fairly represented in council discussions and decisionmaking, the report states. Each council has only one environmental representative, one state official and one federal official in addition to the fishing industry members. Congress requires federal advisory commissions to be "fairly balanced in terms of points of view represented and the

functions to be performed by the advisory commission," but the fisheries management councils are not subject to the Federal Advisory Committee Act.

Finally, the split in responsibilities between the councils and the National Marine Fisheries Service removes effective accountability for the status of the Nation's fisheries, the report's authors conclude. An example from the Western Pacific Fishery Management Council based in Honolulu, reported by the "Cascadia Times," shows how the process works in practice. In June the Secretary of Commerce appointed longline fisherman Sean Martin to a seat on the Western Pacific Fishery Management Council. Martin is also co-owner, with Jim Cook, of Pacific Ocean Producers, a fishing equipment supply company.

Longlining kills endangered sea turtles when they become entangled in the 60 mile long fishing lines baited for swordfish and other commercial fish species.

On September 23, the Western Pacific Fishery Management Council decided whether or not to reopen swordfishing in Hawaiian waters through which endangered leatherback turtles migrate. Biologists told the council the rule would harm 144 sea turtles per year, but on a motion by Martin, the council voted 8-5 to reopen the fishery. The September 23 vote may also lead to violations of the Endangered Species Act. "It would authorize a far higher number of sea turtle takes than the scientific record supports," says William Hogarth, assistant administrator of the National Marine Fisheries Service, now known as NOAA Fisheries.

Some fisheries management councils do take action to protect fish species. On November 21, following action taken by the federal Pacific Fishery Management Council and conforming action taken by the state of California, recreational and most commercial fisheries for nearshore rockfishes, shelf rockfishes, California scorpionfish (sculpin), and lingcod will close in all Pacific waters. "In past years, anglers had more opportunities to fish for rockfish in deeper waters. This year, fishing for rockfish was limited to waters shallower than 120 feet which put greater pressure on nearshore species," explained Fred Wendell, California Department of Fish and Game nearshore fishery manager. And some fish populations are doing well. The Mid-Atlantic Fishery Management Council released survey data in June showing summer flounder numbers had reached the highest levels ever recorded since the survey began in 1968.

"The robust recovery of the summer flounder stock is a direct reflection of the positive impacts that the management measures have had on the resource," said Dr. Christopher Moore, council deputy director. "The Council and Commission should be extremely proud of the management decisions they have made over the years to rebuild summer flounder." Still, many members of the four fisheries management councils polled by the authors of "Taking Stock" agreed that there are problems with the current system and that these problems should be addressed.

Eagle, Thompson, and Newkirk report that more than half of the council members polled said environmental interests are underrepresented on the councils. Roughly a third of the respondents said they had felt it unfair in one or more past instances for a fellow council member to participate in a decision in which he or she had a financial interest. A similar percentage expressed concern about decisions in which the relatives or friends of voting council members had a financial interest in the outcome.

Eagle, Thompson, and Newkirk call for changes in federal policy on fisheries management councils that would institute the

same standards of "good government" that apply to other federal and state agencies charged with managing U.S. natural resources. First, they say Congress should separate the institutional decisionmaking responsibilities for conservation and quota allocation. To broaden council representation, Congress could require governors to submit a more diverse list of candidates, or require that nominations be made by an independent body such as the National Academy of Sciences, they recommend. And finally, only federal management exempts federal decisionmakers, the council members, from conflicts of interest. Remedies suggested by the authors include lowering the recusal threshold and prohibiting those holding financial interests in regulated fisheries from council appointment.

[From the Baltimore Sun, Apr. 1, 2007]

OYSTERMEN REAP FEDERAL BOUNTY—BID TO REVIVE BIVALVE BENEFITS WATERMEN MORE

(By Rona Kobell and Greg Garland)

At the Hyatt Regency resort in Cambridge, several dozen scientists, watermen and government regulators gathered to sip martinis and mingle over hors d'oeuvres. Later, there were cheers and tributes as they dined on crab and filet mignon. The mood was celebratory at January's annual meeting of the Oyster Recovery Partnership. Yet the government-financed nonprofit has made little progress toward its stated mission of restoring oysters to the Chesapeake Bay. Maryland officials set up the group more than a decade ago in what was envisioned as a groundbreaking attempt to revive a species all but destroyed by overharvesting and disease. Since 2002 alone, the partnership has received \$10 million in federal funds to lead Maryland's efforts to make oysters an abundant, self-sustaining species again.

The way to do that, leading scientists say, is to leave the shellfish in the water so they can reproduce and propagate the species. But the partnership puts most of its oysters in places where watermen can take them out—and sell them for roughly \$30 a bushel. "If you're serious about the ecological value of oysters, then they must remain in the bay and live," said veteran oyster biologist George Krantz, former fisheries director at the Maryland Department of Natural Resources. The partnership's spending has done more to create income for watermen than bring back the Maryland oyster, an investigation by The Sun has found. The group not only provides watermen a crop to harvest, but it also pays them to do work that many scientists say has little merit. The Sun found:

While the partnership has planted tens of millions of hatchery-raised oysters, less than a third have been put in protected sanctuaries. Most are planted in places where they can be harvested.

The group is paying the Maryland Watermen's Association nearly \$400,000 this year to remove diseased oysters from one part of the bay and dump them in another. Proponents say this practice helps other oysters survive, but it has no proven scientific value. Critics say a primary benefit is to provide work for watermen.

The head of the Watermen's Association sits on the partnership's board and is among those who benefit financially from the federal grants. Association president Larry Simms Sr. doled out tens of thousands of dollars of the grant money to watermen last year to help plant or move oysters. Also, he collected \$40,100 for supervising their work.

The group used \$46,000 in federal funds to hold its annual meeting at the Hyatt Regency, a golf resort and spa. The money went not just for the fancy dinner but also for

hotel rooms for 50 of the guests. Private funds were used only for the alcohol.

While solid figures are not available, the Department of Natural Resources estimates that there are fewer oysters in the Chesapeake today than when the Oyster Recovery Partnership began its work in 1994. Its efforts have failed to overcome the devastating impact of two oyster parasites, MSX and Dermo, that have all but wiped out the oyster population. Partnership officials nonetheless consider their work a huge success. "We're certainly doing infinitely better than what has been done in the past," said Torrey C. Brown, a former state natural resources secretary who now serves as the partnership's unpaid chairman. He is proud of the group's extensive oyster-planting program. Partnership officials say it makes sense to let watermen harvest many of those oysters because the shellfish would die eventually of disease. They point out that in the several years before the oysters are harvested, they help the bay by filtering away pollution. "The idea that it is a watermen's welfare program is nonsense," Brown said. "I don't think that they're getting any untoward benefit."

Though the partnership gets millions in federal funds, it operates with virtually no governmental oversight. The group gets the money as the result of a budget "earmark" arranged by Sen. Barbara Mikulski, a Maryland Democrat, and the grant is distributed by the National Oceanic and Atmospheric Administration. A top NOAA official acknowledged that his agency hasn't intervened as the partnership used the grant to run programs that he said are effectively subsidies for watermen. Because the money was approved specifically for the partnership through an earmark, agency officials believed they had no authority to interfere, said Lowell Bahner, a NOAA administrator who until recently oversaw the agency's Chesapeake Bay office.

"Senator Mikulski said, 'I want oysters in the water for harvest by watermen,'" Bahner said. "Is that a subsidy? That's what it looks like. And I think she would be proud of that." Mikulski declined to be interviewed for this article. But in a written response to questions from The Sun, she said she expected NOAA "to have strong oversight" of how the grant was being spent. In addition, she said the money "was never intended to be a subsidy for industry or watermen." "Unlike farm subsidies, this does not guarantee revenue for watermen or industry," Mikulski said. "This was intended . . . to help jumpstart restoration for the economic and environmental health of the Bay."

Many scientists question why the partnership is spending millions of federal dollars to plant oysters, only to let watermen take them before they can reach full reproductive potential. "You can't justify doing it," said Krantz. "The agenda has virtually excluded any scientific personnel who voiced opposition to this concept. . . . The decision to take them out is based on a harvester's wishes, not a conservationist's wishes."

ROCK BOTTOM

The Oyster Recovery Partnership traces its roots to the winter of 1993, when Maryland's oyster industry hit rock bottom. Watermen harvested fewer than 80,000 bushels of oysters that season, taking home about \$1 million. Just a decade earlier, they were bringing in more than a million bushels, which fetched \$16 million at the dock. In the years before that, the harvests were even better, providing a stable income for thousands of people who earned their living on the water.

The fast decline of the oyster was alarming not just because it was putting watermen

out of a job. Oystering was part of Maryland's identity, the old-fashioned simplicity of the work immortalized in sepia-toned photographs of watermen plying their wooden tows from sail-powered skipjacks. The collapse of the species was of tremendous concern to scientists. Oysters are the backbone of many aquatic communities, providing reefs that are crucial habitat for crabs and small fish. They are also critical to the health of the Chesapeake because, as they suck in water to filter out food, they literally filter away pollution.

Among those most concerned was Brown, then Maryland's secretary of natural resources. He gathered everyone he could think of with a stake in keeping oysters healthy, assembling in one room a motley coalition of 40—watermen, regulators, legislators, university professors. He hired a facilitator to calm tensions at what became known as the Oyster Roundtable. No one was allowed to leave the table until everyone agreed on what to do next.

But as further meetings were held, Brown said, it was clear the warring parties didn't trust each other. So he suggested creating a nonprofit agency that would get the various groups involved in an effort to bring back oysters. It would not be a research organization—plenty of those already existed. Rather, it would work with scientists and watermen to plant oysters in the water and monitor their progress. Ideally, the group would receive a small amount of government money, but it would also raise private funds.

The Oyster Recovery Partnership was formally created in 1994, under a board that today numbers 18 people, including seafood executives, other businessmen and environmentalists. Its purpose, according to a written agreement with the state, was to develop projects to promote "the ecological restoration of oysters in the Chesapeake Bay." The agreement says nothing about helping watermen. But the group's first office was in a back room of the Maryland Watermen's Association headquarters in Annapolis. The partnership has since moved into space across the hall. The organization got off to a rocky start. It never raised the private money its founders had hoped for, and its small staff often seemed overwhelmed. By 2000, the group had gone through two executive directors and was in poor financial shape. It advertised for a new executive director and interviewed dozens of candidates. Charles Frentz was one of the last. "I told them, 'I am either going to put you out of business or straighten you out,'" Frentz recalls.

A LACK OF FOCUS

Frentz conceded that he knew little about the biology of the bay—he had spent much of his career running several horse racing businesses in Florida, including one that put on the prestigious Breeders' Cup. He said he hadn't been looking for a job; he was retired and had moved to Maryland largely to marry his high-school sweetheart, an executive at the Social Security Administration. But he brought with him a passion for the bay that came from growing up near Sparrows Point and spending summers at a family home in Tolchester Beach, trawling for soft-shell crabs. More importantly, he said, he could apply sound management practices to a foundering organization. "It was almost a feel-good situation where you had good intentions, but there was a lack of business focus," Frentz said. "There was no question that I challenged how they did business, why they did business and how they would do business in the future."

When Frentz came on board, the partnership was getting about \$450,000 from NOAA and had little other income. It was using volunteers to plant small clusters of oysters on

tiny plots throughout the bay. If the partnership had any prayer of significantly increasing the number of oysters in the Chesapeake, Frenz reasoned, it would need to plant many more baby oysters. To do that, it would need more money.

Frenz persuaded Donald Meritt, the manager of the University of Maryland's Horn Point hatchery, to produce more oysters, promising to get money to upgrade the facility. Frenz also cultivated Mikulski, who had been earmarking money for the partnership. In his first year in the job, Frenz nearly doubled the ORP's federal funding, to \$850,000. By 2002, the group was getting \$1 million; by 2004, \$2 million. Last year, the funding doubled again to about \$4 million.

As the money increased, so did Frenz's pay. He was hired for \$58,000 in 2000, according to the partnership. By the time he retired three months ago, he was earning \$151,000, most of it from federal funds. He still gets \$10,000 a month as a consultant. Frenz frequently praised Mikulski, even presenting a video tribute to the woman he called "Our Bay Lady." She returned the compliments. In a 2004 letter to Frenz, she called him "just about the best thing that has happened to the Chesapeake Bay since the skipjack."

#### HELPING WATERMEN

The idea of using government money to help watermen isn't new. The Maryland Department of Natural Resources has for years run oyster programs that are essentially subsidies. The state agency moves baby oysters from the lower Chesapeake, where they are abundant naturally, and spreads them around the bay. A committee of oystermen tells the department where they want this "seed," as the babies are called, and the department delivers. The idea is to help watermen from upper bay counties earn a living, state officials say. The agency has been doing this for decades. But when parasites began to attack the bay's oysters in the 1970s and 1980s, this practice turned out to have a down side. The parasites that attack oysters thrive in the same salty waters where oysters reproduce. So when the state moved oyster seed to lower-salt waters, the parasites hitched a ride—spreading disease.

Initially, state officials thought that wouldn't happen because they believed the parasites wouldn't survive in the fresh water of the upper bay. Once it was clear the parasites would survive, the department continued to move the seed around anyway, arguing that since the bay's oyster population was so far gone, stopping the program wouldn't lessen disease and would only hurt watermen. "History is what it is," said Chris Judy, the department's longtime shellfish director, explaining why the practice has continued. "The time to [say] 'Let's not move diseased seed' was at the beginning."

#### MANAGED RESERVES

Charlie Frenz didn't want to spend millions of dollars to plant disease-resistant oysters only to have the state turn around and deposit diseased seed nearby. So he asked the watermen to turn down the state's seed. He said the partnership would instead provide hatchery-raised oysters that would eventually be available for harvest. The oysters would be planted on special bars that he called "managed reserves."

Normally, watermen can take oysters from the bay when they are 3 inches long. In the managed reserves, they had to wait until the oysters were 4 inches. The larger size meant the oysters would have an extra year or so to live in the bay. But after the first year, when one waterman was so mad about the restrictions that he threw an oyster hammer at Larry Simms, the partnership changed the

rules. Today, when half a bar's oysters reach 4 inches, watermen also can remove the 3-inch oysters.

Meritt, the hatchery manager, calls the managed reserve "a really nice compromise" because it gives many oysters an extra year in the bay to provide ecological benefits. But other scientists say the program is nothing more than an expensive put-and-take fishery falsely billed as restoration. An oyster's ability to reproduce increases exponentially with each year it survives. So harvesting the animal after just four years—about the time it takes to reach 4 inches—cuts off its life span at a critical time, according to Krantz, the former fisheries chief.

He estimates that if an oyster reaches 5 or 6 inches, it will have a 3,000 percent increase in reproductive capability. Krantz and other scientists say it's crucial to leave the oysters in the water; even if many will die of disease, the ones that live will help propagate a species that can withstand disease. Of the 950 million hatchery-raised oysters that the partnership has planted since 2000, more than half have gone into managed reserves. About 100 million were planted for harvesting without any special restrictions. Only about 265 million were put in oyster sanctuaries where harvesting is prohibited. The sanctuary oysters have done better than many expected. About 20 percent of them are still alive, according to Kennedy T. Paynter Jr., a University of Maryland scientist who is paid by the partnership to monitor its bars. That survival rate is good, Paynter said, given that half of the oysters planted anywhere in the bay are expected to die in the first year. The numbers appear to contradict the watermen's assertions that if oysters are not harvested, they will just die of disease. "To use that as an excuse to harvest is a logical absurdity," said University of Maryland oyster biologist Roger Newell. "If an oyster is harvested, there is a 100 percent chance of it dying." If you leave it at the bottom, he said, there is a chance it will live.

#### BAR-CLEANING

More lucrative for Simms and some other watermen has been the "bar-cleaning" work—removing diseased adult oysters from some of the partnership's bars and dumping them in another spot. Watermen will return to the spot later to harvest the oysters for private sale; while disease eventually kills the shellfish, infected oysters are safe for people to eat. So the watermen earn money twice in this process. They are paid by the partnership to move the diseased oysters, and then they get to harvest them. The bar-cleaning work is done in the spring, between the end of oyster season and the start of crabbing season—a period when many watermen have time on their hands. But removing the bad oysters is also good for the bay, according to Paynter.

When oysters die, they gape open and spread disease. So it's important, Paynter said, to get them out while they're alive. Paynter said, however, there is no scientific benefit to putting the diseased oysters back in the bay for watermen to harvest later. "Really," he said, "we'd like to take the diseased oysters out and put them into the driveway." Other scientists and state officials say bar cleaning has little merit even in terms of removing disease. A state study in 2005 showed that bar cleaning leaves behind infected oysters.

"Bar cleaning may buy you a little bit of time to produce more market-size oysters, but eventually disease is going to take hold," said DNR assistant fisheries director Tom O'Connell. He argues the partnership shouldn't be spending so much money on bar cleaning until it is studied more. Despite the

lack of scientific evidence that the process works, the ORP allocated almost \$400,000 of this year's \$4 million federal grant to the Maryland Watermen's Association for bar cleaning. Simms, a member of the ORP's executive board, hands out that money—wearing his hat as president of the Watermen's Association. He says he uses a process that is above board and fair.

He sends out "bid forms" to the roughly 500 watermen who have oyster licenses asking them to suggest a daily price for the work, he said. Then, Simms said, he sets a rate based on the average of the bids he receives—last year, \$450 a day. He gives work to pretty much everyone who asks, Simms said, about 50 watermen last year.

Simms acknowledges that he used ORP money to pay himself \$40,100 last year, in part to supervise this work that is done by men who are members of his association. The people who are paid include his son, Larry Jr., who gets \$100 day as a crewman on his father's boat, partnership records show. The Watermen's Association itself gets about \$65,000 of the money for administering the contract—money it uses for operating expenses. As for his own pay, Simms argues that the partnership needs him to oversee the work—he has been working the water since he was a boy, and he knows all the watermen. "It's better for ORP to have someone like the Watermen's Association manage the watermen," said Simms, 70. "They can't blow smoke at me, because I know I've done all that stuff."

He said Frenz assured him that his role in the Watermen's Association was not a problem—that he could be on the ORP board at the same time he was getting money from an ORP grant. "I don't vote on anything that has to do with the Maryland Watermen's Association," Simms said. But his position as a member of a nonprofit's board who derives financial benefits from the relationship raises conflict-of-interest questions. Daniel Borochoff, president of the American Institute of Philanthropy, a watchdog group that monitors nonprofits, said it generally is not good practice for an organization to pay one of its governing board members for services. "A board member receiving money to perform services, that is frowned upon," he said. According to Simms, the other watermen net from \$100 to \$125 from their \$450 barcleaning checks after paying for gas and the expense of keeping up a boat. Nevertheless, it can be an important source of income, said Floyd "Bunky" Chance, an Eastern Shore waterman. "Everyone who participates likes it, for the income if nothing else. . . . Most watermen are just trying to keep the wolf from the door," he said.

#### HEY, TRUST US

NOAA officials acknowledge that they have done little to manage or oversee the money their agency gets from the earmark and passes on to the Oyster Recovery Partnership. The agency does not scrutinize the partnership's salaries, administrative expenses or the money it spends on its annual banquet, said NOAA grant manager Rich Takacs. "It's up to the organization receiving the funds to use their internally approved business practices," Takacs said.

When asked for copies of the partnership's contracts with the Watermen's Association for bar cleaning and other work, Takacs said he didn't have any. The partnership wasn't asked to provide them, he said. Takacs said the partnership's approach to its bar cleaning and oyster planting operations has been "a lot of 'Hey, trust us.'" Unlike many other NOAA grantees, which provide detailed reports on their scientific work, the partnership provides only cursory reports of one to two pages with a broad general description of its work, he said.

As a result, there has been no comprehensive assessment of what the \$10 million in federal funds granted to the partnership in the past five years has done to help the cause of restoring oysters to the bay, NOAA officials said. Even in terms of helping watermen, the program almost certainly is not cost-effective, partnership and NOAA officials admit. A government analysis of the Department of Natural Resources seed-moving program showed that, for every dollar the state spent to create a crop for watermen to harvest, the watermen earned 13 cents in oyster sales.

Bahner, who ran NOAA's Chesapeake Bay office until last year and has taken a job at the agency's Silver Spring headquarters, said he believes the partnership is making a valuable contribution to the bay in planting millions of oysters. He also said, however, that Mikulski's earmark put his agency in a difficult position.

Federal scientists and grant managers wanted to ensure that the money was used in the best way to restore oysters, he said. But partnership officials argued that the program was designed to help watermen and that NOAA's job was to hand over the checks. "When the program started, it was primarily, 'Put the oysters in the water for the watermen,'" Bahner said. "You've got this whole watermen's community. It's a subsidy program."

[From the Baltimore Sun, Apr. 14, 2007]  
OYSTER GRANTS TO STATE DISPUTED—  
SENATOR ASKS DETAILS ON \$10 MILLION  
(By Greg Garland)

A conservative Oklahoma senator who wants to eliminate congressional earmarks has asked a federal agency for a detailed explanation of how \$10 million in government grants for oyster recovery has been spent in Maryland.

In a letter to the head of the National Oceanic and Atmospheric Administration, U.S. Sen. TOM COBURN said he was "very concerned" about questionable spending practices detailed in an article in *The Sun* about the Maryland's Oyster Recovery Partnership. "It sounds like a dubious use of federal dollars and raises a lot of questions," Roland R. Foster, an aide to the Oklahoma Republican, said yesterday. The partnership, a nonprofit group charged with trying to restore oysters to the Chesapeake Bay, receives its annual funding through a federal budget "earmark" arranged by U.S. Sen. BARBARA A. MIKULSKI, a Maryland Democrat.

The *Sun* reported this month that while the group has planted nearly a billion hatchery-raised oysters since 2000, less than a third have been put in protected sanctuaries. Most have been planted in places where they can be harvested by watermen and sold. The newspaper also found that the partnership is paying the Maryland Watermen's Association nearly \$400,000 this year to remove diseased oysters from one part of the bay and dump them in another. Proponents say this practice helps other oysters survive, but it has no proven scientific value. Critics say its primary purpose is to provide income for watermen. The partnership also used \$46,000 in federal funds to hold its annual dinner at the Hyatt Regency golf resort and spa in Cambridge, *The Sun* reported. Meanwhile, the bay's oyster population remains at historic lows.

In the letter to NOAA chief Conrad C. Lautenbacher Jr., Coburn questioned how the earmarked funds were being used. "What oversight has NOAA conducted of this specific grant?" Coburn asked. "[P]articularly was NOAA aware that funds were being used for banquets or of the financial conflicts of

interest between staff and organizations receiving funding?"

Coburn also asked for reports on how the partnership is doing in meeting its stated goals and whether its federally funded efforts have been cost effective. Monica Allen, a spokeswoman for NOAA, declined to comment on Coburn's letter but said the agency would provide a copy of its response when it is completed and sent to Coburn. Stephan Abel, executive director of the Oyster Recovery Partnership, said, "It would be inappropriate to comment until NOAA has had the opportunity to respond." Foster said Coburn has attempted to focus attention on earmarks as part of a campaign to end what he regards as wasteful government spending. A year ago, Coburn and Arizona Sen. John McCain sent a letter to all 100 U.S. senators announcing they would challenge every earmark, or "pork project," on the Senate floor.

The problem with earmarks, Foster said, is they are made based on political connections and aren't subject to competition or stringent oversight. Coburn said *The Sun's* article about the Oyster Recovery Partnership's spending raises larger concerns about how NOAA handles its federal grants. "Is this one example the exception, or is this a widespread problem at NOAA?" Foster asked. Lautenbacher has taken issue with *The Sun's* findings, saying in a recent letter to the newspaper that his agency provides adequate oversight of the federal funds provided to the partnership.

NOAA officials have pointed to the fact that the partnership has hired an auditor each year to do a standard financial review to comply with federal requirements. In 2006, Senator Mikulski asked NOAA for "an independent audit" of the partnership. In response, records show, the partnership had its usual accounting firm review its own audit reports from prior years. The firm found its reports to be appropriate.

Mr. COBURN. Mr. President, it has come to mind that NOAA, when they do the grants, lets the grantee set the terms of oversight. I ask unanimous consent to have printed in the RECORD from NOAA's official Web site their financial assistance application for their grants where they ask the grantee what kind of oversight they want rather than setting it up themselves.

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

NOAA FINANCIAL ASSISTANCE APPLICATION  
C. FEDERAL INVOLVEMENT

C1. Is the proposed activity going to be conducted in partnership with NOAA or would the proposed activity require NOAA's direct involvement, activity, or oversight? If yes, describe NOAA's involvement, activity, or oversight, including the name of the office or program that is involved.

C2. Would the proposed activity involve any other federal agency(ies) partnership, direct involvement, activity, or oversight? If yes, provide the name(s) of the agency(ies) and describe its involvement, activity, or oversight.

Mr. COBURN. Mr. President, let me describe what has happened. There was an earmark which NOAA believed they did not have the responsibility to oversee, since it was an earmark, in terms of rehabilitating oyster beds. We have seen from the investigations so far that it has been highly ineffective. But more importantly, what we have seen is conflicts of interest in terms of the board that manages the program and

the ownership of the companies that are given the grant money.

I won't go into the details. Senator MIKULSKI is in agreement that they should be oversights and looked at and conflict of interest should be eliminated. This amendment is very simple. It just says that ought to happen and there ought to be a review, there ought to be a prohibition of use of NOAA funds for meetings. There is \$46,000 yearly going out for a meeting out of this grant money with no real concern. There is no conflict of interest requirement in the grant authority-making process at NOAA. So this amendment simply sets out that we ought to have basic conflict of interest rules of engagement in the grant-making process with NOAA.

I reserve the remainder of my time.

Mr. BINGAMAN. Mr. President, let me speak, again regretfully, against the Senator's amendment, and I do so first on behalf of Senator INOUE as chairman of the Commerce Committee. This is, of course, within the jurisdiction of the Commerce Committee. The provisions of the amendment relate to the Department of Commerce and NOAA, and the statement I have been given by Senator INOUE is pretty straightforward and says the amendment, while possibly based on good intentions, actually causes substantial harm to numerous NOAA programs and activities and missions.

Some of the specifics cited are that the provision requiring that audits be posted on the Web within 60 days does not contain safeguards for proprietary information that may have been gathered as a result of the audit. Also, a concern has been raised about the prohibition in section B on the use of NOAA funds for meetings. The provision in the amendment says:

No funds made available by the administrator through a grant or contract can be used by the person who received the grant or the contract to attend any conference other than a conference related to training or routine meetings of officers or employees of the administration.

One of the basic activities scientists and engineers engage in is doing their research and then presenting that research at conferences so they can have reaction from their colleagues and their peers and have an interchange about the validity of the work they have done. This would prohibit the use of funds for that purpose, which is one reason it would be objectionable.

The other concern that has been raised is we are setting up a separate procedure here with regard to handling conflict of interest issues at NOAA which would be separate and apart from the general procedures the Federal Government has with regard to grant review processes. The thought is that those general processes should be made to apply and we should not be writing into law, particularly as an amendment to this legislation, some kind of separate provision and requirement with regard to just this one agency within the Department of Commerce



under the jurisdiction of the Commerce Committee.

Mr. President, I yield the floor.

Mr. COBURN. Mr. President, what you just heard was a denial that we need oversight and that people shouldn't be accountable for how they spend Federal dollars. The fact is, this is one program and one meeting. This doesn't stop meetings. This doesn't stop any legitimate function. This was a golf tournament and a meeting for 2 days that cost \$46,000 of Federal funds. I will tell you, NOAA does not have any conflict of interest rules presently in their guidelines.

So what the Senator is saying is, leave it the way it is today. Let's don't change it. That is exactly the problem, because this didn't come through the Commerce Committee. They would have fixed it, as Senator STEVENS fixed the fishery boards. Instead, what we are trying to do with this is to fix the same thing Senator STEVENS did with the fishery boards. Because it didn't come through committee, that didn't get attached. Now that we want to attach it on the floor, we don't want to have that done.

The fact is, there is no oversight catalyst with these grant programs. By defeating this amendment, we are going to continue saying there is none. If you don't like this amendment, then fix it in conference. There is no reason why we shouldn't hold these grants to the light of day. There is no reason why they shouldn't be transparent. Everything in this Government should be transparent.

There is nothing in these grants that is fiduciary or private that shouldn't be exposed. The fact is, if you are going to take money from the Federal Government, the American people ought to know what you do with it. What we are saying is, we don't want that to happen. That is what defeating this amendment means. It means more secrecy, less transparency. It means, by the way, if there is a financial conflict of interest, don't worry about it, we don't want to hold them accountable.

I understand the resistance, but the American people won't understand the resistance. The real problem we are faced with is our Government is so big and into so many things that we don't know where it is being handled right or wrong. This is one small step to say there shouldn't be a conflict of interest. There ought to be reporting, there ought to be oversight, which there is not. We ought to be asking the GAO to oversee it and to look at it. That is all it does.

Mr. President, I will rest with the will of the body on that amendment.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ALEXANDER. Mr. President, I wonder if the Senator from Oklahoma would permit me a couple of minutes to comment on something.

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

Mr. ALEXANDER. Mr. President, I want to describe how this bill got to the floor because it has been suggested it might not have come through committee. The energy parts of this bill were fully considered by the Energy Committee when it was chaired by Senator DOMENICI last year, and it was then reported to the Senate in March. The Commerce Committee parts of it were fully considered by the Commerce Committee in May or June and reported to the full Senate then. The only parts of the legislation that didn't go through the regular committee process were from the Health, Education, Labor, and Pensions. That was the decision of that committee to do that. They had a series of roundtables and a series of meetings and made recommendations to the working group.

The working group then had meetings with the administration officials, and Senator DOMENICI presided over most of them—we called them homework sessions—and then Senator Frist and Senator REID introduced this legislation last October. It has been public all that time. Then Senator REID and Senator MCCONNELL introduced the legislation in January of this year, and it has been public all that time.

I wanted to make sure it was known that this is legislation that has been fully exposed to the light of day, whatever the merits. I am not commenting on the merits of the comments of the Senator from Oklahoma, but I did want everyone to be reminded of the process through which this went to get to the floor.

Mr. President, I thank the Senator for his courtesy.

#### AMENDMENT NO. 921

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and that amendment No. 921 be called up.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be set aside, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes amendment No. 921.

The amendment is as follows:

(Purpose: To discontinue the Advanced Technology Program of the National Institute of Standards and Technology)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ DISCONTINUATION OF THE ADVANCED TECHNOLOGY PROGRAM.

(a) REPEAL.—Section 278 of the Act of March 3, 1901 (15 U.S.C. 278n) is repealed.

(b) UNOBLIGATED BALANCES.—Any amounts appropriated for the Advanced Technology Program of the National Institute of Standards and Technology, which are unobligated as of the effective date of this section, shall be deposited in the General Fund of the Treasury of the United States for debt reduction.

(c) EFFECTIVE DATE.—This section shall take effect on the date that is 90 days after the date of the enactment of this Act.

Mr. COBURN. Mr. President, this is an amendment to eliminate the Ad-

vanced Technology Program. I see the Senator from Michigan is here, and I am sure she will mount a rigorous defense in regard to it.

There are some things people should be aware of. We had an oversight hearing on this program in my Federal Financial Management Subcommittee. We showed it to be ineffective. Between 1990 and 2004, 35 percent of the \$2 billion of this program went to Fortune 500 companies—Fortune 500 companies—with 65 percent of the grants under this program never being asked to be funded outside of the program. In other words, they never went to the private sector. Almost two-thirds never attempted to get funding in the private sector.

This was a program that was designed to help with technology. It wasn't designed to be a corporate welfare program. In fact, what has happened is that five companies since 1990 have consumed \$376 million of this money. Let me tell you who the companies were. They were: General Motors, hardly in need of taxpayer money to fund research; IBM, hardly in need of taxpayer money to fund research; General Electric, hardly in need of taxpayer money to fund research; Minnesota Mining, 3M; and Motorola. Their combined revenues yearly are in excess of \$50 billion.

We are going to see a large defense of this program, because there have been some instances where it has done some good. I don't deny that. But for the \$2 billion we have spent on it, what have we gotten? The House has eliminated this program, by the way. We decreased it over the last 2 years. This is a program that is not working efficiently, is not working effectively, and we are not getting great return for our money.

Mr. President, with that, I will withhold the rest of my comments and retain the balance of my time.

Mr. DOMENICI. Would the Senator yield for 30 seconds to the Senator from New Mexico?

Mr. COBURN. I believe you all still have time.

Mr. DOMENICI. I intend to vote for your NOAA amendment, and I compliment you on what it does. I do think you have some merit in the other amendments, including the last one. It is just very hard to do that kind of thing now on this bill.

I think you have raised some real points about that big program. We ought to be careful when we have a \$2 billion program, and we are not. It is not getting out there to small and independent businesses that have to go and seek private assistance, and you have made good points. It is just hard to do it on this bill.

The NOAA amendment, I am telling you in advance, I am for you.

Mr. COBURN. I thank the Senator for his comments. I would note that the House didn't find it hard to eliminate ATP on their component piece of legislation that will be matched up with

this and, in fact, last year we eliminated ATP in the funding cycle on the appropriations side.

I know there are some positive things about the program, but overall it is a poor investment for the Federal taxpayer.

Mr. President, I yield the floor at the present time, and I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BINGAMAN. Mr. President, I yield 5 minutes to the Senator from Michigan.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized for 5 minutes.

Ms. STABENOW. Mr. President, I appreciate the leadership role Senator BINGAMAN and Senator ALEXANDER are playing on this critical bill, as well as Senator DOMENICI and others who have worked on putting together this legislation.

It makes no sense to eliminate the Advanced Technology Program. In fact, the House is renaming it but extending the very same approach in terms of a partnership for the kind of research that takes place after basic research.

I might say that 65 percent of the ATP awards have gone to small businesses, many of them small- and medium-sized manufacturers. The reality is that, yes, our large employers and small have joined together with universities, with the Federal Government, and with Federal labs to do partnerships where the Federal Government puts up half the money and they put up half the money to do the kinds of research to move the industry forward in order to be able to compete in a global economy.

Frankly, this is one of the areas where we are woefully behind, I would suggest to my friend from Oklahoma. We are woefully behind. One example of this is in advanced battery technology. While we are developing the basic science in the United States, it is Japan and China and South Korea that are taking the next steps to make those batteries. A \$50 million investment in Japan alone; a 5-year commitment from China of over \$100 million; a 5-year commitment from South Korea of over \$100 million. Yet in our budget in the United States we have \$11 million to focus on what is one of the most critical parts of technology to move forward on alternative fuels and new breakthroughs.

ATP is different. It is unique among Federal research programs. Most research is focused on advanced scientific knowledge, but there is a very long road from scientific discovery in a university lab to the commercialization of that product. This is in between that. You might call it a bridge project, or a bridge loan. This is that in-between period before industry feels confident enough to pick it up and move forward with it.

The goal of ATP is to push basic research knowledge into the innovation

pipeline. That is what it is all about. When we add more dollars to increase basic research, we have to make sure we are also not creating a bottleneck in that innovation pipeline. We have to be able to fund the next step in that partnership. I would suggest this has been a tremendous investment in terms of what has actually happened.

The ATP programs have succeeded in a wide range of fields. There is no question, when you are doing this research it is basic research. By the way, we give the R&D tax credit to those same large companies my colleagues spoke about. We give it to large companies and small companies to do basic research—no different. This is the next step.

We have seen wide-ranging successes. They have already delivered on cheaper, better bone marrow transplants, mammograms, cartilage repair. They are enabling companies to make biodegradable plastics from corn, improving manufacturing, and powering longer lasting lightweight fuel cells, all of which are critical for our future.

The Advanced Technology Program has made investments in nanotechnology. They were making them long before anybody knew what nanotechnology was, along with investments in homeland security and bringing fuel cells and solar cells and microturbines to the marketplace.

In 2003, the White House sponsored a fuel cell demonstration, and the President tested a long-life mobile phone. The phone the President tested was powered by advanced fuel cell technology. Without the advanced technology program, MTI microfuel cells would not have been developed. This breakthrough technology was developed to power the very phone the President was holding. It would not have happened without that joint partnership with ATP.

There are certainly other companies where ATP projects have not been successful. That is the nature of high-risk, high-payoff research programs, and people around the world know that. Governments around the world know that. Right now, I should add, our companies are competing with governments around the world, governments that own companies, governments that are doing these kinds of research.

Let's put the successes and failures in the overall context. A 2003 survey of over 350 companies indicates the actual economic value resulting from ATP joint ventures exceeded \$7.5 billion. The ATP annual report showed the program has generated \$17 billion in economic benefits from just 41 of the 736 completed projects.

In conclusion, this is a program that works. We should not be cutting off this investment in innovation in America.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BINGAMAN. Mr. President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. The Senator from New Mexico has close to 5 minutes.

Mr. BINGAMAN. How much time on the side of the Senator from Oklahoma?

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma has 21 minutes.

Mr. BINGAMAN. Let me go ahead and use the remainder of our time in opposition to the amendments, and then the Senator from Oklahoma can use as much additional time as he would like, obviously.

I agree with the comments the Senator from Michigan has just made about the ATP program. I do think one of our weaknesses historically, particularly in recent decades in this country, is although we have done reasonably well on basic research, we have not done as well in taking that basic research the next step and getting it to a point where it can be commercialized and manufacturing can occur in this country.

I have a chart I was going to show. Let me put up the chart and try to make the point as to where the advanced technology program is in the development cycle, as I understand it. This chart tries to point out the venture capital funds focused on late-stage research.

There are five different categories represented on this chart: seed funding, startup funding, other early stage, expansion, and then later stage.

Regarding venture capital funding, the higher bars on the chart, of course, are in the later stage. The seed funding and the startup funding are the two areas on which the Advanced Technology Program concentrates. It does so in a way which is intended to get the very best results.

These programs are peer-reviewed. There is real competition, rigorous peer-reviewed competition in the allocation of this money. The funds go to those researchers and those technologists who are most likely to be able to take these basic discoveries and turn them into commercial products and commercial services. There are many examples of successes in this area.

Unfortunately, we do not have as many today that we can point to, relative to the rest of the world, as we used to have. The competition, frankly, between ourselves and many of our competitors, is very severe at this point. When you go to a country such as Japan and look at the extent of the Government's support of this kind of technology development, it is extremely impressive. We shy away from that. We say we are not going to help; it is up to our individual companies to do the best they can. Sometimes they do well, sometimes they do poorly. But the Advanced Technology Program helps them to do better. It has been a very good investment.

The Academies of Science did a report looking at this very thing a few

years ago. Their expert panel included top executives from companies such as Intel and Xerox and groups such as Sematech, venture capitalists, also academic researchers. They concluded the following:

The Advanced Technology Program is an effective Federal partnership program. The selection criteria applied by the program enabled it to meet broad national needs and to help ensure that the benefits of successful awards extend across firms and industries. Its costshared, industry-driven approach to funding promising new technological opportunities has shown considerable success in advancing technologies that can contribute to important societal goals such as improved health diagnostics, developing tools to exploit the human genome, and improving the efficiency and competitiveness of U.S. manufacturing.

This is a program I think deserves the increased levels of support that are contemplated in this legislation. I urge my colleagues to resist the amendment of the Senator to delete funding for the Advanced Technology Program.

Is there still time on my side?

The ACTING PRESIDENT pro tempore. The Senator has 17 seconds.

Mr. BINGAMAN. I yield the remainder of my time.

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

Mr. COBURN. Mr. President, I am somewhat perplexed. We had a debate on Medicare Part D. The debate was about corporate welfare. I find it hard to believe that we want to continue to fund General Electric and IBM and Intel and all these other companies with taxpayer money after we have claimed we do not want to do corporate welfare.

Tell me where in that process—if the Senator from New Mexico would care to put his sign back up—this money is? Tell me why an IBM needs money at that stage. Tell me why a General Electric needs taxpayer money at that stage, money that is going to go to them. They have all the resources. IBM just announced they are buying back 10 percent of their stock. They have plenty of cash. They are buying back their stock. Tell me why, in a time when we have a \$300 billion deficit, \$300 billion we borrowed from two generations from now, that we should give a penny to IBM, corporate welfare to enhance anything. They have all the resources they need. Tell me why we should give a penny to General Electric or Intel or any of those large companies that consume 30 percent of this money.

If we want to have an Advanced Technology Program, why wouldn't we say, yes, we will do it, but you have to be at a certain size. You have to truly not be able to access the capital markets. They have no problems accessing the capital markets for research. So what we are doing is taking from two generations from now and giving it to the richest corporations in this country and making ourselves feel good because it wouldn't happen otherwise. It will happen otherwise. That is what markets are all about.

I will be happy to have the Senator respond to my question.

Mr. BINGAMAN. Mr. President, I am happy to respond. I would respond by saying we are not providing funds to particular companies so they can compete effectively. What we are doing is saying there are sectors of U.S. industry which are in very substantial competition with their counterparts worldwide. Whether it is the automobile industry, whether it is the semiconductor industry, whether it is the biologics industry, whatever the area is, we have companies in our country that are competing in those areas, and there is early stage research and seed development—early stage development into which they should be putting significant efforts.

When you look at it from the point of any individual company, it might not make that much sense to say we are going to devote a substantial portion of our research dollars to this because it is long term. It may not pay off in 10 years. It may never pay off. But here we can use some taxpayer dollars to prime the pump, so to speak, and to go to these companies on a cost-shared basis and say: You guys get together. We will help you develop advanced battery technology because otherwise we may eliminate our dependence on foreign oil. But we are going to become dependent on foreign battery cells. That is not good for the U.S. economy as a whole.

If General Motors happens to be one of the participants in that consortium of companies that is working on that advanced battery technology, then so much the better. But I do not consider that corporate welfare. I consider that good, intelligent allocation of our resources in order to keep our industry competitive in the world marketplace.

Mr. COBURN. Let me reclaim my time. I thank the Senator for answering my question. I guess the difference is, in the long run, where is the benefit? If any of those industries are going to survive, they are going to be putting research dollars into those areas already. That is my contention. We know from the studies that, of all the Fortune 500 companies, the money that has been given to them they would have spent anyway. This is just money that they don't have to spend because we are going to spend American taxpayer dollars on it. The fact is, anybody in any of those areas, especially major companies that have all the capital resources they need—they have an inherent self-interest to fund that research. Why? Because their livelihood and their existence depends on it.

What we are doing is we are saying, for the big companies, the Fortune 500 companies, we are going to take away their risk. The market has already created the risk. Their risk is to develop the program. So I would disagree. I think it is corporate welfare, especially with regard to the Fortune 500 companies that have significant assets.

All you have to do is look at what is out there today, look at the share buybacks. They have more than enough money with which to fund all these things.

I can give you specific examples from GE, IBM, and Intel. All of those projects were going to be funded anyway. We just gave them a gift. We just simply gave them a gift.

Mr. BINGAMAN. Mr. President, I ask the Senator if he will yield for a question.

Mr. COBURN. I am happy to yield for a question.

Mr. BINGAMAN. Here is the information I am given. I would cite this to the Senator and ask if he has a reason to disagree.

Of the single applicant awards under the Advanced Technology Program, 78 percent have gone to small businesses, 11 percent have gone to medium-size businesses and nonprofits, and only 11 percent of solo awards have gone to large businesses. Is that accurate?

Mr. COBURN. That is inaccurate; 21 percent of the ATP grants over the last 14 years went to Fortune 500 companies.

Mr. BINGAMAN. That is 21 percent over the last 14 years?

Mr. COBURN. Yes.

Mr. BINGAMAN. That is contrary to the information I was given. I thank the Senator for yielding for the question.

Mr. COBURN. Let me just summarize, and then I will yield back the remainder of my time. How much time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 14½ minutes.

Mr. COBURN. I will be happy to yield after I finish this last statement, and I appreciate the managers of this bill for the time they have given me on these amendments, and their courtesy.

There is no question, there are positive aspects of this program. I said that before. The question comes—and it really comes from what Senator STABENOW said. We already give them an R&D tax credit. They already get a direct writeoff for doing this research anyway. So the American taxpayers are already paying for it. Now we come along and give them more.

The point is, we do not need both. We do not need both. IBM gets an R&D tax credit, and then they get money from us under ATP for things they were going to do anyway. General Electric gets an R&D tax credit, then they get money from us in the ATP program for these things they are going to do anyway.

I believe there has to come a time when we start thinking about how we spend our money and whether we are getting a good return. The fact is, with ATP, overall, all the money we have spent, we have not gotten back a return.

The other point I would make is, only four States have received about 60 percent of the money on this ATP program. Ironic, isn't it? Four States. So

there is great consensus among those people on a parochial basis to support this program because it is a big program for those individual States.

Mr. President, I will finish by saying that all three amendments I have offered today are designed to increase transparency, increase accountability, eliminate conflicts of interests, and eliminate wasteful Government spending. That is what we have to be about if we, in fact, want to leave the heritage to our children and grandchildren that we will receive by such great sacrifice of those people who came before us. That is the real deal. The way you leave a heritage is to sacrifice today. We cannot have everything we want today if we want our kids and grandkids to have what we have experienced.

I yield back the remainder of my time.

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

Mr. BINGAMAN. Mr. President, I 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.

The PRESIDING OFFICER (Mr. SANDERS.) The Senator from New Mexico.

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

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

Mr. BINGAMAN. Mr. President, I know the Senator from Georgia has an amendment he wishes to speak to and offer and proposes to withdraw. I will yield in a moment for him to do that. But let me ask unanimous consent that following his statement and his action, the votes in relation to the pending amendments occur in the following order: DeMint amendment No. 930, Coburn amendment No. 918, Coburn amendment No. 921, Coburn amendment No. 922, and Kohl amendment No. 942; that no amendment be in order to these amendments prior to the vote or to this final Kohl amendment prior to the vote; that prior to each vote in the sequence listed here, there be 2 minutes of debate equally divided and controlled in the usual form; that after the first vote in the sequence, the remaining votes be 10-minute votes; further, that provisions of previous orders governing these amendments remain in effect.

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

The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I thank the Senator from New Mexico.

I rise today to propose and then to withdraw an amendment that will make sure our Nation's historically Black colleges and universities, our

HBCUs, are not overlooked in this important bill, the America COMPETES Act of 2007.

In the State of Georgia, we have eight HBCUs: Albany State University, Clark Atlanta University, Fort Valley State University, Morehouse College, Savannah State University, Spelman College, Paine College, and Morris Brown College.

This is a pretty simple amendment which would simply ensure that the HBCUs are included in the study by the National Academy of Sciences on barriers and innovations to advanced technologies. Specifically, I want to make sure we are able to find and highlight what HBCUs are doing nationally to equip their students with the knowledge and skills to compete in the 21st century workforce.

The underlying bill would establish a President's Council on Innovation and Competitiveness. My amendment simply includes HBCUs in the Council's recommendation for strengthening innovation and competitiveness capabilities in academia.

I wish to specifically highlight two examples of programs at Spelman College in Atlanta. Established in 1987, the Spelman College Women In Science and Engineering—or WISE—Scholars Program is a model student development effort that has successfully facilitated the recruitment, retention, and graduation of more than 200 African-American females pursuing baccalaureate degrees in sciences, mathematics, or a dual degree in engineering. The WISE Program addresses a national need to increase the prevalence of underrepresented racial minorities and women in science, technology, engineering, and mathematics disciplines, while strengthening Spelman's capacity to continue to serve as a national conduit for the human resources needed to sustain the country's global economic competitiveness. The WISE Program continues Spelman's important role in providing the Nation with a skilled scientific workforce.

As part of the American Competitive Initiative, unveiled during last year's State of the Union Address, the President called upon the Nation to, one, double the Federal commitment to the most critical basic research programs in the physical sciences; two, make permanent the research and development tax credit; and three, train 70,000 high school teachers to lead advanced-placement courses in math and science and bring 30,000 math and science professionals to teach in classrooms.

Both the National Science Foundation and National Aeronautics and Space Administration believe Spelman's WISE Scholars Program is the vehicle to meet the Nation's increasing need for math and science teachers. Also, in 2003, NASA awarded the college with a \$4.5 million grant to enhance its WISE Scholars Program.

In 2005, six Spelman women qualified for the international RoboCup 2005 four-legged robot soccer competition in Osaka, Japan. The students created computer programs for the robots to compete in the soccer tournament, requiring the robots to play without human intervention. Of the 24 teams that qualified internationally, the SpelBots, as the team was called, were the first and only historically Black college and university, the only all-women institution, and the only U.S. undergraduate institution to qualify for the tournament. When looking back years from now at historically Black colleges and robotics research, all searches will lead to Spelman.

Mr. President, these are just two examples of what is taking place at our HBCUs all across our country. That is why I believe HBCUs and programs such as these should be included in the recommendations by the President's Council on Innovation and Competitiveness.

Now, I am going to withdraw this amendment because I have had a discussion with the Senator from Tennessee and the Senator from New Mexico, and I think they are probably right that this might be more appropriate as we reauthorize the Higher Education Act, which I understand will be marked up in the HELP Committee here within the next couple of weeks, in all probability. So I am going to withdraw the amendment. But I do wish to put this body on notice that we need to recognize the contributions our HBCUs are making in math, science, and technology, and that is a critical component of this bill. It will also be a critical component of the Higher Education Act. At that point I will be bringing this amendment forward to highlight those men and women who are at our HBCUs and the contribution they are making to math, science, and technology innovation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Georgia for his leadership on the issue of competitiveness. He has been one of the foremost advocates for this legislation, which has made its way through so many committees and reached the floor, and we are close to passage today. I thank him as well for his consistent advocacy for historically Black colleges and universities of which Georgia has several of the most prominent. He has talked to me and other members of the HELP Committee about that. He is exactly right. Reauthorization of the higher education bill is fairly imminent. Hopefully in the next couple of weeks we will begin to mark up a bill. Senator CHAMBLISS has made it clear he expects the committee to take seriously his amendment. I have assured

him that for my part, the committee will. I know Senator KENNEDY and Senator ENZI feel the same way. Senator WARNER of Virginia has also noted he wants to make certain that what we do in this legislation takes into account historically Black colleges and universities. He, too, is looking toward the Higher Education Act reauthorization. It is very helpful of both of them to, in this case, take the floor and in other conversations to make us aware of what needs to happen as that act comes up in the next couple of weeks. The Chambliss amendment and his advocacy will be an important part of the discussion. I thank him for his leadership.

## AMENDMENT NO. 930

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate on amendment No. 930 offered by the Senator from South Carolina, Mr. DEMINT.

Mr. BINGAMAN. Mr. President, let me take the lead in opposition to the amendment. This is the amendment that would set up a new 60-vote point of order on any appropriations bill that comes to the floor with anything contained in it that could be designated a congressional earmark. Unfortunately, the definition of congressional earmark set out in the amendment is very broad. It basically says: If you are specifying money going to an entity, either in the language of the appropriations bill or in the report accompanying it, and it relates to items being authorized in this legislation, the objection could be made that you had to have 60 votes. So you would have one set of rules for most appropriations bills and a different set of rules for appropriations bills that would include appropriations relevant to this competitiveness bill. It would be a very bad policy. I urge colleagues to oppose the amendment.

Mr. BYRD. Mr. President, I am strongly opposed to the amendment offered by the junior Senator from South Carolina, which would prohibit congressional earmarks of funds appropriated, pursuant to authorizations in this bill, for the America Competes Act. The effect of the amendment proposed by the Senator from South Carolina could be waived or suspended in the Senate only by a 60-vote supermajority.

If this amendment were agreed to, it would set up two criteria for all appropriations legislation, pursuant to authorizations in the America Competes Act—one criterion requiring a simple majority vote for Presidential budget recommendations and another criterion requiring a supermajority of 60 votes for congressional earmarks, which, according to this legislative provision, is virtually anything that Congress changes from the President's budget request.

Under the Constitution of the United States, the Congress has the power of the purse. The Senate should jealously guard that prerogative. Our system of

government includes checks and balances that have served us well through over 200 years as a Republic. And the power of the purse is a check on the ambitions of the executive branch.

Earlier this year, the Senate considered comprehensive ethics reform. It passed with an overwhelming majority of 96-2. In addition, the Senate Appropriations Committee has announced a new policy of increased transparency and accountability in regard to earmarks, which uses the same definition of earmarks contained in the ethics bill that was adopted overwhelmingly on the floor of the U.S. Senate. These changes in the appropriations process are intended to help restore confidence in the Congress. It ends "business as usual" in Washington. It restores integrity to the appropriations process. It will increase accountability and openness. Moreover, Senators will be required to certify that neither they nor their spouses have a financial interest in any earmark. I have asked Senators to submit a letter to Senator COCHRAN and me certifying they have no financial interest in a project being proposed for an earmark. Those letters will be available for public inspection.

Earmark disclosure, as important as it is, is only one part of a much broader package of ethics reforms that has already passed the Senate. This includes strengthened gift and travel rules for Members of the Senate, strengthened lobbying disclosure, and outlawing some of the notorious lobbying abuses in which Mr. Abramoff and others were involved. We should not cherry pick this legislation. It needs to be enacted as a whole.

In the meantime, I would like to remind my colleagues that when we considered the joint funding resolution earlier this year, which included all of the pending appropriations bills from the previous Republican-controlled Congress that had yet to be enacted, the House Appropriations Chairman, Mr. OBEY, and I made a bold move and eliminated 9,300 earmarks that were in bills authored when the Senator from South Carolina was in the majority. We eliminated every single one of them—all 9,300 earmarks. The joint funding resolution, which was signed into law on February 15, 2007, contained no new earmarks.

In summary, the process of earmarking funds has gotten out of control. The status quo is not satisfactory. That is why I have taken the initiative to establish new standards for transparency and accountability. That is why I joined with House Appropriations Committee Chairman DAVID OBEY to eliminate earmarks from the fiscal 2007 funding resolution.

I strongly oppose the amendment from the Senator from South Carolina. The Senate has already voted on an ethics reform package that revises the method by which earmarks will be considered. The Senate Appropriations Committee has already put in place rules that will increase the trans-

parency and accountability for earmarks in the fiscal 2008 process. But most of all, I oppose the amendment by the Senator from South Carolina because it would establish two criteria for earmarks—those proposed by the President would require only a simple majority, while those proposed by the Congress, in which the power of the purse resides, would require a 60-vote supermajority.

The Framers of our Constitution chose to give the power of the purse to the Congress for a reason. They did not want an overbearing, unaccountable executive branch.

I hope my colleagues will reject the proposal by the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I thank the Senator from Tennessee for all his work on this bill. The question is, after we have gone through these many months of work on this bill to make America more competitive and we have directed funds to the Federal agencies that we think are most appropriate and would be most helpful in raising the quality and skill level of our labor force, do we want it to happen? Do we want this authorization bill to be implemented as we have written it? As the sponsors have been very careful to point out, this is an authorization bill, not an appropriations bill. What my amendment does is ensure that this bill is carried out the way it is authorized and that the appropriators do not take money for the National Science Foundation and say: I want some to go to my State or to this university, and we spread it out instead of using the merit-based peer review process. We change a bill that has a lot of thought and bipartisan support, and we basically turn it over to the appropriators to change. If Members want this bill implemented the way it is written, please support the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 930.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Delaware (Mr. CARPER), the Senator from South Dakota (Mr. JOHNSON), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Arizona (Mr. MCCAIN), and the Senator from Ohio (Mr. VOINOVICH).

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

The result was announced—yeas 22, nays 71, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—22

Allard Feingold Martinez
Burr Graham McCaskill
Chambliss Grassley Sununu
Coburn Hagel Thomas
Cornyn Inhofe Thune
DeMint Isakson Vitter
Dole Kyl
Ensign Lugar

NAYS—71

Akaka Dorgan Murray
Alexander Durbin Nelson (FL)
Baucus Enzi Nelson (NE)
Bayh Feinstein Obama
Bennett Gregg Pryor
Bingaman Harkin Reed
Bond Hatch Reid
Boxer Hutchison Roberts
Brown Inouye Salazar
Bunning Kennedy Sanders
Byrd Kerry Schumer
Cantwell Klobuchar Sessions
Cardin Kohl Shelby
Casey Landrieu Smith
Clinton Lautenberg Snowe
Cochran Leahy Specter
Coleman Levin Stabenow
Collins Lieberman Stevens
Conrad Lincoln Testter
Corker Lott Warner
Craig McConnell Webb
Crapo Menendez Whitehouse
Dodd Mikulski Wyden
Domenici Murkowski

NOT VOTING—7

Biden Johnson Voinovich
Brownback McCain
Carper Rockefeller

The amendment (No. 930) was rejected.

Mr. REID. Mr. President, we have a briefing at 4 o'clock. We are going to do this next vote and complete that. We have scheduled another vote right at 5:30. We are going to finish this bill tonight. If people have amendments, they should offer them.

These two managers have worked extremely hard to finish this bill. This will be a feather in the cap for bipartisanship. We are going to stay here tonight until we finish this bill. We have, as I understand it, about three amendments left after we do this one, but we should all have the opportunity to go to that briefing. So we will be back here at 5:30 after this next vote.

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

AMENDMENT NO. 942

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Kohl amendment No. 942 be the pending amendment.

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

Mr. BINGAMAN. I am informed that additional debate on this amendment is not needed and that there is no request for a rollcall vote, so I ask we proceed to a voice vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 942.

The amendment (No. 942) was agreed to.

Mr. BINGAMAN. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, I believe we can proceed to the second rollcall vote, which is the Coburn amendment No. 918.

AMENDMENT NO. 918

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate on amendment No. 918 offered by the Senator from Oklahoma, Mr. COBURN.

Who yields time?

Mr. BINGAMAN. Mr. President, this amendment is one which I think would be bad policy, a bad precedent for us here in the Senate. It basically puts a hard and fast, drop-dead date on any legislation contained in this bill and says there is a sunset provision so that any program authorized here, any kind of activity permitted under this legislation, would be prohibited following that date in 2011. It is not the kind of sunset we would normally adopt on legislation. I don't think it is appropriate here. I urge colleagues to oppose the amendment.

The PRESIDING OFFICER. Who yields time in support of the amendment?

Mr. ALEXANDER. Mr. President, I yield back the time on this side.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 918.

Mr. COBURN. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

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

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Arizona (Mr. MCCAIN), and the Senator from Arkansas Mr. (STEVENS).

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

The result was announced—yeas 27, nays 67, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—27

Allard Ensign Lott
Bayh Enzi Martinez
Burr Graham McCaskill
Chambliss Grassley Sessions
Coburn Gregg Shelby
Corker Hagel Specter
Cornyn Inhofe Sununu
DeMint Isakson Thomas
Dole Kyl Thune

NAYS—67

Akaka Brown Clinton
Alexander Bunning Cochran
Baucus Byrd Coleman
Bennett Cantwell Collins
Bingaman Cardin Conrad
Bond Carper Craig
Boxer Casey Crapo

Dodd Leahy Roberts
Domenici Levin Salazar
Dorgan Lieberman Sanders
Durbin Lincoln Schumer
Feingold Lugar Smith
Feinstein McConnell Snowe
Harkin Menendez Stabenow
Hatch Mikulski Tester
Hutchison Murkowski Vitter
Inouye Murray Nelson (FL) Voinovich
Kennedy Kerry Nelson (NE) Warner
Klobuchar Obama Webb
Kohl Pryor Whitehouse
Landrieu Reed Wyden
Lautenberg Reid

NOT VOTING—6

Biden Johnson Rockefeller
Brownback McCain Stevens

The amendment (No. 918) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that following the disposition of the previously ordered amendments, the only other amendments in order be Senator LANDRIEU's amendment No. 975, Senator DORGAN's amendment No. 958, and a managers' amendment, which must be cleared by both managers; that after disposition of the above amendments, the bill be read the third time, and the Senate, without any intervening action or debate, vote on final passage of S. 761.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate stand in recess until 5:30 p.m.

There being no objection, the Senate, at 4:10 p.m., recessed until 5:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. OBAMA).

AMERICA COMPETES ACT—Continued

AMENDMENTS NOS. 915, AS MODIFIED; 916, AS MODIFIED; 924, AS MODIFIED; 926, AS MODIFIED; 944, AS MODIFIED; 950, 951, 952, AS MODIFIED; 957, AS MODIFIED; 958, 965, AS MODIFIED; 970, AS MODIFIED; 975, 977, AND 980

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, we have a managers' package of amendments which have been cleared and which are at the desk. Some are in modified form. Let me go through the list and then ask consent for their approval:

Amendment No. 915, as modified, by Senator GRASSLEY; amendment No. 916, as modified, by Senator GRASSLEY; amendment No. 924, as modified, by Senator OBAMA; amendment No. 926, as modified, by Senator MENENDEZ; amendment No. 944, as modified, by Senator COLEMAN; amendment No. 950 by Senator BAUCUS; amendment No. 951