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Senate

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

PRAYER

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

Let us pray.

Eternal Lord God, as we continue to mourn the carnage which happened at Virginia Tech and the flags fly half-mast, give us the determination to bring good from evil and sanity from insanity. May this horrific shooting prompt us to humble ourselves and pray and seek Your face and turn from wickedness. Permit our pain and anguish to force us to examine what contributions we may be making in romanticizing a culture of violence. May the shooting in Blacksburg, VA, keep us alert to the battle we fight against principalities, powers, and evil in our world.

Use our Senators today as agents of reconciliation as they remember that in everything, You are working for the good of those who love You. Hear our prayer, forgive our sins, and heal our land. We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 17, 2007.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will be in a period of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each. The first half of morning business is controlled by the Republican leader or his designee or designees and the last portion controlled by the majority. Following morning business, the Senate will resume consideration of S. 372, the Intelligence authorization bill.

Yesterday, it was unfortunate that the Senate did not invoke cloture on the intelligence legislation. However, I did enter a motion to reconsider the failed cloture vote. We will have that vote again at some time.

Also today, at 12:30 p.m., the Senate will recess for the party conferences. We have no votes scheduled today because of the inability to move forward on the very important intelligence authorization as a result of the Republicans in unison voting against our ability to go forward. If there is no change in that, we made a couple of proposals yesterday which were all objected to, as to being able to move forward on germane amendments, relevant amendments.

We will have a cloture vote on another issue that it appears at this time the Republicans are going to block; that is, the ability for Medicare to negotiate for lower priced prescription drugs.

We are going to continue to move forward on our desire to allow the intelligence community, the 16 agencies that work for the Federal Government, working in espionage and other such important issues, to allow them to have legislation that brings us up to date. For the last 2 years, there has been no legislation in that regard because the Republicans did not move forward. We are going to continue to try to move forward even though the Vice President does not want this legislation.

We also are going to continue to speak for the American people in allowing Medicare—one of the most important programs ever developed by this country has been Medicare. I can remember my first elected job on the board of trustees of then Southern Nevada Memorial Hospital, the largest hospital district in the State of Nevada at the time. When I took that job, 45 percent of those people who were senior citizens who came to that hospital had no insurance, and children, spouses, friends, and neighbors had to agree to pay their hospital bill or they would not be taken care of.

The situation now is that virtually every senior citizen, as a result of Medicare having passed—that passed during my term of office on the board of trustees—virtually every senior citizen now has the ability to be taken care of, except Medicare cannot now negotiate for lower priced prescription drugs. The insurance industry can, the Veterans' Administration can, HMOs can, but not Medicare.

We are going to continue to try to move forward on that issue even though the Republicans obviously are being led down the wrong path by the pharmaceutical industry and the insurance industry and HMOs. We are going

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

to continue to try to do the business of the American people even though sometimes it is difficult.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes controlled by the Republican leader or his designee and the last 30 minutes controlled by the majority leader or his designee.

The Senator from Utah is recognized.

EXPRESSION OF SYMPATHY

Mr. BENNETT. Mr. President, before I begin my statement with respect to tax day, I wish to pause and express on behalf of the people of Utah our great sympathy for and anguish over the tragedy that has occurred in the State of Virginia.

I was once a resident of the State of Virginia, and I now am a physical resident of the State of Virginia while remaining a legal resident of Utah, and I feel close to the people of Virginia.

Virginia is known for its system of colleges spread throughout the State, in magnificent rural settings. Blacksburg, VA, is one of those settings, and Virginia Tech is one of those colleges. It comes as an enormous shock, and a sense of horror, to discover that a single student can be sufficiently disturbed in this quiet kind of setting to vent all of his demons in such a manner.

I want the people of Virginia and the students and parents of Virginia Tech to know they are not alone in their horror and their grief and to share that on behalf of the people of Utah whom I represent.

TAX DAY

Mr. BENNETT. Mr. President, today is tax day, the day when most of us file for an extension so we can have another 3 months or so to work through the problems connected with our taxes. I wish to review the history of our tax system and the groundwork for an attempt to try to solve some of its serious problems.

One of the reasons we file for an extension is because the Tax Code itself is impenetrable. There are few—or I would say if any—who understand it. I remember when I was a very junior Senator here on the floor talking about health care, when President Clinton's administration was pursuing that, and making the point on the floor that the law was absolutely beyond comprehension. I quoted James Madison, who said that the laws should be understandable, and that was part of his justification for the writing of the Constitution.

Senator Moynihan, the Senator from New York, corrected me; that is, he disagreed with me. He stood up and said: Senator, we have long since passed the point where the laws are understandable. Look at the Tax Code; there is not a soul on the Earth who understands that, so do not make the fact that the health care bill is incomprehensible a justification for defeating it.

I do not know how serious he was. Senator Moynihan was known for his sense of humor, but he was also known for his ability to go to the heart of the issue.

Let me review the history of where we got our tax systems—and yes, the last word is plural because we have basically two Federal tax systems in this country. We have the payroll tax, and we have the income tax. Both were adopted during the period of the Great Depression.

Stop and think about the conditions which existed at that time. We were in the worst economic contraction of our history. The American unemployment rate was running not only in double digits but as high as 25 percent. Of the 75 percent who still had jobs, many of them had jobs that were not adequate to their needs. It was a devastating psychological time. The historians who talk of it say that many of those who were unemployed would get up in the morning, put on their suit and tie, put on their hat, and leave the house as if they were going to work because they did not want the neighbors to know they were unemployed. The stigma of unemployment was psychologically almost as devastating as the financial stigma of being unable to meet one's bills and pay one's mortgage.

The second circumstance that was present at the time of the Great Depression was that we were in the center of the industrial age. All of us, as we went to school, remember being taught about the industrial revolution when we shifted from basically an agricultural economy to predominately an industrial economy, an economy of factories, an economy of mass—mass building, mass production, mass communications. Everything was industrialized.

The third situation that applied in those days was that our economy was basically protected by two oceans. We were insulated from the rest of the world in a very real, physical, geographical sense.

Stop and think about these three interacting with each other—serious economic contraction in the midst of the industrial age at a time when we were self-contained between two oceans. Ask yourself whether those three conditions exist today.

We are in the midst of the longest running expansion in our history, not contraction. We are in the midst of this information age, not the industrial age. The focus of America, just as it shifted from agriculture to industry, has now shifted to the information age, and the richest man in America is not the one who owns the most land, as was true in the agricultural age, or the one who owns the biggest factory, as was true in the industrial age, but the one who has mastered the capacity of the digital code, which is true in the information age.

Finally, we are clearly not confined to a land between two oceans. Money moves around the world, ideas move around the world, and concepts move around the world with the click of a mouse.

We do not have anything like the economic circumstances that prevailed when we adopted our present tax system. Yet we continue to perpetuate those tax systems as if they still apply to our situation.

The payroll tax penalizes the working poor. It is an effective tax rate of 15 percent on the waitress who works at minimum wage because 7½ percent she has to pay and 7½ percent her employer pays that otherwise she would get in her paycheck. That is a very high, regressive tax. When it started out in the midst of the Great Depression, it was 1 percent or 2 percent, and now it has grown to a 15-percent effective rate.

While the payroll tax penalizes the working poor, the income tax discourages the productive rich. The more you produce, the more the Government comes in and says: We will take that away from you.

I have said before in this Chamber, I was fortunate enough to be involved in building a business during what many newspapers called the decade of greed. Ronald Reagan was President, and the top tax rate was 28 percent. We had basically a flat tax system. It had two tiers, 15 percent and 28 percent, but it was moving us toward a simple system, a flat rate system. If I were running that same business today, the effective rate would be 43 percent, and the difference between 28 percent and 43 percent on the earnings of that company would probably make the difference between the company surviving or not. It started out not in a garage but in a basement. It grew to 4,000 employees. Think of the tax revenue coming from those employees, think of the tax revenue coming from that successful business. Then ask yourself: Would it have been a good thing to have prevented that business from coming on board in the name of high tax rates?

We need the tax revenue. We perhaps need more tax revenue than we are currently getting. I will grant that to my friends on the Democratic side. But I suggest to them a bargain. If we want to drive to a higher level of tax revenue, let's recognize we live in a very different world than we lived in in the 1930s, when we created our present tax system. Let's talk about eliminating

the payroll tax. Senator Moynihan was willing to do that. Let's talk about eliminating the present system of income tax and replacing it with a flat tax. Instead of saying we want to use the tax system to make economic decisions, using the tax system as the tiller to steer the economy, let's adopt the radical notion that the purpose of taxes is to raise money to run the Government, and then ask ourselves, how can we raise it in as simple a manner as possible, as efficient a manner as possible, as competitive a manner as possible, so that we recognize the reality in which we live—a tax system that is geared to an expanding economy rather than shrinking one, a tax system that is geared to the information age rather than the industrial age, and a tax system that is geared to a worldwide economy rather than one centered within our borders.

I am already having conversations with some of my Democratic friends on this issue. I think tax day is the day to talk about it. We disagree as to whether the President's tax cuts should be extended. I voted for them. I think they probably should be. But I am willing to scrap the whole thing, if my friends across the aisle will make a deal with us whereby we say: Let's start with a clean sheet of paper and produce a tax system that is geared to the realities of the economic circumstances we face. I hope in this Congress we can move in that direction.

I yield the floor.

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

WORKING TOGETHER

Mr. THOMAS. Mr. President, I rise to talk about a couple of topics. Certainly we have a lot of issues facing us. We have a lot of things to do. Quite frankly, we have been moving rather slowly over the last several months. We have had one bill signed by the President. We need to decide how we are going to move forward. The leader was talking about the Republicans holding up bills, and so on. We need to understand that we are close enough in this Senate on numbers and voting that we are going to have to have some agreements on things before we lay them out. Neither side is going to be able to say, Here is the way we are going, because it is close. We do have different views. When there is legislation pending, the minority side has amendments they wish to offer.

On the other hand, I admit that sometimes the minority side wants to hold things up, and we can't do that either. So I hope we will look for a little more. I don't expect us to come together with everything, but we need to come together with a system which allows us to talk about our differences and to reach some agreements.

I wish to comment on a couple of issues. The first one, of course, is the one that almost everyone has on their mind today, as the Senator from Utah indicated. This is tax day. Americans have reached deep into their pockets today to pay their Federal income tax. At the same time, we are straining to understand the Tax Code that governs how much we owe. It is very complicated. All of us understand that, particularly today, or as we ask for an extension, because it is so complicated and so difficult to actually arrive at a conclusion with respect to taxes.

I am not sure it has to be that way. The Senator from Utah has described some changes that ought to be made. We talk about that always at tax time, and then we seem to get away from it when tax time is over. We ought to stay in there and ask: How can we do this job? There have to be taxes paid. Obviously, there has to be some fairness among the taxpayers. But does it need to be this complicated? Does it need to be this technical? We find ourselves with a tax program that is designed by literally hundreds of programs that are more put in place to affect behavior and to affect how things are going to happen than they are for taxes. We will give tax relief for this, if you will do this. If you do this, we will give you tax relief over here. The next thing you know, we have such a complicated plan.

The average American has a great deal of trouble understanding and complying with the Tax Code. The vast majority of the taxpayers use tax preparers, even in the simplest of tax situations. We in Congress get frustrated with the lack of compliance with the Code; i.e., the tax gap that we hear so much about. It is apparently substantial in terms of the amount of money involved. But the average American is as frustrated by sincerely trying to comply with the system in most cases. I understand the tax gap. Maybe there are some people who are actually trying to avoid taxes. But often the tax gap is simply because of the complexity.

The good news, of course, is the economy is strong. That is good news. The economic policies of the last 6 years are working and have continued to contribute to the growth of the economy, to encourage investment, and to encourage job creation. Our economy has added jobs for 43 straight months; 7.8 million since August 2003. This is good, particularly when we look at the changes in the world economy. Again, the Senator from Utah was talking about that. As we continue to grow jobs, that is a very good thing.

The economy has added jobs to the extent of 7.8 million over this period of time. The national employment rate has fallen to 4.4 percent last month. Average earnings grew 4 percent last year. The elements of the economy are good. Interestingly enough, largely because of the Iraq situation, we don't hear much about the good economy or about the good things going on in the country. That is too bad. The strong economy has resulted in stronger tax revenues in 2006.

It is important, as we talk about taxes, that we maintain progrowth taxes in economic policy, the idea of extending those tax benefits which have helped to bring about this growth is important. We are at a point where some of them will expire within the next couple of years. They are the kinds of benefits that one needs to know about before tax time so investments can and will be made because of the benefits. The policies in place are working. I don't think we ought to mess with success. At the same time, we have already passed as part of the budget an almost $1 trillion tax increase. Additionally, the budget that was passed by the other side of the aisle increased spending and the size of Government. I am concerned about that. These policies will undo all the good that has been done over the last several years. It is kind of a game: What taxes are you going to have to beat to offset spending now and saying it doesn't need to be. But the fact is, it does. From 2008 to 2011, the budget will increase the deficit by $440 billion and increase the gross debt by $2.2 trillion, if we go on as is now suggested. The budget ignores the impending Medicare and Social Security crises. In fact, it would make it even worse by spending more than a trillion of the Social Security surplus.

When we talk about taxes, we also have to talk about the size, scope, and role of the Federal Government. It is time we look at some of the things we are doing and wonder why they need to be done by the Federal Government and whether, in fact, they should be done by State and local governments or, in fact, the private sector. We should not be using tax policy as a substitute for direct appropriations and encouraging behavior. That is what we have gotten into. We have talked a lot in recent years about tax reform. It is high time we put it into action, whether it is a flat tax, which is difficult to understand but is used in some places around the world—it seems to be workable—or whether it is a tax that is put on the items that people purchase which would be a little difficult to sell. An acquisition tax is one that is being talked about. But we ought to get away from the behavior tax and get back down to a simplified tax.

We need taxes. The Government has to be funded and should be funded in a fair way. But it needs to be done in a different way.

Let me move to Medicare and the noninterference issue that may be coming up very soon. That is the competition on the Part D program by having the Government do the sort of work that needs to be done in the private sector and having a change in the way this thing is operating. I think Part D, which is rather new and still being incorporated but is pretty deeply involved in participation at this point—90 percent of Medicare beneficiaries have drug coverage—is very good. Folks are saving a considerable

amount of money under the program. On average seniors are saving $1,200 yearly on drug costs. A survey reported 80 percent of seniors are happy with the Part D benefits that went into effect recently. Folks in Wyoming are certainly telling me they like the plans that are available there. There are fewer plans available in a smaller population State than there are in some others. Nevertheless, there are plans available. They are available at the local drugstore, and they have an option of several plans from which to choose which is very important for us to maintain in the Part D program.

The costs are 30 percent lower than the original estimates, and it has caused competition. It has caused the private sector to come about with reduced estimates. That is very good. Even the expert the Democratic majority put in place to head up the Congressional Budget Office says this legislation that is proposed to have the Government do the negotiations with drug companies would not save money, according to the CBO. In an April 10 letter to Chairman BAUCUS, the CBO writes:

> We anticipate that under the bill the Secretary would lack the leverage to negotiate prices under the broad range of covered Part D drugs that are more favorable than those obtained by Prescription Drug Plans under current law. Without the authority to establish a formulary or other tools to reduce drug prices, we believe that the Secretary would not obtain significant discounts from drug manufacturers across a broad range of drugs.

CBO also testified that negotiating Medicare drug prices could make costs go up for everyone else. We have to understand we need a drug program, a Medicare program for everyone. There are certain ways it would have to be done for the elderly, for the underfinanced, and so on. But the plan needs to be there for everyone.

The Government Accountability Office has said price fixing may result in limited access. You can imagine if there is negotiation on prices, some of the pharmaceutical companies are going to say: OK, we are not going to offer this drug; we won't offer that drug. Under this plan, you have alternatives and alternative programs from which you can choose to take on different ideas.

Why do we want to take away a plan that has been moving toward success and still has an opportunity for more success and change it before that opportunity has been worked through? Last week the Finance Committee, of which I am a member, held a markup to consider the pending legislation. We asked the proponents of that to come up with their plans. Frankly, they didn't have any specifics as to how this would be handled.

With just the idea we would have the Government negotiate, it sounds like, wow, we would come up with some real good stuff. The fact is—the bottom line is—I think most of us want to see the market work. When there is competition, when there are these kinds of things, it does cause the market to work.

So I think before we pass any bill, we should know and consider, find out, as clearly as we can, what impact it has on the folks. We do not want to talk too much, it seems, on the Senate floor about how that will work. I think we should talk about how it works.

I have great respect for my colleagues on the other side of the aisle, but they believe expanding the Government is the way to solve health problems. I do not agree. I do not believe Government price fixing is the answer to the question.

Current law has increased choices, has lowered prices through market competition, and that is the system we have in this country. Market competition is where we need to go. So we should let the market continue to work and say, as the saying goes, ''if it ain't broke, don't fix it.'' So I think that is how we are challenged.

I am hopeful we can move forward. I think we have a lot of things to do. We need to get on with immigration. I do not think there is anything more important to the country than to have an immigration law that works, that we have a closed border, that we have people coming to work legitimately and legally who return after their period of work or go through the process for becoming citizens. The system we have now is not working, and we need to change that.

I think energy continues to be a factor in the future, very clearly. There is no doubt there is going to be more demand. There is no doubt there is going to be a more difficult time in acquiring energy sources from around the world. We have to depend more on our own, including alternatives. I think alternatives are a very good solution over time as we find out ways to use them and use them in the volumes that are necessary to fill our needs.

In the meantime, I think we need to be very careful to assist in developing those things we know how to do now that will make us have supplies in the interim as we wait for these alternatives to develop—coal, for example. Coal is our largest fossil resource. We know ways to have plants develop electricity from coal, where we can extract carbon, reinject the carbon, help with the climate change, and at the same time have a supply of energy we need.

So these are some of the things I guess I am a little frustrated we cannot move toward. We spend too much time hassling over some of these problems that should not take that long. We should get on with dealing with health care, get on with dealing with energy, get on with dealing with immigration, get on with dealing with spending, get on with dealing with the size of the budget. These are the real issues out there that I think the American people—and I am sure Wyoming people—are concerned about.

So I urge we move as quickly as we can, working together, so we can find ways to move forward and solve some of the problems that are before us.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. 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.

TRAGEDY AT VIRGINIA TECH

Mr. DURBIN. First, Mr. President, let me say that every parent remembers when their kids left the nest. There is that moment when they finally reach that age where they are off to college. I can recall when Loretta and I took our three kids off to their colleges of choice. It was kind of an emotional moment, with mixed feelings: proud they had reached this point in their lives when they were off on their own, sad that now they are leaving their little family setting that had been so familiar and so happy for so many years. But you knew if you were lucky enough as a parent to have attended college that they were facing an extraordinary personal opportunity to go to college and meet so many other students and expand their horizons and learn what it means to live on your own resources.

So that is why the tragedy of Virginia Tech is so sad, that the happy setting of college, where parents have entrusted their students to the university campus, can turn into a scene of horror as we found yesterday in Blacksburg, VA. We are all stunned and heartsick over the staggering and incomprehensible loss of life yesterday. We offer our deepest condolences to the families who lost precious sons and daughters in that shooting rampage, and to the victims who survived it.

As police search for clues, I hope those of us in Congress will come together to also search honestly for answers about what can be done to prevent another tragedy. This has been billed as the worst massacre in American history on a school or college campus. I can still recall 8 years ago in the room behind me, the cloakroom, when we heard of the Columbine shooting when 15 students lost their lives. In Blacksburg, the estimate is somewhere between 32 or 33 who have lost their lives. It is unspeakable to think about the placid setting of that college campus turning into a bloody scene yesterday morning. Now we will go about the grim task of identifying those who were injured and burying the remains of the ones who were killed as the Nation grieves with Virginia Tech University.

REMEMBERING CONGRESSMAN JIM JONTZ

Mr. DURBIN. Mr. President, I wish to say a few words about a friend of mine who passed away on Saturday. His name was Jim Jontz. For 6 years, from 1987 to 1993, Jim represented Indiana's fifth congressional district in the House of Representatives. That is where I first met him and worked with him.

In 1991, the Almanac of American Politics described him as:

> One of the most incredibly hardworking and gifted natural politicians who has routinely done the impossible.

Two years ago Jim was diagnosed with colon cancer that had already spread to his liver. We hoped at the time he would find a way to ''do the impossible'' again and defeat this illness. He fought that cancer for 2 valiant years, but he died on Saturday afternoon in his home in Portland, OR.

Jim Jontz defied ordinary stereotypes. He was a progressive Democrat elected three times by one of the most conservative areas in the country to represent them in Congress. People used to wonder all the time how that was possible. I have some ideas. For one thing, Jim had a flair for trademarks. He was famous for riding his sister's rusty blue Schwinn with mismatched tires in parades.

Jim also practiced a very personal style of politics—something he learned from his days as a grassroots organizer. He ran what he called ''shoe leather'' campaigns. His goal in every campaign was to knock on as many doors and speak to as many people as possible. He owned four pairs of shoes that he rotated in and out of at a local repair shop every week. That is how much shoe leather he put into his job. His campaign signs were always shaped like shoes.

Most importantly, Jim Jontz was a bridge builder. There is a school of politics that says the way you win campaigns is to divide people up into groups and pit them against one another. Jim was a master of a different and better kind of politics. He wanted to build bridges and understanding between groups that too often saw themselves as enemies: organized labor and environmentalists, and family farmers and environmentalists. He was always trying to find some common ground. He cared deeply about preserving the land and family farms and he believed the best way to preserve family farms was to help farmers be better stewards of the land. That seemed like a strange idea to some people 25 years ago. Today, it surely makes sense.

Because of his bridge-building abilities, Jim was tapped to mediate disputes between farmers and environmentalists during negotiations for the 1990 farm bill. One result was a wetlands protection program that won strong support from farmers, environmentalists, and sportsmen. That program has saved many family farms, preserved the natural beauty of our land, and protected our clean water. It is part of the great legacy Jim Jontz leaves.

In addition to his important work on the House Agriculture Committee, Jim served on the Education and Labor Committee, the House Select Committee on Aging, and on the Veterans' Affairs Committee. On Veterans' Affairs, he worked with another brave man—my closest friend when I came to Congress and for so many years—Lane Evans. They worked to help veterans living with one of the most common but least understood injuries of war: post-traumatic stress disorder. Those efforts are part of Jim's legacy that we are relying on today while so many of our soldiers come back from Iraq and Afghanistan trying to conquer the demons in their minds from that experience.

As everyone who knew Jim also knew, he was deeply committed to preserving the ancient forests in the Pacific Northwest. That commitment earned him the support of celebrities and common folk as well who shared his love for America's natural treasures. It also won him the enmity of powerful logging interests and their supporters in Congress.

During the debate of the 1990 farm bill, Jim offered an amendment that would have prevented logging of ancient forests and national parks. A powerful House member of the other party retaliated by drafting legislation that would have allowed the Federal Government to create a 1-million acre national forest smack dab in the middle of Jim's congressional district.

In the end, Jim's efforts to save old-growth forests probably ended his career in Congress. The timber industry targeted him for defeat when he ran for his fourth House term in 1992 and he lost, but he didn't stop. In 1994, he ran for the Senate, losing in his last campaign. In 1995, he moved to Portland, OR, where he continued to work to save ancient forests and preserve the Endangered Species Act.

In 1998, Jim was elected president of Americans for Democratic Action, a position he held for 4 years before becoming ADA president emeritus. His most recent project for the ADA was leading its ''Working Families Win'' campaign which focused on raising the minimum wage, providing working families with affordable health care, and other issues of basic economic justice.

Jim Jontz grew up in Indianapolis and graduated phi beta kappa from Indiana University in 1973 after less than 3 years with a degree in geology. He fell into politics by accident almost in 1974. He opposed a dam building project that he thought threatened his little community. He challenged the chief sponsor of the project, who happened to be the majority leader of the Indiana House, and Jim won. At age 22 he became a political giant killer. He also served in the Indiana Senate before being elected to Congress in 1996 at age 35.

Jim won that first race against the House majority leader by two votes. He believed he picked up those last two votes when he insisted on campaigning at 10 p.m. the night before the election at a laundromat that was still open. That was Jim Jontz—using every last minute to try to make a difference. It was the way he ran his campaigns, it is the way he lived his life, and he did make a difference.

I join so many others—not just from Indiana and from Congress, but from across the country—in offering condolences to Jim's family: his mother, stepfather, and his sister who lives in Chicago. He was a good man who left a great legacy. I am proud to have called him my friend. He will be missed.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

IRAQ WAR

Mr. WHITEHOUSE. Mr. President, as I come to the floor this morning to share my concerns about this country's disastrous policies in Iraq, our Nation is mourning the unimaginable loss of 32 people in the tragic and senseless shootings at Virginia Tech. The thoughts and prayers of every American are with the victims of this horrific episode, the deadliest shooting this country has ever seen. We are only beginning to learn exactly what happened yesterday. We may never know why it happened, but what we know for certain is that in our shared grief we will find shared resolve to care for the wounded, to comfort the families and friends of those who died, to support this university and its community, and to search for answers and hope this tragedy may never be repeated.

I have been a member of the Senate now for just over 100 days. I am here, and many of my freshman colleagues are here, because the people of Rhode Island, like millions of other people across this country, looked at the war in Iraq and saw something that needed to change. They saw hundreds of billions of dollars spent, much of it wasted on reconstruction contracts that were sloppily managed or ill-advised. They saw one after another in a succession of retired generals protesting the failed strategy in Iraq and arguing for a different course. They saw reports that the Bush administration had misused and politicized our national intelligence services to press a case for war that did not exist. They read books, chronicling a heartbreaking series of mistakes and misjudgments. They saw tens of thousands of American soldiers return home grievously injured, and mourned more than 3,000 men and women who will never return home.

The country saw one of the greatest foreign policy disasters of American history and demanded a new direction. The American people voted for change. They were sincere, sober, and correct in their judgment, and this new Congress listened, but President Bush did

not. Instead of committing to redeploy our troops from Iraq, the President chose to escalate this conflict. Now, instead of working with this new Congress to forge a new strategy, a strategy worthy of the sacrifices of our men and women in uniform, the President and Vice President are on the attack—on the political attack—not against the Iraqi leaders who are slow-walking us through this conflict in their country, but against the American people who have rightly questioned their failing policy. The question is this: How much longer will this President refuse to listen?

Since joining the Senate just over 100 days ago, I have worked to put pressure on the Bush administration to redeploy our troops from Iraq. In mid-March, as a member of the Senate Intelligence Committee, I traveled to Iraq to get a firsthand look at the situation on the ground, to see the hard work of our dedicated troops, and to talk with our military commanders and with Iraqi political officials. In Baghdad, our delegation met with several of the officers leading America's military engagement in Iraq, including GEN David Petraeus, LTG Raymond Odierno, and LTG Martin Dempsey, as well as members of our U.S. Embassy country team. We also met with Mahmud al-Mashhadani, Speaker of the Iraqi Parliament, and National Security Minister Shirwan al-Waili. In my capacity as a member of the Intelligence Committee, I also met with members of our Nation's intelligence staff and their Iraqi counterparts.

In Fallujah, we spoke with GEN Walter E. Gaskin, Marine commander in Anbar Province, and other commanders of the Marine Expeditionary Force. I met three brave Rhode Islanders there: Kristie St. Jean from Woonsocket, Christopher Tilson from Providence, and Anthony Paulo from Westerly, all serving our Nation with dedication, courage, and honor.

On our return, we traveled through Germany to visit Landstuhl Regional Medical Center near Ramstein Air Base where our soldiers, sailors, marines, and airmen, badly injured in Iraq and Afghanistan, are med-evac'd to receive critical medical care before their return home. MAJ Andrew Risio, who hails from Ashaway, RI, is helping provide care to our wounded soldiers in that facility.

The young men and women I met with in Iraq and their families have made tremendous sacrifices, and their expert performance and can-do attitude reinforced my pride in the American spirit. The security posture we maintain around our military bases is strong, and our troops are working hard to secure the cities and countryside of Iraq. The work of our intelligence and Special Operations personnel, which often runs nonstop through the night, is remarkable and exhibits a level of professionalism in which every American can be very confident.

The achievements of our forces in Iraq are serious—and here is what impressed me the most from our trip: So is their commitment that the Iraqis must assume responsibility for the security and governance of their own country. In nearly every briefing, at every level of command, the message came loud and clear that our military is highly focused on accomplishing a handover of security responsibilities so as to bring our troops home. As a young soldier in mess hall told me, the Iraqis ''won't stand up until we start to stand back.''

I do believe the Iraqis need more motivation to stand up. For instance, there is key legislation the Iraqi Parliament must pass that our military commanders believe is necessary if this surge is to succeed. They told me we cannot succeed in this military surge unless it is accompanied by a political surge, an economic surge, and a diplomatic surge. Critical measures to facilitate provincial elections, regulation and revenue-sharing for the Iraqi oil industry, reversing de-Beatification in favor of reunification, and restricting sectarian militias are all legislative initiatives that have stalled.

Iraq must take action and move this legislation forward and step up its own security presence. That will require real commitment and urgency, Mr. President. And it would be putting it mildly to say I was not reassured by the signals I received from our meetings with Iraqi officials. There is a serious disconnect between the urgency of our generals about this legislation, and the absence of urgency or energy on the part of Iraqi officials. One soldier I met put it in simple, homespun terms. He said: ''If your parents are willing to pay for the movies and you don't have to spend your own money, or if you can get your big sister to do your homework for you, who wants that to stop?''

It does have to stop and this Congress is taking action to make that clear. I was proud to vote with a majority of the Senate to pass binding bipartisan legislation to require the safe redeployment of our brave troops beginning in 120 days, with the goal of having the vast majority of our troops redeployed from Iraq by the end of March. I am also a cosponsor of the recently introduced Feingold-Reid legislation to continue to put pressure on the Bush administration to safely redeploy our troops.

Only the kind of pressure a decision to redeploy creates will provide the motivation needed for Iraq to take the necessary steps to assume responsibility for its own governance and security. An announcement that our troops will be leaving will encourage the Iraqis to step up and take their security seriously, will discourage the insurgents, and will send a message to the world community that stability in Iraq will no longer be the responsibility of America alone.

Last week, I had the opportunity to take that message directly to the Oval Office. In a meeting with President Bush and several of our colleagues who had recently traveled to Iraq, I urged him to announce a redeployment and a change of course was the strongest force he had in his hands. I also gave the President letters sent to me from Rhode Island folks with family members serving in Iraq. Those messages said loudly and clearly that it is time to bring our troops home.

But rather than acting to change course, the President keeps playing politics. He has threatened to veto legislation this Congress passed to provide critically needed funding for our troops in the field. In our meeting last week, he said he was prepared for what he called a ''classic political showdown.''

The question of what to do in Iraq is not a political fight between President Bush and the Democrats in Congress. It is a struggle between the President and the will and the good sense of the American people. It is long past time that their voices were heard.

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

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

The assistant legislative clerk proceeded to call the roll.

The PRESIDENT pro tempore. The Senator from South Carolina is recognized.

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

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

Mr. DEMINT. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

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

UNANIMOUS-CONSENT REQUEST—S. RES. 123

Mr. DEMINT. Mr. President, in January this body took a significant step toward reforming the way we spend American taxpayer dollars. While debating the ethics reform bill, Senators voted 98 to 0 in favor of my amendment requiring transparency for 100 percent of Member-requested earmarks. This was an early sign that Congress was going to change the way we do business here in Washington.

But since then, I am afraid my optimism has been tempered by a healthy dose of political reality. The ethics bill containing new Senate rules has been stalled, and its future enactment is anything but certain. In the meantime, the Senate has continued business as usual, as earmarking continues unfettered from transparency rules. The appropriators are soliciting earmarks. The WRDA bill is full of undisclosed earmarks, and none of the committees are complying with the anticorruption transparency requirements.

Upon notice that I was going to offer this bill again on the floor, the Democratic leadership of the Appropriations Committee just issued a press release

saying they were going to comply with these rules. That is really good news. So if the appropriators want to comply, there is no reason at all that we shouldn't enact this rule as a Senate rule.

Yesterday's Roll Call reported that the Senate Environment and Public Works Committee is advancing two pieces of legislation packed with billions of dollars worth of earmarks, but the committee is not asking Senators to certify that they have no financial interests in the projects, at least for now. In other words, the Senate is continuing to conduct its business in the old way, which was rejected by the American voters.

We cannot continue to wait. The Senate rules must be changed now if we are going to implement what the chairman of the Appropriations Committee, the distinguished chairman, called an accountable, aboveboard, transparent process for funding decisions, and put an end to the abuses that have harmed the credibility of Congress.

I agree 100 percent. My proposal, S. Res. 123, creates a new Senate rule that requires public disclosure of the earmarks contained in bills passed by committee. This disclosure includes the name of the Member requesting the earmark, the name and address of the intended recipient of the earmark, the purpose of the earmark, and a certification that the requesting Member and his or her spouse have no financial interest in the requested earmark. These are simple transparency ideas that the American people need.

Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to S. Res. 123: Senator ENSIGN, Senator MCCAIN, Senator ENZI, Senator MARTINEZ, and Senator MCCASKILL.

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

Mr. DEMINT. Mr. President, this resolution will immediately require all Members who request earmarks to certify in writing that they have no financial interests in the requested earmark.

Following the imprisonment of Congressman Duke Cunningham for selling earmarks for bribes, Americans need to know their elected officials are not using public office for private gain. This is simply information every Senator should be willing to provide, and I believe most are.

But it is beginning to look as if the new majority is not really interested in shining light on the earmarking process. Before we left for the Easter recess, I asked unanimous consent for the Senate to adopt S. Res. 123 so that we could enact this important rule immediately. The majority objected and said this proposal needed to go through the ''appropriate process.'' That is a sad excuse. This rule has already gone through the normal process. It was offered as an amendment on the floor, it was modified by the leadership of the Democratic Party, and it passed 98 to 0. This is a Senate rule, and the only thing left for us to do is actually enact it.

Let me just read a few quotes from the Democratic leadership when we worked out the language on this bill before. This includes a lot of Democratic language.

Majority leader HARRY REID said: In effect, we have combined the best ideas from both sides of the aisle, Democrat and Republican, to establish the strongest possible disclosure rules in this regard.

Majority whip DICK DURBIN said: I am pleased with this bipartisan solution. I believe it reflects the intent of all on both sides of the aisle to make sure there is more disclosure. We have full agreement. The language has been vetted.

The bill I offer today as a Senate rule is exactly the language we passed 98 to 0.

The majority leader offered up his own excuse when he said his office was not notified in advance. In order to make sure that excuse is not used again, I sent a letter last week to the Democratic and Republican leaders notifying them of my intent to seek unanimous consent today to enact a Senate earmark disclosure rule—again, the one we have already passed 98 to 0.

But I understand the other side has come up with a third excuse. This time, they are going to say that enacting earmark disclosure requirements will dilute the effect of the lobbying and ethics reform bill. This is probably the weakest of all of their excuses. How does enacting an ethics reform provision dilute its effect? The only thing diluting ethics reform is our unwillingness to abide by this new rule. This excuse rings hollow because the majority did not bother to include this rule in their original bill. When we brought it to the floor, they tried to kill it.

I have tried to work in a bipartisan manner on this issue. I have been patient. But it has been over 80 days. The earmark process is continuing as usual, and all the American people are getting is excuses. It is time to enact this rule.

Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration and the Senate now proceed to S. Res. 123; further, that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Is there objection?

The Senator from Illinois is recognized.

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

The PRESIDENT pro tempore. The Senator from Illinois reserves the right to object.

The Senator from Illinois.

Mr. DURBIN. Mr. President, in explaining my reservation, I first wish to commend the Senator from South Carolina on the courtesy he has extended to both sides of the aisle in notifying us of his intent to make this unanimous-consent request. I wish to make clear to him and to all Members that the Senate Democratic leadership remains fully committed to earmark disclosure, but we believe his suggestion, taking it piece by piece, is not the right way to accomplish our goal.

Earlier this year, we considered comprehensive ethics reform. It is a product of the first 100 days of the new leadership of Congress that we are most proud of. Included in that reform was a provision related to transparency in earmarking. I supported this reform. In fact, I joined Senator DEMINT in crafting a new definition of ''earmark'' and requiring that earmarks in legislation be posted on the Internet prior to their final consideration on the floor of the Senate. We both agreed on this language. It passed with an overwhelming majority of 98 to 0, and the underlying bill passed 96 to 2.

No one is suggesting these earmark rules will not be implemented. In fact, today the Senate Appropriations Committee, chaired by the President pro tempore of the Senate, who is now presiding, Senator BYRD, has announced a new policy of transparency in accountability, totally consistent with the language which we agreed on and adopted overwhelmingly on the floor of the Senate.

Mr. President, I ask unanimous consent that the committee's announcement on these sweeping reforms be printed in the RECORD.

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

[U.S. Senate Committee on Appropriations Press Release, Apr. 17, 2007]

SENATE APPROPRIATIONS COMMITTEE ANNOUNCES EARMARK REFORM STANDARDS

WASHINGTON, DC.—The U.S. Senate Committee on Appropriations will adopt an unprecedented policy of transparency and accountability beginning with the Fiscal 2008 appropriations cycle, Committee Chairman Robert C. Byrd, D–W.Va., announced Tuesday.

''The changes that we are making in the appropriations process will help to restore confidence in the Congress,'' Chairman Byrd explained. ''We are ending 'business as usual' in Washington, D.C. We will restore integrity to the process. We will increase accountability and openness, while we also will work to substantially reduce the number of earmarks in legislation.''

Until S. 1, the Ethics and Earmark Reform legislation, is signed into law, the Senate Appropriations Committee will follow these standards:

All earmarks will be clearly identified in the committee bill and report. The identification will include the requesting Senator, the amount of the earmark, the recipient of the earmark, and the purpose of the earmark. If there is no specifically intended recipient for an earmark, the intended location of the activity will be listed.

An earmark shall be defined as it is in the Senate-passed Ethics and Earmark Reform legislation. An earmark is a legislative provision or report language included primarily at the request of a Senator, Member of the House, Delegate, or Resident Commissioner, that provides, authorizes, or recommends 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.

The committee bill and report will be published on the Internet, both through the committee site (http://appropriations.senate.gov) as well as on the Library of Congress' website (http://thomas.loc.gov).

Senators will be required to certify that neither they nor their spouses have a financial interest in any earmark. Senators will need to submit a letter to the Appropriations Committee certifying that they have no financial interest in a project. Those letters will be available for public inspection. What constitutes a Senator's ''financial interest'' shall be determined by the guidelines of the Senate Ethics Committee and Senate Rule XXXVII.

Mr. DURBIN. Mr. President, under these new guidelines, all earmarks will be clearly identified in the committee bill and report, including the requesting Senator, the amount of the earmark, the recipient of the earmark, and the purpose of the earmark. An earmark shall be defined as in the Senate-passed ethics reform bill, which Mr. DEMINT and I cosponsored. The committee bill and report will be published on the Internet—as my amendment required—so that the world can see these earmarks in advance of final passage. Senators will be required to certify that neither they nor their spouses have any financial interests in any earmark. These guidelines will be in place until the ethics reform bill is signed into law.

I commend the Presiding Officer as chairman of the Appropriations Committee for reaching out to the other side of the aisle, to the ranking member, Senator COCHRAN from Mississippi, so that he has been informed of our intention to reform this earmark process.

Earmark disclosure, though, is only one part of the much broader package. We need to strengthen gift and travel rules for Members of the Senate, close the revolving door, strengthen lobbying disclosure, outlaw the K Street Project, this notorious project in which Mr. Abramoff and others were involved, and take other steps to clean up the way business is done in Washington.

Now, if the Senator from South Carolina has his way, we will take one piece today. Some will suggest taking another piece tomorrow. I think it will dilute our effort. We need, within the next few weeks, to work with the House to pass this measure. For those who ask: Well, why hasn't it taken place so far, the House ethics reform was done by House rule, did not involve a joint action by the House and the Senate.

So we are going to find a vehicle that will accomplish our Senate ethics reform, statutory and rules reform, and do it in the appropriate manner and do it in a comprehensive way. We have been assured by House leaders that they will move on this bill in the next few weeks. As soon as the House acts, the Senate will move for conference as quickly as possible. We should not take up bits and pieces of the larger bill.

The Senate has expressed a strong support for earmark disclosure, and the Senate Appropriations Committee, which I am proud to be a member of, has taken the lead on this side of the aisle in strong reforms. The goal of the Senator from South Carolina is already being implemented, and I hope he can take ''yes'' for an answer.

I would like to correct one thing he said for the record. When he started his remarks about earmarks, he said at one point that when it comes to earmarks, this Senate is ''business as usual.'' As the Presiding Officer and those who follow the Senate know, that is hardly the case. When we considered the continuing resolution which had all of the pending appropriations bills from the previously Republican-controlled Congress yet enacted, we took a bold move on our part—that is, the Democratic side—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. It contained no new earmarks. This continuing resolution eliminated funding for over $2.1 billion of earmarks for over 1,900 separate projects.

This is hardly business as usual. Business as usual would have been to take the bills from a Republican Congress, with thousands of earmarks, and enact them into law. We did not do that. So to suggest we are continuing along the path that was the case when there were previous leaders in Congress is just not supported by the facts.

Beyond that, I can give my assurance to the Senator from South Carolina, my colleague, that the earmark language which we adopted in the Senate is going to be the standard by which we live. The Appropriations Committee has made that very clear. I believe that is what we should do.

So at this point, Mr. President, acknowledging the commitment of the Senator from South Carolina to this issue and acknowledging that he should be standing here and saying he has accomplished quite a bit to this point, I would have to say that his additional suggestion today of plucking out one piece of ethics reform and moving on it would be inconsistent with our ultimate goal of having comprehensive ethics reform. In the meantime, we have followed this measure through the Senate Appropriations Committee and, as a consequence, I must object.

The PRESIDENT pro tempore. Objection is heard.

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I appreciate the opportunity to speak on this issue. It is very interesting. The American people should hear what has just gone on here.

What we have heard is rhetoric without responsibility. There is no question that by moving, as Senator DEMINT has, we finally got the Appropriations Committee to endorse what was passed in the ethics legislation. However, after the ethics legislation was passed, I spoke on the floor. I was the last person to speak on the floor late that evening. I made the statement—and it is now proving to be true—that it was ethics reform in name only, no substance.

We now hear an argument that says: We should not pass the most significant portion of the ethics bill in a stand-alone process so that we can, in fact, do what the American people want, which is transparency in this Government.

It is interesting, if you know how this place operates, that if in fact you have an earmark reform on appropriations only, and no earmark reform on an authorization, you have no earmark reform because once something is authorized in an authorizing bill through an earmark, it no longer will apply to the appropriations bill. So we will have the same thing going on. The reason we are seeing an objection to earmark reform is because we truly, in the majority of cases, don't want earmark reform. What we are doing is, we are doing it—talk about piecemeal—only in one area. What we will do is, there won't be an earmark on an appropriations bill. What we will do is authorize them now. Since we won't apply the earmark rule to authorization bills, the American public will once again be hoodwinked. They won't know whose financial interest it is nor who it will benefit.

The problem with ethics in Washington isn't the lobbyists, isn't the campaign contributions, it is the Members of Congress. Until that changes, until the American people demand accountability—what we just heard was a flimsy excuse for not accepting this into the rules of the Senate. We voted on it. The American people deserve it. It is a sham.

I again ask unanimous consent that the Rules Committee be discharged from further consideration, and the Senate now proceed to S. 123; further that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Is there objection to the several requests?

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

The PRESIDENT pro tempore. The Senator from Illinois reserves the right to object.

Mr. DURBIN. It strikes me as odd that the Senator from Oklahoma will not acknowledge the obvious. The earmark reform language which he supported, and the Senator from South Carolina supports, passed the Senate 98 to 0. It was part of the first comprehensive ethics reform package this Senate has seen in many years; many years of Republican rule, I might add. We are

now saying that the Appropriations Committee has voluntarily said, even before the conference committee that we are going to live by these standards.

I will not quibble with the Senator from Oklahoma because he and I see this quite differently. But authorizing a project does not mean it has money. That is why we have authorizing committees and appropriating committees. I can authorize the Sun, the Moon, the stars, and the Milky Way, but I will not deliver any of those to anybody until I get to an appropriations bill.

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

Mr. DURBIN. When I am finished, I will. All of the authorization in the world notwithstanding, unless you appropriate the money from the Treasury for the project, it is just a good idea that might happen.

Mr. COBURN. Will the Senator yield?

Mr. DURBIN. I said I will. Allow me to finish my sentence. What I am suggesting is, other committees may take this up as well on an interim basis. But the bills that are going to move on the floor of the Senate are the appropriations bills. Now that the budget resolution is passed, our major obligation is to achieve something we haven't done for years. We want to try to pass the appropriations bills on time. That means that the time of the Senators from Oklahoma and South Carolina and all of us will be consumed with appropriations bills, and the rules we will play by on earmarks for those bills which will be front and center, our major business, will be the same rule that you voted for, the vote that the Senator from Oklahoma cast on this floor for earmark reform. So I say to the Senator from Oklahoma, he can be prepared as these bills come to the floor to see the very approach he has suggested be followed voluntarily. In the meantime we have the assurance of the House that this matter is going to conference committee.

Suggesting that we have abandoned our commitment to reform or calling it a flimsy excuse overstates the Senator's position.

I object.

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

The PRESIDENT pro tempore. Senators will please address other Senators through the Chair and refer to other Senators in the third person, not in the first person.

Mr. DURBIN. Mr. President, I object to the unanimous consent request.

The PRESIDENT pro tempore. The Senator from Illinois objects.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 372, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 372) to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Pending:

Rockefeller/Bond amendment No. 843, in the nature of a substitute.

Collins amendment No. 847 (to amendment No. 843), to reaffirm the constitutional and statutory protections accorded sealed domestic mail.

The PRESIDING OFFICER (Mr. CASEY). The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, the Republican manager, Senator BOND, and I and our staffs have been working together to clear some amendments, and we have in fact cleared already 10 amendments. I now ask unanimous consent that it be in order for the Senate to consider en bloc the following amendments, that they be agreed to en bloc, and that the motions to reconsider be laid upon the table en bloc. These were agreed to by both sides and have been cleared by all parties. The numbers of the amendments are 845, 846, 856, 858, 859, 860, 861, 862, 863, and 872.

The PRESIDING OFFICER. Is there objection to the several requests?

Mr. COBURN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Missouri.

Mr. BOND. Mr. President, it is very important that we move forward with this bill. We have given time for our colleagues to debate and raise other questions. We would ask that we be able to proceed in a reasonable timeframe to take up amendments which have been introduced by the chairman and the vice chairman together and reflect bipartisan agreement. As vice chairman, I am firmly committed to passage of intelligence reauthorization. I would say further it remains my intention to reduce the partisanship and politicization of intelligence matters.

Events on the Senate floor yesterday, including direct personal attacks on me, indicate this remains a tall order. This bill makes getting a bill harder, and it is already hard enough. Given the kitchen sink provided in the administration's Statement of Administration Policy indicating a possible veto, the chairman and I are trying in good faith, as the chairman indicated, to work through 9, 10, or a dozen amendments to correct the major objections that the administration has.

The administration must know that as we try to weigh their key priorities, they must respect our priorities and our fundamental oversight responsibility which I and the Members of this body should take seriously, as any Senator will.

As for yesterday's events, Senator MCCONNELL manages the floor for the minority. He did not want to end the debate prematurely and the opportunity to offer amendments by the minority, especially with 18 Members absent from the Senate due to bad weather. I supported him because it is the responsibility of our two leaders to manage the floor debate and to protect the rights of minorities and absent Senators. While the attacks on me were inappropriate and offensive, I will continue to work for passage of this intelligence reform measure, which is one of the most important bills we can pass in this session. The measure is too important to be derailed by personal and political attacks.

My friends on the other side of the aisle want more oversight of intelligence. I agree. We got into problems prior to 9/11 because we didn't have good oversight. We have found that there are holes that need to be plugged in oversight. We need to move forward. But forcing an end to the debate with 18 Members absent was not the way to do so. I am hoping that we can show progress by adopting amendments and moving this bill forward to exercise our oversight to provide the intelligence community the direction they need. Our desire is to move forward in the regular order, work our way through amendments, work out a time agreement, dispose of amendments, and hopefully conclude with a bill that most, if not the overwhelming majority, of Members can support so we can get to conference and continue the process.

I will continue to work with the chairman under the difficult circumstances that he and I both face. I am not for delay or any effort, real or imagined, to kill this bill, but I have honest concerns, as others, that there should be an opportunity to address through the regular order in a reasonable timeframe. If there are unreasonable delays, then we will pursue other options which are necessary sometimes to move a bill.

Because of the difficult division present in recent years over these issues, we have been unable to get an authorization bill passed. I find that unacceptable, and I am committed to finding a bill, but it can't be just any bill. It must be the product of give and take and mutual respect and compromise between both parties and both bodies and one the administration can sign.

Mr. ROCKEFELLER. Will the vice chairman yield?

Mr. BOND. Yes.

Mr. ROCKEFELLER. Mr. President, the Senator from Oklahoma has indicated to me that he will not object to the managers' amendment going forward, if he would be allowed to finish what he was talking about, which I assume would happen within the next 5 or 8 minutes. If that is the case, then we will have made progress.

Mr. BOND. Mr. President, I didn't mean to cut the Senator off. For the movement of this bill, we had hoped to

be able to clear some amendments so we could show progress, but the Senator from Oklahoma is seeking recognition. I am sure he has some important things to say. I hope we will finish in time to allow us to pass the cleared amendments prior to 12:30. I apologize to the Senator from Oklahoma and thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I ask unanimous consent to speak as in morning business for the next 10 minutes.

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

EARMARKS

Mr. COBURN. Mr. President, it is very important we not leave the debate on earmarks. What we saw was an issue about the integrity of Congress which Senator DEMINT and myself have been championing. There are only 4 Members of the Senate who don't offer earmarks, 4 out of 100 who don't play the game of earmarks. It is important that the American people know that if we are going to have earmarks, it ought to be clearly identified. We ought to know who is benefiting, who is getting the money, who is sponsoring the money, and what the outcome will be. It is great that the Appropriations Committee has just stated that they are going to voluntarily accede to the rules we passed 98 to 0, except there is one small problem with that; the fact is, there is no enforcement of the rules available to Senators when they violate that very point, which means they may follow that, but if, in fact, they do not, we have no course of action with which to raise a point of order when they do not.

I wish to go back to something the esteemed Senator from Illinois said, which is, we have gotten what we want. No, we have not. We have not gotten it until the American people get the transparency they need about how the Congress operates. If you eliminate earmarks in appropriations but do not eliminate earmarks in authorizations, what is authorized as an earmark will come to the appropriation as not an earmark because it is then authorized, so we will play the same game but one step further back.

I am disappointed at the leadership, that they would block what the American people so fully want. And the idea we have to conference what should be a Senate rule, when the House has already passed a rule—they operate under the very same thing Senator DEMINT has asked for—all we have to do is agree we will, in fact, abide by those rules by accepting that as a rule of the Senate. Anything less than that is political Washington doublespeak which the American people are tired of.

There should not be one earmark, one special favor, one indication of anything done at any level—authorization or appropriations—the American people are not fully aware of as to who has the vetted interest and who will be the benefactor and what the motivations might be in association with that.

So the fact the majority objects to incorporating what we obviously, supposedly, all agreed to—or was it the fact that people voted for it because the people wanted us to and now we will not carry it out? What it does, by not adopting this rule, Senator DEMINT's rule, is we undermine again the integrity of this body.

The American people deserve transparency. The American people should have transparency. The only way we can truly be held accountable by the American people is if they can see everything that is going on.

To deny this rule, to deny the fact we are going to operate in the open, to deny the fact we are going to be held accountable is exactly what the American people are sick of.

I remind my colleagues we do not have a higher favorability rating than the President at this time, whom we are so quick to impugn, and the reason we do not is the very reason we saw in the objection placed on this rule, this resolution. To me, it is a sad day in the Senate because we are playing games again with the American people. I said, after we passed the ethics bill, it will be a long time until we see anything. It will be a long time. It has already been a long time. Why hasn't it been conferenced? There have been 80 days to conference an ethics bill. There has not been the first step. There has not been the naming of conferees. There has not been the first step to move forward toward that.

The American people should surmise—and correctly—the Congress still wants to work in the shadows, they still do not want to have transparency; therefore, they still do not want to be held accountable by the American people.

I thank you for the time and yield back, and I will offer no objection to the request of the Senator from West Virginia to accept amendments on the Intelligence authorization bill.

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. CORNYN. 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. CORNYN. Mr. President, I ask unanimous consent to set aside the pending amendment so I may call up amendments Nos. 848, 849, 850, 851, 852, and 853, en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. ROCKEFELLER. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. ROCKEFELLER. Mr. President, as I indicated before, the distinguished Republican manager, Senator BOND, and I and our staffs have been working together to clear some amendments. We have cleared 10. I now ask unanimous consent that it be in order for the Senate to consider en bloc the following amendments, that they be agreed to en bloc, and the motions to reconsider be laid upon the table, en bloc. The amendment numbers are 845, 846, 856, 858, 859, 860, 861, 862, 863, and 872.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROCKEFELLER. Would the Senator yield?

Mr. CORNYN. Mr. President, I believe the Senator from West Virginia has the floor. I don't.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. The Senator from West Virginia would be interested as to why it is the distinguished Senator from Texas objects.

Mr. CORNYN. Mr. President, let me suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. 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. 849 TO AMENDMENT NO. 843

(Purpose: To amend chapter 113B of title 18, United States Code, to prohibit the recruitment of persons to participate in terrorism, to provide remedies for immigration litigation, and to amend the Immigration and Nationality Act to modify the requirements related to judicial review of visa revocation and to modify the requirements related to detention and removal of aliens ordered removed)

Mr. CORNYN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up Amendment No. 849.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 849 to amendment No. 843.

(The amendment is printed in the RECORD of Monday, April 16, 2007, under ''Text of Amendments.'')

Mr. CORNYN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

AMENDMENTS NOS. 846, AS MODIFIED; 856, 858, 859, 860, AS MODIFIED; 861, AS MODIFIED; 862, 863, AND 872, AS MODIFIED, EN BLOC, TO AMENDMENT NO. 843

Mr. ROCKEFELLER. Mr. President, I resume my request which I will make in full, and that is that the Republican

manager, Senator BOND, and this Senator from West Virginia and our staffs have been working together to clear some amendments. We have cleared 10 amendments—9 amendments. I ask unanimous consent that it be in order for the Senate to consider en bloc the following amendments, that they be agreed to en bloc, and the motions to reconsider be laid upon the table en bloc. Those amendment numbers are 846, 856, 858, 859, 860, 861, 862, 863, and 872.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 846, AS MODIFIED

On page 37, between lines 19 and 20, insert the following:

''(7) develop 15-year projections and assessments of the needs of the intelligence community to ensure a robust federal scientific and engineering workforce and the means to recruit such a workforce through integrated scholarships across the intelligence community, including research grants and cooperative work-study programs;

AMENDMENT NO. 856

(Purpose: To strike the requirement for a study on the disclosure of additional intelligence information)

Beginning on page 11, strike line 18 and all that follows through page 12, line 20.

AMENDMENT NO. 858

(Purpose: To improve the notification of Congress regarding intelligence activities of the United States Government)

Strike section 304 and insert the following:

SEC. 304. IMPROVEMENT OF NOTIFICATION OF CONGRESS REGARDING INTELLIGENCE ACTIVITIES OF THE UNITED STATES GOVERNMENT.

(a) CLARIFICATION OF DEFINITION OF CONGRESSIONAL INTELLIGENCE COMMITTEES TO INCLUDE ALL MEMBERS OF COMMITTEES.—Section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)) is amended—

(1) in subparagraph (A), by inserting '', and includes each member of the Select Committee'' before the semicolon; and

(2) in subparagraph (B), by inserting '', and includes each member of the Permanent Select Committee'' before the period.

(b) NOTICE ON INFORMATION NOT DISCLOSED.—

(1) IN GENERAL.—Section 502 of such Act (50 U.S.C. 413a) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) NOTICE ON INFORMATION NOT DISCLOSED.—(1) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (a) in full or to all the members of the congressional intelligence committees, and requests that such information not be so provided, the Director shall, in a timely fashion, notify such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall be submitted in writing in a classified form, include a statement of the reasons for such determination and a description that provides the main features of the intelligence activities covered by such determination, and contain no restriction on access to this notice by all members of the committee.

''(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of any information necessary to keep all the members of such committees fully and currently informed on all intelligence activities covered by this section.''.

(2) CONFORMING AMENDMENT.—Subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking ''subsection (b)'' and inserting ''subsections (b) and (c)''.

(c) REPORTS AND NOTICE ON COVERT ACTIONS.—

(1) FORM AND CONTENT OF CERTAIN REPORTS.—Subsection (b) of section 503 of such Act (50 U.S.C. 413b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting ''(1)'' after ''(b)''; and

(C) by adding at the end the following new paragraph:

''(2) Any report relating to a covert action that is submitted to the congressional intelligence committees for the purposes of paragraph (1) shall be in writing, and shall contain the following:

''(A) A concise statement of any facts pertinent to such report.

''(B) An explanation of the significance of the covert action covered by such report.''.

(2) NOTICE ON INFORMATION NOT DISCLOSED.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

''(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b) in full or to all the members of the congressional intelligence committees, and requests that such information not be so provided, the Director shall, in a timely fashion, notify such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall be submitted in writing in a classified form, include a statement of the reasons for such determination and a description that provides the main features of the covert action covered by such determination, and contain no restriction on access to this notice by all members of the committee.''.

(3) MODIFICATION OF NATURE OF CHANGE OF COVERT ACTION TRIGGERING NOTICE REQUIREMENTS.—Subsection (d) of such section is amended by striking ''significant'' the first place it appears.

AMENDMENT NO. 859

(Purpose: To strike the pilot program on disclosure of records under the Privacy Act relating to certain intelligence activities)

Strike section 310.

AMENDMENT NO. 860, AS MODIFIED

Beginning on page 29, strike line 24 and all that follows through page 31, line 15, and insert the following:

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on any clandestine prison or detention facility currently or formerly operated by the United States Government for individuals captured in the global war on terrorism.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The date each prison or facility became operational, and if applicable, the date on which each prison or facility ceased its operations.

(B) The total number of prisoners or detainees held at each prison or facility during its operation.

(C) The current number of prisoners or detainees held at each operational prison or facility.

(D) The total and average annual costs of each prison or facility during its operation.

(E) A description of the interrogation procedures used or formerly used on detainees at each prison or facility, including whether a determination has been made that such procedures are or were in compliance with the United States obligations under the Geneva Conventions and the Convention Against Torture.

AMENDMENT NO. 861, AS MODIFIED

Beginning on page 96, strike line 24 and all that follows through page 97, line 6, and insert the following:

''(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also develop a system to facilitate the analysis, dissemination, and incorporation of likenesses, videos, or presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open source information into the National System for Geospatial-Intelligence.

AMENDMENT NO. 862

(Purpose: To change the name of the National Space Intelligence Center to the National Space Intelligence Office)

Strike section 410 and insert the following:

SEC. 410. NATIONAL SPACE INTELLIGENCE OFFICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding after section 119B the following new section:

''NATIONAL SPACE INTELLIGENCE OFFICE

''SEC. 119C. (a) ESTABLISHMENT.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Office.

''(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE OFFICE.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Office.

''(c) MISSIONS.—The National Space Intelligence Office shall have the following missions:

''(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

''(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

''(3) To provide policy direction for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including programs to support education, recruitment, hiring, training, and retention of qualified personnel.

''(4) To evaluate independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

''(d) ACCESS TO INFORMATION.—The Director of National Intelligence shall ensure that the National Space Intelligence Office has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Office to carry out the missions of the Office under subsection (c).

''(e) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Office.''.

(2) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 119B the following new item:

''Sec. 119C. National Space Intelligence Office.''.

(b) REPORT ON ORGANIZATION OF OFFICE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Space Intelligence Office shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the organizational structure of the National Space Intelligence Office established by section 119C of the National Security Act of 1947 (as added by subsection (a)).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The proposed organizational structure of the National Space Intelligence Office.

(B) An identification of key participants in the Office.

(C) A strategic plan for the Office during the five-year period beginning on the date of the report.

AMENDMENT NO. 86

(Purpose: To modify the requirements related to the Director and Deputy Director of the Central Intelligence Agency)

Strike section 421 and insert the following:

SEC. 421. DIRECTOR AND DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Subsection (a) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), (h), and (i) respectively; and

(2) by inserting after subsection (a) the following new subsections (b) and (c):

''(b) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The Deputy Director of the Central Intelligence Agency shall assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director.

''(3) The Deputy Director of the Central Intelligence Agency shall act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency or during a vacancy in the position of Director of the Central Intelligence Agency.

''(c) MILITARY STATUS OF DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY AND DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) Not more than one of the individuals serving in the positions specified in subsection (a) and (b) may be a commissioned officer of the Armed Forces in active status.

''(2) A commissioned officer of the Armed Forces who is serving as the Director or Deputy Director of the Central Intelligence Agency or is engaged in administrative performance of the duties of Director or Deputy Director of the Central Intelligence Agency shall not, while continuing in such service, or in the administrative performance of such duties—

''(A) be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense; or

''(B) exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

''(3) Except as provided in subparagraph (A) or (B) of paragraph (2), the service, or the administrative performance of duties, described in that paragraph by an officer described in that paragraph shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

''(4) A commissioned officer described in paragraph (2), while serving, or continuing in the administrative performance of duties, as described in that paragraph and while remaining on active duty, shall continue to receive military pay and allowances. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency.''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of subsection (e) of such section, as redesignated by subsection (a)(1) of this section, is further amended by striking ''subsection (d)'' and inserting ''subsection (f)''.

(c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

''Deputy Director of the Central Intelligence Agency.''.

(d) ROLE OF DNI IN APPOINTMENT.—Section 106(b)(2) of the National Security Act of 1947 (50 U.S.C. 403–6(b)(2)) is amended by adding at the end the fallowing new subparagraph:

''(J) The Deputy Director of the Central Intelligence Agency.''.

(e) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(1) the date of the nomination by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to the position of Deputy Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

AMENDMENT NO. 872, AS MODIFIED

On page 28, line 19, strike ''legal opinions'' and insert ''legal justifications''.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. ROCKEFELLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROCKEFELLER. Mr. President, I also ask unanimous consent that it be in order for any of the cleared amendments to be modified to comport to the substitute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BOND. Mr. President, I thank the Chairman. We are moving forward now on the bill. As indicated, we have some drafting problems we are working out, but we also have high hopes of being able to adopt a number of the amendments that have been filed on both sides. Some of them may require modification.

Mr. President, as we get ready to go to our policy lunches, I once again ask that Members with amendments come forward and let us know what the amendments are. We ask that they be germane, because nongermane amendments, even if they are passed, will not survive conference. We want to keep the proceedings moving forward, so we ask that amendments be germane. We ask Members to work with us so we can accept them or offer a compromise to make them acceptable. We want to do that. Otherwise, when votes are needed, and I am sure they will be, we ask that a reasonable time period be agreed on by both sides, the proponent of the amendment and the opponent, so we may get some orderly procedure so our colleagues will know how we are moving forward and we can show progress.

I thank the Chair and I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:40 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. CARPER).

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007—Continued

The PRESIDING OFFICER. The pending business is the Cornyn amendment. Who seeks recognition?

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

Mr. KYL. Mr. President, I wonder if my colleague will first allow me to lay down an amendment but not speak to it.

Mr. ALEXANDER. Yes.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, is there a pending amendment?

The PRESIDING OFFICER. Yes, it is the Cornyn amendment.

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

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

AMENDMENT NO. 866 TO AMENDMENT NO. 849

Mr. KYL. Mr. President, I simply ask unanimous consent to call up as a second-degree amendment to the pending amendment my amendment No. 866.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 866 to amendment No. 849.

Mr. KYL. Mr. President, 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 classified information)

At the end, add the following:

SEC. _____. UNLAWFUL DISCLOSURE OF CLASSIFIED REPORTS BY ENTRUSTED PERSONS.

(a) IN GENERAL.—It shall be unlawful for any person who is an employee or member of the Senate or House of Representatives, or who is entrusted with or has lawful possession of, access to, or control over any classified information contained in a report submitted to Congress under this Act, the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 192), the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638), or an amendment made by any such Act to—

(1) knowingly and willfully communicate, furnish, transmit, or otherwise makes available such information to an unauthorized person;

(2) publish such information; or

(3) use such information in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States.

(b) PENALTY.—Any person who violates subsection (a) shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

(c) INFORMATION TO CONGRESS.—Nothing in this section shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives, or joint committee thereof.

(d) DEFINITIONS.—As used in this section—

(1) the term ''classified information'' means information which, at the time of a violation of this section, is determined to be Confidential, Secret, or Top Secret pursuant to Executive Order 12958, or any successor thereto; and

(2) the term ''unauthorized person'' means any person who does not have authority or permission to have access to the classified information under the provisions of a statute, Executive Order, regulation, or directive of the head of any department or agency who is empowered to classify information.

The PRESIDING OFFICER. The Senator from Tennessee is now recognized.

USCIS NATURALIZATION TEST REDESIGN

Mr. ALEXANDER. Mr. President, I thank my colleagues for giving me 5 minutes.

As my late friend Alex Haley, the author of ''Roots,'' said, ''Find the good and praise it.'' We talk an awful lot about illegal immigration here in the Senate. The majority and minority leaders have both said that before Memorial Day, we will bring up immigration reform in a comprehensive manner. I hope very much that we do that. That is our responsibility. It is too big a problem for one party to solve, and we should work on it in a bipartisan way.

Today, I want to talk about legal immigration as opposed to illegal immigration. About 650,000 individuals become U.S. citizens every year. Each of us has attended ceremonies where this happens. This is at the very heart of our Nation. This is why we call the United States of America the Nation of immigrants. What is so important about them is that no one becomes an American based upon his or her race or where their grandparents came from. In fact, that is constitutionally impermissible. One becomes an American by a remarkable oath of allegiance to this country as opposed to some other country, and then demonstrating good character, being here for 5 years, and showing that you know our common language, English, and an understanding of the U.S. history.

The importance of that was brought home to me last week when I was visiting in Nashville. About 30 percent of all of the students in Tennessee who have limited English proficiency happen to be in the Nashville School District, and Pedro Garcia, the superintendent of schools, was telling me that many of those students who are not now American citizens want to make sure they learn enough U.S. history in middle school and high school so they can pass the citizenship test and become Americans when they graduate.

Today, the U.S. Citizenship and Immigration Services, USCIS, is formally releasing the Citizen's Almanac. I call it to the attention of our colleagues. It is a collection of American symbols of freedom and liberty to be given to every newly sworn citizen, and that would be 650,000 this year. It is built upon action that was taken earlier this year by the USCIS to create a new and better citizenship test.

At the conclusion of my remarks, I ask unanimous consent that a fact sheet about the naturalization test redesign be printed in the RECORD.

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

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, the purpose of that test is to simply give new meaning to what it means to be an American. That oath of allegiance which these 650,000 new citizens will take is basically the same oath that George Washington and his officers took at Valley Forge in 1778. It has a great deal of meaning. Other countries in the world have not had the experience we have had helping people from around the world become Americans. The English, the French, the Japanese, and the Germans are struggling with that right now, as people move in who are not Japanese, German, English, or French. It is hard for them to become part of that national identity. We have not had that problem. We welcome everyone based upon their understanding of the symbols and documents represented in the Citizen's Almanac. So if we don't teach about these things in our schools or immigrants don't learn it in the naturalization process, then we are not a united country.

As I have said many times on this floor, diversity is a great strength of the United States of America, but it is not our greatest strength. Our greatest strength is that we have been able to take all of this diversity and mold it into one country, not because of race or ethnicity but because of a belief in a few principles and our common language. We are able to say we are proud of where we came from, but we are prouder to be Americans.

I salute the U.S. Citizenship and Immigration Services for this document, and the National Endowment for the Humanities for its hard work on it. The Citizen's Almanac includes the patriotic anthems and symbols of the United States, Presidential and historical speeches from Presidents Lincoln, Washington, Roosevelt, Kennedy and Reagan, and Martin Luther King, Jr., and landmark decisions of the Supreme Court. It ought to be in every Senate office. It will be in every home of every new citizen. It will be a good document to be in every school in America.

I yield the floor.

EXHIBIT 1

[From the U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, Jan. 22, 2007]

USCIS NATURALIZATION TEST REDESIGN

U.S. Citizenship and Immigration Services (USCIS) is revising the naturalization test to create a test and testing process that is standardized, fair and meaningful. A standardized and fair naturalization test will include uniform testing protocols and procedures nationwide to ensure that there is no variation between offices. A meaningful test will encourage civic learning and patriotism among prospective citizens. A revised test, with an emphasis on the fundamental concepts of American democracy and the rights and responsibilities of citizenship, will help to encourage citizenship applicants to learn and identify with the basic values that we all share as Americans.

BACKGROUND

During the past 10 years, the standardization and meaningfulness of the naturalization test have come under scrutiny. Various studies found that the exam lacked standardized content, instruments, protocols or scoring system. Inconsistencies were reported in the way the exams were administered nationwide, and there was no assessment of whether applicants had a meaningful understanding of U.S. history and government.

To address these concerns, Immigration and Naturalization Services (INS) launched a test redesign project in 2000 that has included technical assistance from several test development contractors, the National Academy of Sciences, a panel of history and U.S. government scholars, and a panel of English as a Second Language (ESL) experts. In addition, USCIS has sought input from a variety of stakeholders, including immigrant advocacy groups, citizenship instructors, ESL teachers, and USCIS District Adjudications Officers.

Changes to the naturalization test

The reading and writing portions of the pilot naturalization exam is similar to the current test except that the new exam contains more civics-based vocabulary. Applicants will still have up to three chances to read and write a sentence correctly in English. In the writing section of the test, the testing officer will dictate a sentence and ask the applicant to write everything the officer reads. During the reading portion

of the test, the test officer will ask the applicant to read each word out loud in that sentence.

The proposed format for the new civics exam will still require applicants to correctly answer six out of 10 questions chosen from a master list of 100 civics questions and answers. The difference is that the new sentences will now focus on civics and history topics, rather than the general range of topics on the current test. USCIS has placed these questions and answers, along with a study guide on the Internet and elsewhere in the public domain to help applicants prepare.

Q. What are the new civics questions and English vocabulary list items?

A. USCIS posted has made the English vocabulary lists available at: www.uscis.gov/natzpilot.

Q. How were the questions developed?

A. English Items. A panel of English as a Second Language (ESL) and other test development experts chosen by the association of Teachers of English to Speakers of Other Languages (TESOL) developed the English items. The TESOL panel established an English language level for the test consistent with Department of Education reporting levels for adult basic education.

Civics Items. The TESOL panel also assisted in drafting and reviewing civics questions using a content framework identified by the Office of Citizenship from a review of government authorized civics and citizenship texts, the U.S. Department of Education's National Standards for Civics and Government, the current naturalization test, and the study guide developed by a panel of experts assembled by USCIS in 2004.

Q. How are the new questions an improvement over the old questions?

A. By weighing the questions on the new civics and U.S. history test we will ensure that all test forms are at the same cognitive and language level. By creating test forms at the same level of difficulty, we are ensuring that an applicant who goes for an interview in one city of the country has the same chance of passing the test as in any other city. The English vocabulary on the new test is also fairer because it is targeted at a language level consistent with the Department of Education reporting standards for the level required by Section 312 of the Immigration and Nationality Act. District Adjudication Officers are being trained to administer and score the naturalization tests in the same way nationwide to ensure uniform administration of the test.

Applicants will receive a study guide on the new civics and U.S. history questions so they can deepen their knowledge and understanding of our Nation as they prepare for the exam. The new items will focus less on redundant and trivial questions based on rote memorization and will focus on concepts, such as the rights and responsibilities of citizenship. Some items on the current test fit those needs and required little content change, so several items from the current test will appear on the revised test. The range of acceptable answers to each question will also increase so that applicants can learn more about a topic and select from a wider range of acceptable answers. And finally, the reading and writing test will provide a tool for civic learning because the vocabulary list is civics-based.

Q. How will the interview process change for applicants?

A. The interview process will not change.

PILOT PROGRAM

As part of the test redesign, USCIS will conduct a pilot program in ten cities beginning in February 2007 to ensure the agency has all the information necessary before the new test is fully implemented nationwide in 2008. During this pilot, USCIS will carefully analyze the new test questions to make certain that the questions are fair and work as they were intended. USCIS will also collect information about testing procedures, to include feedback from DAOs, to help refine the testing procedures and facilitate the smooth transition to the new naturalization exam.

Q. What will USCIS pilot?

A. USCIS plans to pilot 142 U.S. history and government questions and approximately 36 reading and 36 writing items. The topic areas include principals of American democracy, system of government, rule of law, rights and responsibilities, American History, and geography. About half of the questions include rephrased versions of questions on the current test. All citizenship applicants in the 10 pilot areas who are scheduled for their naturalization test during the pilot will receive advance copies of the civics questions and the two lists of vocabulary for self-study. USCIS has also posted these study materials on the web at: http://www.uscis.gov/natzpilot. The actual test will become available to the public.

Q. How were the questions selected?

A. The TESOL panel assisted USCIS in drafting and reviewing civics questions using best practices and conventional sample techniques, such as regression analysis, currently used in private industry.

Q. Where are the test sites?

A. The pilot program will run in 10 cities that were randomly selected based on citizenship application volume. The ten pilot sites are: Albany, NY, Boston, MA; Charleston, S.C.; Denver; EL Paso, Texas; Kansas City, Mo.; Miami; San Antonio, Texas; Tucson, Ariz.; and Yakima, Wash.

Q. How were the 10 pilot cities selected?

A. To capture the diversity of USCIS offices and applicants, USCIS randomly selected a representative sample of 10 districts by geographic region and the volume of applications that were processed in each office to conduct the pilot. This method will help insure that the final results can be made with equal accuracy and statistical weight.

Q. What is the purpose of the pilot?

A. A pilot is a crucial component of any test design process. A pilot ensures that the draft test items, scoring rubrics, and administration processes are appropriate, not too difficult, and elicit the responses we expect.

Q. How will USCIS conduct the pilot?

A. USCIS must administer about 6,000 tests to achieve a representative and significant study.

Pilots will begin in February 2007 and will last between two to four months.

USCIS trained the test administrators on the new exam process.

USCIS will mail a notification to all applicants scheduled for an interview at the pilot sites during the pilot period informing them that they have the opportunity to participate in the national pilot program.

Applicants will also receive a letter explaining the pilot and study questions.

Applicants who take the pilot but do not pass one or more parts will have the opportunity to take the current test or part of the current test immediately during the interview, thus giving them an additional opportunity to pass the naturalization test.

Many of the questions on the pilot test and the current test cover the same subjects, so additional preparation is expected to be minimal.

Once pilot results have been analyzed, piloted items will be revised accordingly.

Q. Must applicants participate in the pilot?

A. No. Applicants will have the choice to decline participation in the pilot test. For those who decline, they will be given the current test.

USCIS will continue to meet with local immigrant service providers, advocates, and ESL teachers in pilot sites to gain their support so that they can encourage immigrants to participate in their government and make this a successful pilot.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Senator FEINGOLD and I be permitted to speak for up to 10 minutes as in morning business.

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

SENATE CAMPAIGN DISCLOSURE PARITY ACT

Mrs. FEINSTEIN. Mr. President, I rise in my capacity as chairman of the Rules Committee to speak about a bill that the Committee heard and passed out unanimously a short time ago. That bill is entitled the ''Senate Campaign Disclosure Parity Act.'' It is sponsored by Senators FEINGOLD, COCHRAN, and 32 other Senators. It would require that Senate campaign finance reports be filed electronically rather than in paper format. That is all the bill does.

Currently, House candidates, Presidential candidates, political action committees, and party committees are all required to file electronically, and they do. But Senators, Senate candidates, authorized campaign committees, and the Democratic and Republican Senate campaign committees are exempt. As a result, we have a very cumbersome system in which paper copies of disclosure reports are filed with the Senate Office of Public Records, which then scans them, makes an electronic copy of them, and sends that copy to the FEC on a dedicated communications line. The FEC then prints the report and sends it to a vendor in Fredericksburg, VA, where the information is keyed in by hand and transferred back to the FEC database. All of this costs about $250,000, and it is a waste of money, a waste of staff, and a waste of time.

At our hearing on February 14 on this bill—and this bill is just on this point—it was clear that there was no public opposition to this proposal, only public support. The bill has been hotlined. It has cleared on the Democratic side. It has not cleared on the Republican side.

Now, again, this bill says we will just allow us to electronically file our quarterly reports. I just electronically filed my quarterly reports. I then gave a paper copy to the Secretary of the Senate. This is exactly the type of good-government law the Senate can adopt as a stand-alone measure.

I hope we move this legislation today, without burdening it with other items. It is really long past time to bring the Senate into the modern era. So I hope my colleagues on both sides of the aisle will join me in ensuring timely access and disclosure of Senate finance campaign activities and bring that information before the public.

I will now yield to the author of the legislation, the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I thank the Senator from California. I am very pleased to be here with her today. I sincerely thank the Senator from California for moving the Senate Campaign Disclosure Parity Act through the Rules Committee so that we are now in a position to finally pass this legislation. As the Senator from California indicated, at last count, we now have 35 cosponsors for S. 223, 20 Democrats and 15 Republicans, and no known opposition.

The bill fixes the anomaly in the election laws that makes it nearly impossible for the public to get timely access to Senate campaign finance reports, even though most other reports are available on the Internet within 24 hours of their filing with the Federal Election Commission, FEC. This bill will finally bring Senate campaigns into the 21st century by amending the section of the election laws dealing with electronic filing to require reports filed with the Secretary of the Senate to be filed electronically and forwarded to the FEC within 24 hours.

This step is long overdue. There is no excuse for keeping our own campaign finance information inaccessible to the public when the information filed by House and Presidential candidates, PACs, parties, and even 527 organizations is readily available almost immediately. The Washington Post has called the outmoded Senate campaign reporting system ''obviously unjustified,'' and Roll Call has called it ''indefensible.'' I couldn't agree more.

The current system means that the FEC's detailed coding, which allows the press and the public to do more sophisticated searches and analysis, is completed over a week later for Senate reports than for House reports. It means that the final disclosure reports covering the first 2 weeks of October are often not available for detailed scrutiny until after the election. That is scandalous and there is no good reason for it.

Let me just say that I know that the election laws have a big impact on campaigns and all Senators have a strong personal stake in vetting changes to those laws. I am very familiar with controversial and contested campaign finance legislation. This isn't that kind of bill. This bill is as close to a no-brainer as you can get in this area.

In addition to bipartisan support here in the Senate, major media outlets have endorsed it, as have bloggers on the left and the right. No one that I know of opposes it. And yet, it has now been nearly 3 and a half years since I first introduced it. That is nearly half as long as it took us to pass McCain-Feingold. I know McCain-Feingold. You might say McCain-Feingold is a friend of mine. This bill is no McCain-Feingold.

As I understand it, this bill has cleared the Democratic side. Given the strong support for it from across the political spectrum, and cosponsorship from many Republican Senators, and I especially thank Senator COCHRAN for being the main author along with me. I sincerely hope there won't be an objection on the Republican side. It would be wrong to hold this bill up as some kind of bargaining chip. It is time for the Senate to pass this bill, and I hope that can be done today.

Once again, I thank the Senator from California, and I yield the floor.

Mrs. FEINSTEIN. Mr. President, if I may, I will ask a question of the Senator from Wisconsin. First, I thank him for his leadership on this issue.

If I can ask the Senator, is there any item in this bill other than electronic filing?

Mr. FEINGOLD. No, there is not.

Mrs. FEINSTEIN. Doesn't this bill simply enable Members of the Senate, just as every other political office does, to file directly electronically their finance reports?

Mr. FEINGOLD. That is all it does.

Mrs. FEINSTEIN. I thank the Senator.

Mr. President, this is such a simple, direct bill with respect to transparency. It is an idea whose time has long come. It happens everywhere else except for the Senate, Senate committees, and the Senate campaign committees. The time is long overdue to pass this bill. It is such a simple, good-government issue. It is very hard for me to understand who could oppose this and what their reason for opposing it could be. I hope that if there is opposition in this Senate, the Member would be willing to come down to the floor and express why they would oppose this bill.

We have the solid support of the entire Rules Committee. This bill was easy to pass out of committee. It was easy to hotline on the Democratic side, and it should be easy to pass by unanimous consent.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 96, S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic forms; that the committee-reported amendment be considered and agreed to; that the bill, as amended, be read three times, passed; and that the motion to reconsider be laid upon the table, with no intervening action.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Mr. President, on behalf of a Republican Senator, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. FEINSTEIN. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ACTION ON AMENDMENTS NOS. 856 AND 859 VITIATED

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the previous action on amendments Nos. 856 and 859 be vitiated.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. BROWN). The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. 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. ROCKEFELLER. Mr. President, I ask unanimous consent that at 5:45 p.m. today, the motion to proceed to the motion to reconsider be agreed to, the motion to reconsider be agreed to, and without further interning action, the Senate proceed to vote on the motion to invoke cloture on S. 372, the Intelligence authorization bill; further, that Members have until 4:45 p.m. to file any second-degree amendments.

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

Mr. ROCKEFELLER. Mr. President, I should say this has been cleared on both sides.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. 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. GRASSLEY. Mr. President, I ask to speak as in morning business for half an hour, although I probably will not speak that long.

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

MEDICARE

Mr. GRASSLEY. Mr. President, earlier this year I gave a series of statements on this floor on the Medicare prescription drug benefit. Back then, I said I was informing my colleagues because in the near future Congress would consider some fundamental changes in how the benefit works.

Well, for the entire Senate, the future is now. Last week the Senate Finance Committee marked up legislation on the so-called prohibition on Government negotiations under the Medicare prescription drug benefit. When I gave these four statements during February, I said it was important for the public and also for Medicare

beneficiaries to understand the proposed changes, and that it was equally important to explore the effects these changes would have.

Those reasons still hold true this very day. They are even more important now as the Senate gears up for action on that ill-advised legislation. I will inform my colleagues on this topic today, tomorrow, and the rest of the week, if I need to, because I want to make sure everyone understands the consequences of this legislation that is going to change the Medicare Program and hurt the Medicare Program, a program that is working; that if it ain't broke, don't fix it. I am willing to talk about this issue until I am blue in the face.

First, everyone should recognize that political opponents of the drug benefit that we call Part D of Medicare have tried for 4 years to tear this benefit apart since day one. Day one dates back to December 2003, when the President signed the bill. These naysayers feel Government can always manage better. They want a Government-run benefit program of drugs in Medicare, and they want the Federal Government dictating drug prices, as if the Federal Government can dictate drug prices.

Thankfully, the naysayers lost when that legislation was being considered. But that has not stopped them from constantly whining and carping about the drug benefit that is now law. The naysayers said there would be no prescription drug plans. Then when there were plenty of prescription drug plans coming into the system, approved by the Secretary of HHS to administer to the seniors of America, they said there were too many plans.

The naysayers said it was too confusing, that the seniors would not be able to choose plans, even arguing that there would be a small number of seniors signing up.

But the seniors have enrolled. In fact, 92 percent of the seniors in America are covered by a prescription drug plan. And what about their satisfaction? Interviews show a great deal of satisfaction on the part of seniors with the plans.

Then the naysayers suggested plans could change their prices and the drugs they cover at the drop of a hat, which has not happened. So the naysayers were wrong again. They did all they could to taint beneficiaries' views of the benefits before it even got off the ground. But the naysayers' biggest criticism of the drug benefit is that, according to them, the Government does not negotiate with drugmakers for lower prices.

Now I will show you how silly that is and how wrong that is and, more importantly, how misleading that is. I say according to ''them,'' meaning according to the naysayers, because they have gone to great lengths to make it sound as though nobody is negotiating with drug companies. If you believe the naysayers out there, you would think that drug companies name their price and Medicare is forced to pay it. That is so wrong that it truly boggles the mind. It seems to me, as I see these arguments, there is no embarrassment on the part of the naysayers' part.

Now, it is correct, of course, that the Secretary of Health and Human Services himself does not negotiate with drug companies, but it is absolutely not correct to say there are no negotiations. That is complete and utter nonsense. It is embarrassingly wrong. Under the Medicare drug benefit, multiple drug plans compete against each other for the membership of seniors and disabled people covered by Medicare. These plans compete to get the lowest prices from manufacturers, for you as a member, because they want to keep you as a member.

In fact, these plans want to be the best negotiators and to offer beneficiaries the best possible drug plan with low premiums, low cost sharing, and even with additional benefits. They compete to be the plan that beneficiaries want to join.

Now, is this something new? No, it is nothing new. This is the same approach used for health care benefits for every Member of Congress, and 3 million Federal employees, under what we call the Federal Employee Health Benefit Program. If beneficiaries do not like the job their plan is doing, you can fire your plan. You can leave it, join another plan. You can choose a better plan. Yet, you see, it is actually very simple how this works; very simple. Harnessing the power of competition among plans gives the Medicare Program beneficiaries and the taxpayers access to better negotiation than anything the Government could do on its own.

In fact, there are five negotiators out there that are negotiating in a bigger way than even the Federal Government can. Can you imagine that, there are five negotiators that are bigger than the Federal Government that were negotiating this? Competition, then, is the mainstay of our free market economy. Businesses compete every day in almost every sector of our economy to produce the products consumers most want at a price that consumers pay, which is probably what consumers can afford.

But the naysayers of the drug benefit somehow do not like that. They are uncomfortable with the free market. They want the Government to run everything. They want the Government itself doing the negotiation. They find it hard to believe anyone could do a better job negotiating than big Government.

Of course, along the lines, they are ignoring the simple fact that competition is working. They are ignoring that competition has led to lower premiums, $22 this year instead of $23 last year, instead of $37 when we wrote the legislation.

They are ignoring that competition is bringing choices to beneficiaries, those who said we would never have choice, that you could not use plans because plans would not work. You know what. Those very Members of Congress are wrong, because in my State there are 43 plans. Will there always be 43 plans? No, I imagine there are some that are small, will weed themselves out, will be bought. These people are ignoring that the Government is not actually very good at figuring out what it should pay for drugs. They are ignoring the fact to carry on with the political scam that they committed against beneficiaries and against the public.

I have a chart I used a month ago that I want to show again. On it is a quote from the Washington Post, recognizing as well, when it wrote the following in an editorial, that this is a political scam and that governments don't do a very good job of negotiating:

> Governments are notoriously bad at setting prices, and the U.S. Government is notoriously bad at setting prices in the medical realm.

We knew this because of the Government's experience paying for drugs covered by Medicare Part B. There are not very many drugs covered by Medicare Part B, but there have been a few and over a long period of time. What did we learn from that experience of Part B Medicare? These happen to be the drugs that are given during a physician's office visit or other drugs such as oral cancer drugs. Medicare payments for these drugs were based on what is called the average wholesale price, AWP. It is similar to a sticker price for a car. No one actually pays that price on the sticker of a car. The joke was that average wholesale price or AWP actually stood for ''ain't what's paid.'' Over the past decade, reports issued by the inspector general, by the Department of Justice, and by the Government Accountability Office found that by relying on average wholesale price, Medicare was vastly overpaying for these drugs. Recommendations were made to change payments so they reflected actual market cost. The Clinton administration tried to make some of these changes but after pushback from providers, it backed off.

Congress took another run at this issue in 2003 in the Medicare Modernization Act and was successful. Congress reformed how Medicare pays these drugs under Part B, not Part D. Medicare now bases its payment for many of these drugs on a market-based price, a real price, not the average wholesale price, not the ''ain't what's paid'' price because it wasn't paid. This change, believe it or not, is saving the taxpayers and beneficiaries, but it took years to get that fixed. In all that time, Medicare and taxpayers paid too many dollars for drugs, wasted money, billions and billions of dollars wasted. So using the Part B tradition, we don't want to make the same mistake. We don't want to repeat that experience under the new Part D of drugs for Medicare.

We also knew Medicare overpays for a lot of other services and equipment.

The bookshelves are full of other reports from the General Accounting Office, from the inspector general, from the Medicare Payment Advisory Commission, from the Congressional Budget Office, and others, about how Medicare is paying too much in too many areas. For example, Medicare overpaid for durable medical equipment for years until the Republican-led Congress made changes in the 2005 Deficit Reduction Act. In addition, each year the Office of Inspector General issues what is called the Red Book, which presents cost savings recommendations. The books are usually 50 or more pages long, and the recommendations span all aspects of Medicare—hospitals, physicians, home health care plans, and others. This is more evidence of the many areas where Medicare doesn't get the best deal.

Congress has even created the Medicare Payment Advisory Commission, called MedPAC, to provide advice to Congress on payments for services. Every year, Congress hears recommendations from MedPAC to address Medicare overpayments, but many times it takes years for the Secretary of Health and Human Services or for the entire Congress to act to save the taxpayers money. In making recommendations, MedPAC looks at profit margins, for example. One type of provider had been found to have margins of 17 percent off of Medicare payments. The Congress has been able to act on many MedPAC recommendations, but it can be very hard to accomplish these changes. I remember when I was chairman of the Senate Finance Committee over the last 4 years. I received letters from Members saying something like: Please don't cut payments for this provider group or that provider group.

In fact, on the Senate floor just before recess, I fought to prevent this very Senate from freezing a Center for Medicare Services' rule that would have prevented wasteful spending in the program we call Medicaid. Is the rule a good thing or a bad thing? We didn't bother to hold the first hearing on the subject. The only thing that mattered was that a group of providers complained. Like the Clinton administration found, letters and complaints such as that can make it difficult, in the very short order, to do anything about a problem, despite the compelling evidence of overpayments, despite the high profit margins, despite the fact that a proposed change could save taxpayers billions of dollars.

Those of us who wrote the Part D Medicare drug plan passed 4 years ago—and that was mostly Senator BAUCUS for the Democrats and me for the Republicans—were concerned that this same kind of dynamic might happen with this Part D program. Political pressures on Medicare drug benefits would tie the hands of the Secretary of Health and Human Services. If that happens, the programs would be unmanageable and costs would skyrocket. Instead, Congress put competing private plans in charge of negotiating. These plans and their negotiators have years of experience in this arena. This is what they do for a living. Health and Human Services has had very little experience and a very dismal track record.

On this chart, these plans and their negotiators and managers have powerful bargaining clout in the market. They manage the drug coverage for tens of millions of people. There are plans that cover upwards of 50 million people—75 million, in one case—far more than the 41 million Medicare beneficiaries. Clearly, Medicare beneficiaries account for a large number of all prescriptions filled each year, so some might argue that 41 million beneficiaries have more clout than 75 million nonbeneficiaries, but numbers alone do not necessarily translate into lower costs.

As evidence of that, we had all sorts of experts come before the Finance Committee in January on this very topic. In response to questions I asked, particularly of Professor Scott Morton of Yale University, he said it doesn't matter whether you negotiate on behalf of 1 million or 43 million people; what matters is what leverage you have and how you use that leverage.

I think I ought to emphasize that. It is how you use the leverage. So it is what is done to leverage those numbers, then, that leads to lower costs. That leverage comes from the plan being able to say to a drug company something such as: I can get a better deal on drug A from a different manufacturer that has the same clinical effect as your drug B. If you can't match it or do better, then I am going to leave the table.

Some plans will get a better deal on drug A and put it in their formulary. Some plans will get a better deal on drug B. But many experts agree—and experience suggests—that it would be difficult for the Government itself, our Government, to walk away from the table. There would be enormous pressure to cover everything. If it did, the negotiating power lies not with the Government but with the manufacturers.

Here is what Professor Scott Morton said would happen if someone negotiating drug prices couldn't have a formulary:

> Each manufacturer would know that, fundamentally, Medicare must purchase all products. The Medicare ''negotiator'' would have no bargaining leverage, and therefore, simply allowing bargaining on its own would not lead to substantially lower prices.

At the same hearing, we had another witness. That witness was Mr. Edward Haislmaier, of the Heritage Institute. I would like to quote him from his written testimony:

> [that] volume purchasing encourages manufacturer discounting, it is not, in and of itself, sufficient to extract large discounts. Manufacturers will only offer substantial discounts if the buyer combines the ''carrot'' of volume with the ''stick'' of being able to substitute one supplier's goods with those of another.

In drug negotiations, that stick is called a formulary. Plans participating in drug benefits can use that stick. Expert after expert agrees it would be difficult, if not impossible, for the Government, however, to use that stick under Medicare. In fact, in a November 2 Wall Street Journal opinion piece, Dr. Allen Enthoven, an economist at Stanford University, wrote:

> When the government negotiates, its hands are tied because there are few drugs it can exclude without facing political backlash from doctors and the Medicare population, a very influential group of voters.

Let's be honest with each other. What do you think would happen in the Senate if the Center for Medicare Services, CMS, tried to cut a large drug company headquartered in New Jersey or North Carolina, for example, completely out of Part D because they wouldn't meet the Government's price demands? Would Senators from those States say something such as: Oh, well, that is just too bad? Would any of you say that if it was in your State that a manufacturer was being cut out? Again, let's be honest with each other.

What are we left with then? At the January Senate Finance Committee hearing, Professor Scott Morton said that without a formulary—the ''stick,'' as I refer to it—the Secretary would have about as much negotiating power as you would get by calling a drug maker and saying something such as: I would like you to offer a lower price. Their answer might be: Why should I? You have to buy my drug, so why would I offer you a lower price? About all you have left after that is: Please, won't you give me a lower price? That is not going to get you very far.

If my friends on the other side of the aisle think this bill is going to achieve real savings for consumers or the Federal Government, they must have some ideas in mind. I can't believe my friends would come to the Senate floor with a bill that is truly as ''do nothing'' as CBO describes it.

Here is what the Congressional Budget Office said about S. 3. It would have ''a negligible effect on federal spending.'' Another quote:

> Without the authority to establish a formulary, we believe that the Secretary would not be able to encourage the use of particular drugs by Part D beneficiaries, and as a result would lack the leverage to obtain significant discounts in his negotiations with drug manufacturers.

So let me repeat that other quote: It would have ''a negligible effect on federal spending.''

The bill we are considering and voting on tomorrow cannot possibly be as innocuous or inconsequential as what the Congressional Budget Office said. Certainly, there must be creative ideas out there to find savings we have not considered.

Since the Finance Committee's markup of S. 3 the other night, I have been considering how a Secretary

might use his imagination to find savings. One of the first places we looked at was H.R. 4, the bill that passed the Senate.

H.R. 4 struck the language in the statute that prevents the Secretary from instituting a price structure for reimbursement of covered drugs. Did the House strike the ban because they want an imaginative Secretary to use price controls as part of negotiations? Because all we have heard is they do not want price controls.

Last Thursday night, we offered an amendment to S. 3 to prevent the Secretary from using a preferred drug list, or PDLs as they are called. A preferred drug list is just a formulary under a different name. It is essentially a Government-controlled list of drugs that you can or cannot have.

While I do not think there is a difference between formularies and preferred drug lists, we have seen the courts rule that a State can use one in Medicaid even though Medicaid bans the use of formularies.

So Thursday night, we had an amendment to prevent the Secretary from using preferred drug lists. After all, we do not want the Secretary coming up with a list of drugs you can or cannot take, do we?

To my surprise, the Democrats on the committee rejected my amendment. So what is going on? Perhaps they think that having the Government establish a preferred drug list is one of the imaginative ideas a Secretary will be able to use to save money.

I think this bill is a Trojan Horse. It is dressed up as a do-nothing message bill. But before the week is out, we are going to look inside that horse and see all the bad that could be waiting to hurt beneficiaries. We will see what is bad in this bill that will hurt access and choices beneficiaries currently have in this Medicare drug benefit program.

Maintaining access and choice—access and choice—is critical because beneficiaries have different drug needs. The way the benefit is structured now is that plans can have different formularies. Some might get a good price on one drug; another might get a better price on another drug. They can have different formularies, and beneficiaries can have choices that meet their needs.

When Congress finished work on the new drug benefit in 2003, we knew it was an experiment. Nothing like this had ever been tried. Here is what we learned: Private competition works. It has been successful at keeping costs down. The 25 most used drugs by seniors cost 35 percent less. Plan bids have come in lower than expected. This year, they were down 10 percent from last year's bids.

Premiums are lower than they were estimated to be. Before 2006, Medicare's chief actuary estimated the average monthly premium would be $37, but it was actually $23 in 2006. That is 38 percent lower than expected. Because of the strong competition between plans, the average premiums for beneficiaries is expected to be about $22 in 2007, not the $39 that had been estimated.

Why? Private competition works.

The net cost to the Federal Government is also lower than expected. In January, the official Medicare actuary announced that the net 10-year cost of Part D has dropped by $189 billion over the original budget window used when the Medicare Modernization Act was enacted. That is 2004 to 2013. That is a 30-percent drop in the actual cost compared to the projection.

Why? Because private competition works.

The savings are unheard of for a Government program of any kind. Where else have you ever heard of a cost underrun in a Federal program?

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

Mr. GRASSLEY. Mr. President, could I please have 4 more minutes? I ask unanimous consent for that additional time.

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

Mr. GRASSLEY. I wish to emphasize: We have a cost underrun in a Federal program. When have you ever heard of that?

You could not get those lower prices and lower costs unless the prescription drug plans are being strong negotiators with the drug makers. States are also saving money in lower contributions, better known as ''clawback'' payments. State clawback payments are now projected to be $37 billion less over a 10-year period. That is 27 percent lower. Just in 2006, States saved $700 million.

Why? Because private competition is working.

The plans are negotiating lower prices for drugs. I have said so many times, for the top 25 drugs used by seniors, the Medicare prescription drug plans have been able to negotiate prices that on average are 35 percent lower than the average cash price at retail pharmacies—35 percent lower.

Why? Because private competition is working.

Here are some examples: Lipitor is 15 percent lower, Atenolol is 63 percent lower, while Fosamax is 30 percent lower. I could go on down the list.

Now, when the drug benefit was signed into law, we believed it would work and hold down costs. That is certainly happening today even more than we expected because private competition works.

We also said that if it did not work—if the negotiating model used for the drug benefit did not hold down costs—then Congress would need to reexamine things. If costs grew too fast, then the whole idea would have to be revisited.

Maybe we would have to restrict access to drugs. Maybe we would have to rely more on mail order pharmacies instead of liberal access to local retail pharmacies. Maybe more drastic cost-cutting measures would be needed.

But that is not the position we are in today. Why? Because private competition works.

I hate to sound like a broken record, but I think the naysayers out there need a little repetition therapy. Everyone has heard the old saying that ''if it ain't broke, don't fix it.'' It certainly applies here, and the evidence shows it.

I would like to be the first one to say that the Medicare drug benefit is not perfect. There are improvements that can be made. Congress should look at ways to make it easier for low-income beneficiaries to get the additional assistance they need by reexamining the low-income subsidy asset test.

We need to look at payments to pharmacies and make some reforms in that area. We need to look at ways we can simplify the enrollment process. And there are other areas where we can make improvements.

But one area that is working very well is the negotiating power of Medicare drug plans. They have shown their ability to hold down costs. It is working.

The pleas from the naysayers to put the Government in charge of negotiating are about politics, not policy. These voices have not given up in their misguided quest to score political points with the drug benefit. It saddens me the Democratically controlled Congress has devoted so much time to this issue rather than looking at some of the improvements we can make in Part D that I mentioned.

Why they have put politics ahead of constructive changes is beyond me.

In January, I had hoped we could put politics aside and focus on some of the real improvements we could be making with the drug benefit. But, sadly, that is not the case, and that is why I am here today.

Under the drug benefit today, with the plans negotiating with drug makers and competing with each other, we have lower drug prices for beneficiaries, lower program costs for the Government—saving the taxpayers money—and prescription drug choices for beneficiaries.

Private competition works.

Mr. President, I urge my colleagues to oppose S. 3. It is a big government takeover of the private market that is working for the Medicare benefit.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent I be permitted to proceed as in morning business for such time as I may consume.

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

Mr. KERRY. I thank the Chair.

Mr. President, let me just comment. I did not come to the floor to speak about the bill specifically. I wish to speak about the alternative minimum tax in a moment. But I cannot help, since I am a member of the committee—listening to the ranking member talk about Medicare and what the

impact of allowing Medicare the possibility of being able to negotiate might or might not be—but speak to that for a moment, if I can.

I think most Americans understand, as a matter of common sense, that when an entity that represents their tax dollars has the ability to go out into the marketplace and negotiate for a price, the probability they are going to have saved tax dollars is pretty real, if there is a good and decent negotiation.

The resistance of the Senator from Iowa and others is interesting because it is a resistance that represents the power of big companies in the country—the drug companies—to sort of say: Hey, we kind of like the system the way it is—which we understand because the profits are enormous. But our job is to represent the taxpayers' dollars. Our job is also to use the marketplace thoughtfully.

I do not know what it is that suggests, on the one hand, it is legitimate for the Veterans' Administration to go out as a Government entity and negotiate a lower price for the drugs it purchases to distribute to veterans—which we do—but it is not OK for Medicare—which is another Government program that costs the taxpayers a lot of money—to be able to go out and negotiate a lower price for seniors. It is illogical.

What they do is come in and try to scare people and say: Well, we have given this special privilege to the Veterans' Administration, but if all of a sudden we allow somebody else to negotiate it, then the veterans are not going to get as good a deal.

Well, nobody knows that until you go out into the marketplace. The Veterans' Administration and Medicare together still do not represent the entire market. You are going to have an incredible number of private citizens still purchasing through private health care plans or their HMOs or other plans—private as they are—also.

The marketplace is still going to have its capacity to work. This is not such a large block that it represents a complete and total eradication of a marketplace, No. 1. No. 2, there are other countries where you have this kind of negotiated fee for the service being provided which has worked very effectively.

I think the bottom line is that people have to remember that this legislation we are talking about does not order the Secretary to do this. It is pretty obvious under this administration it is not going to happen because they do not believe in it. All we are doing is lifting the prohibition against the Secretary doing it. So if all the negative things the Senator talks about are true, a smart Secretary is not going to do them because they are negative.

But why would you put in place a prohibition? Why do you specifically say: No, the Secretary can't go out and negotiate the price. You are stuck with the status quo. You are stuck with the current system. The reason is very simple: because it is a lot of money out of the pockets of taxpayers into the pockets of the big companies. That is it, and they are here protecting that.

This is a question of whether we are simply going to lift the prohibition, let the Secretary make the judgment. Can you go out into the market? Can you do this without hurting veterans? Can you do it without upsetting the marketplace? Can you do it and still have the kind of resources you want put into the research of new drugs and other things? I am confident a Secretary is going to make a smart decision.

It is interesting to see the people who usually spend the most time arguing in this country ''don't let the government interfere'' are the ones who are standing up to let the Government—excuse me, not let the Government, force the Government, in effect, to interfere with the marketplace. Actually, what they really are doing is putting in place a prohibition against the Secretary actually letting the marketplace work or testing whether the marketplace could work more effectively. In effect, we leave it in a state where the companies are dictating effectively what the price is going to be and the citizen, as a result, winds up paying an unfair burden.

We are not doing the best job possible as Government trustees of taxpayer money in taking care of that money and in representing the interests of our taxpayers. That is what is at stake here. Are you prepared to trust the discretion of the Secretary to analyze this, to look at what is best for the country, best for the delivery system, and make that judgment? All we are doing is lifting an unfair special interest prohibition to allow a full analysis of what the better alternative might be.

ALTERNATIVE MINIMUM TAX

Mr. President, as Americans prepared their taxes this year, millions of families in Massachusetts and across the country found a very unpleasant surprise. Beyond their regular income taxes, families found another hidden income tax, which is the alternative minimum tax. It costs those families many thousands of dollars. Most taxpayers are accustomed to computing their income tax liability in the usual way: adding up their income, making whatever deductions they are entitled to, subtracting exemptions for their dependents, and then checking their tax bracket to find out how much they owe. But this year, many of those same taxpayers discovered another tax that ate up any exemptions and deductions they might have claimed. It is a hidden income tax, and it affects the wrong people. It affects people we never intended to affect, and each year that we don't address it, it grows worse.

This alternative minimum tax is a tax that made sense once upon a time. When it was first enacted in 1969, it had a rationale, but since then, it has become bloated and illogical. The tax was first put in place when Treasury Secretary Joseph Barr, during his 1 month as the shortest tenured Treasury Secretary in history, told Congress about 155 wealthy Americans who had paid no income tax in 1966. Congress was overwhelmed with mail expressing outrage that these 155 rich Americans weren't pulling their weight. In response, Congress passed the first version of the AMT. So the AMT was put in place to address Americans' concerns with 155 of the richest Americans at a time when 155 represented a large block of those who were among the wealthiest Americans. Urging tax reform, Secretary Barr coined the phrase ''taxpayers' revolt'' and that is exactly what we are likely to see unless we get this right now.

In 1970, 20,000 taxpayers were affected by the alternative minimum tax. This year, about 4 million Americans will pay it, and next year that number could rise to 23 million Americans. What was originally a small fix at the edge of our Tax Code has now ballooned into a massive inconvenience and unfairness at the center of our Tax Code. Instead of serving its original purpose, the tax cuts we saw passed into law a few years ago, illogical and deceptive as they were, are winding up targeting the very people we are supposed to be helping. The very people we hear most of the rhetoric about—those who need help in America and the middle class being unfairly taxed—are the very people who are being unfairly taxed by this hidden tax people don't want to talk about. The fact is the middle class has seen an enormous shift in the burden away from the wealthiest Americans onto the middle class, the very people the AMT was designed to protect.

The AMT is now poised to make a dramatic shift from the wealthy to the middle class. In 2006, taxpayers earning more than half a million dollars will pay 47 percent of the tax. By 2010, that number will drop to 16 percent. We are going to go from 47 percent of the people who earn more than half a million dollars who are supposed to be the targets of the alternative minimum tax—that will drop to 16 percent—and the people who are going to pick up the difference are going to be Americans in the middle class who are struggling with increasing tuition costs, increasing energy costs, increasing health care costs, and wages that are either frozen or going down. Meanwhile, investment income will not be impacted by the alternative minimum tax, and the top alternative minimum tax rate is lower than the top marginal tax rate, which is what people pay on their income.

So a tax designed to cover or apply to the wealthiest Americans has become a solidly middle-class tax.

This tax also punishes certain States in our country more than other States, and particularly a State such as mine—Massachusetts—but other States in the Northeast and large industrial States.

In 2007, 24 percent of Massachusetts taxpayers, up from about 5 percent last year, will be hit by the alternative minimum tax, so that Massachusetts will be No. 4 in the rankings of all the States in the country. I don't think we ought to be putting an undue burden on the middle class, and we certainly shouldn't be putting one unfairly on certain States while other States are exempt.

Worse still, the tax penalizes families with children because it eliminates any dependent exemptions. So here we are talking about family values, but the family values are stripped away for those middle-class families because they lose their exemptions for their dependents.

In 2007, the alternative minimum tax will impact a family with four children and an income of $57,000. Married couples will be more than 12 times as likely as singles to face the alternative minimum tax in 2010. So those of us who argued strongly about the marriage penalty need to note that the marriage penalty is, in fact, growing larger as a consequence of the alternative minimum tax. We wrote the exemptions that we had specifically to help families to get away from that problem, and my question is, do we now want to burden them with this additional tax.

President Bush has acknowledged, at least rhetorically, this is a failed policy. There is room for bipartisanship here. Congress and the President need to work together to address what has become a major structural problem in our Tax Code. I commend my colleague from Massachusetts, Congressman NEAL, who is working in the House on this issue and showing important leadership in order to try to address it, and I look forward to seeing his proposal.

In fixing this tax, there are two major pitfalls we have to avoid. The first is: Don't simply repeal the tax without paying for it. We can't afford to do that, and it is clearly not fiscally responsible. Finally, it doesn't solve the problem. Second, we need to find a permanent solution. The alternative minimum tax itself was originally a small fix for a different tax issue. It is the accumulation over time of stopgap measures that has brought us to the current problem. So I don't believe it serves us well at all to push this issue down the road, as has been the practice of the Congress in these last years.

We also need to make the tax policy of our country simpler and more straightforward and fill it with a little more common sense and a little less special interests. Our tax problem as a nation was, in fact, made significantly worse by the Bush tax cuts, and the alternative minimum tax has been used quietly, more and more, to ask middle-class families to pay the burden of the wealthiest Americans' tax cut.

We can all agree the main reason this tax has grown out of proportion is that it wasn't indexed to inflation. The same money we talk about today went an awful lot farther in 1970. The movies back then cost $1.65. The fact is we haven't adjusted the tax brackets to rise with inflation.

Another major problem has been the alternative minimum tax interaction with the Bush tax cuts. This administration and the Republican Congress purposefully allowed the tax system to become unbalanced. This was done in order to hide the true cost of the tax cuts. Normally, sound tax policy involves changing the alternative minimum tax to reflect changes in regular tax cuts. For example, in 1993, we raised rates for both taxes simultaneously. But under this President, in 2001 and in 2003 and in 2004, we cut the regular income tax rate without making corresponding significant changes in the AMT. Instead of paying upfront through the regular income tax, this administration used the AMT to finance tax cuts for the very people the AMT was designed to tax. The AMT quietly takes back a portion of the Bush tax cuts by 2010, about 29 percent, transferring the tax burden from the top tax brackets to largely middle-class tax families.

If we had a vote on the floor of the Senate which specifically said: Are you going to tax middle-class families in order to pay for a wealthy tax cut and shift the burden by about 29 percent, almost everybody here would vote no. So it is the hidden tax cut that has the impact. Before the Bush tax cuts, 17 million taxpayers would have been affected by the alternative minimum tax in 2010, but with the Bush tax cuts, that number almost doubles to 31 million. If we let the Bush tax cuts expire in 2011, at least the number of AMT taxpayers would drop dramatically. I am confident that will be an important debate down the road here. In 2007, a family with 2 children and an income of $80,000 will see 59 percent of their tax cut taken back by the alternative minimum tax. Tom Waits, the 1970s singer and songwriter, once said the large print giveth and the small print taketh away. Well, the small print, my friends, is the alternative minimum tax, and it is taking away America's families' tax savings.

We need to be honest about the cost of our tax cuts. Back in 2001, I tried to offer an amendment that exempted all taxpayers with incomes under $100,000 from the AMT. At that time I warned that the AMT is encroaching on middle-class taxpayers and that the tax cuts would only make things worse. The fix for the AMT problem at that time was estimated to cost $110 billion over 10 years, money that instead is now being paid by middle-class families. The amendment at that time was revenue neutral. It offset the cost by delaying some of the Bush tax cuts. It cut the 39.6 rate down to 37 percent, instead of 35, but unfortunately, the amendment failed.

I don't believe we can continue to put this problem off. Unless we reform our tax system for the sake of middle-class families—and we simply can't afford not to reform it—we are going to pay one way or the other, with the debt that is passed on to our children or with taxes passed on from the wealthiest to an ever-growing part of the middle class. We need a bipartisan, fiscally responsible, permanent approach, not one that masks the costs of irresponsible cuts or becomes a burden for the middle class, and not one that gives more and more families an unpleasant surprise on tax day.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I wish to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will inquire.

Mr. BYRD. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is considering S. 372.

Mr. BYRD. Mr. President, I have a parliamentary inquiry further.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD. Mr. President, what is the parliamentary situation—I may not have the floor. May I ask the Chair, please tell me what the parliamentary situation is.

The PRESIDING OFFICER. The Senator from West Virginia has been recognized by the Chair and now has the floor.

Mr. BYRD. Mr. President, if that were not the case, what would be the case?

The PRESIDING OFFICER. There is no current time agreement. The Senate is considering S. 372 under no time agreement.

Mr. BYRD. Very well. Mr. President, I am not going to speak just now. I want to respect the wishes of another Senator who is on the floor at the moment. In a few minutes, I will want to speak a bit. As of now, I am going to take my seat. I will ask the Senator, does he wish to speak at this time?

Mr. WYDEN. Mr. President, I thank the distinguished Senator from West Virginia for his courtesy. If it would not be too great an imposition, I will speak for a few minutes on the Intelligence bill. That would be very much appreciated.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I am going to sit down and listen. May I ask the Senator this question: How long will he likely speak?

Mr. WYDEN. Again, I thank the Senator from West Virginia for his courtesy. I will speak less than 10 minutes. I so appreciate the thoughtfulness of the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator. After he yields the floor, I will seek recognition. I understand the rules of the Senate. I am just stating at this point what I intend to do.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Before he leaves, Senator BYRD has always been so kind to this Senator. I appreciate it.

I wish to take a few moments to talk about the critically important Intelligence authorization bill that is before the Senate now. I am disappointed that this legislation has not yet passed because it seems to me that Chairman ROCKEFELLER and Vice Chairman BOND have done an awful lot of very good work in terms of negotiating on this legislation and doing it in a bipartisan fashion. A number of us have felt that it was critically important that intelligence, in the days ahead, at a time of great threat to our country, be an area that is pursued in a bipartisan way. My view is that Chairman ROCKEFELLER and Vice Chairman BOND have really kept that kind of bipartisan lodestar in mind as we have conducted our work throughout this session. That is one of the reasons I have so wanted this legislation to move forward.

I wish to take a minute to highlight just one of the provisions that seems to be objectionable to the executive branch and try to show how, in my view, that should not be the case and how the Senate ought to come together around it and move forward on this bipartisan piece of legislation.

There is a provision in the bill the Senate is now considering—a provision that I offered—which would make public the total size of our national intelligence budget. This provision would not make public how much the country spends on any particular collection method; it would simply state the U.S. Government spends X amount of money on national intelligence programs.

This has long received bipartisan support. The bipartisan 9/11 Commission was for it. The former Director of the CIA, Stansfield Turner, is for it. I would like to note that our current Secretary of Defense, Secretary Gates, when he was before the U.S. Senate Intelligence Committee—and I will quote here—said:

> From my personal perspective, I don't have any problem with releasing the top line of the intelligence community budget.

I am of the view that Secretary Gates was right when he said that a number of years ago, and he is right at this time as well. In my view, to suggest that disclosing the total size of our national intelligence budget would cause any harm whatsoever to national security is ridiculous. It is absolutely absurd to think that Osama bin Laden is off in a cave somewhere contemplating what the overall national intelligence budget is. It is absurd to suggest that Kim Jong Il is somehow sitting in his office wondering and worrying, for example, whether the Wyden amendment to the intelligence authorization is going to pass. It is absurd to believe that any terrorist or dictator or any other enemy of the United States will gain any sort of advantage whatever from the public disclosure of the top line of the national intelligence budget.

But there are people who will gain an advantage; that is, the American people. Making the total size of our intelligence public is going to increase public accountability and will allow for a more informed debate about national security. If the national intelligence budget's overall number is made public, there will be a more informed discussion about whether money should be spent on aircraft carriers or submarines or on intelligence gathering. This debate will only ensure that taxpayer dollars are used more wisely and that America will be safer.

Senator BYRD has been very gracious to give me this time this afternoon. There are other provisions that I feel strongly about in this legislation. The increased penalties, for example, for outing a covert agent is something I feel strongly about. After the Dubai Ports debate, it is clear that there should be additional resources devoted to looking at the intelligence ramifications of those particular issues.

But my bottom line is, at a time when Americans are questioning our intelligence agencies' ability to keep them safe, the Congress has a responsibility to provide support. At a time when the intelligence community is undergoing major reorganization, the Congress has a responsibility to provide guidance. At a time when our allies and our citizens are raising serious questions about detention issues, Congress has a responsibility to conduct oversight. At a time when Americans continue to open their morning papers and read about aggressive new forms of Government surveillance and, in particular, the now-disclosed abuse of the national security letters, Congress has a responsibility to demand accountability.

Chairman ROCKEFELLER and Vice Chairman BOND have done a lot of good work on this legislation. The distinguished occupant of the chair has been involved in those debates, and we are pleased that he is part of the committee. I hope the Senate will move expeditiously to move forward on this legislation. It is an important bill, at a critical time for the security of the American people.

Again, I express my appreciation to the distinguished Senator from West Virginia for giving me the opportunity to speak this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I wish to thank the distinguished Senator from Oregon, Mr. WYDEN, for his courtesy, and I also want to say that he is one of the immortal 23 Senators who said, in kind words and respectful words and in senatorial terms, we won't go—meaning, we were going to be Senators. We know what the Constitution says about Members of the Senate and the House, we were going to be Senators, we were going to be respectful, but we were going to vote our way. We were respectful of the President, but we knew we were Senators and that there were three branches of Government, and we know and knew then that this is the legislative branch—the first branch of Government that is mentioned under the Constitution, and it is sometimes called ''the people's branch.'' That is for good reason.

Now, what is the floor situation?

The PRESIDING OFFICER. S. 372 is the pending question, and the Senator from West Virginia has the floor with no present time restriction.

Mr. BYRD. Further parliamentary question: Is time controlled at this moment?

The PRESIDING OFFICER. It is not.

Mr. BYRD. I thank the Chair. Mr. President, I ask unanimous consent that I may speak as in morning business—in other words, out of order—for not to exceed 20 minutes. I don't expect to take that much time.

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

Mr. BYRD. I thank the Chair.

VETO THREATS

Mr. President, the 110th Congress will consider legislation this session that raises passions and excites partisan fervor. It is likely that much of what the Congress considers this year and next will be subject to Presidential veto threats because the President's political party no longer controls the Congress.

I was quite surprised recently to hear some Senators take the position that this body is wasting its time in drafting and passing legislation which the President threatens to veto.

Let me respectfully remind all who listen that the Congress legislates for the people and has a constitutional obligation—in other words, duty—to act independently from—I say this again, I say it respectfully—from the White House. There are three branches, as everybody knows, of Government. This is a separate but equal branch. I want Senators to listen. This is a separate branch, but it is equal.

I will repeat myself. As Senators already know, there are three separate but equal branches of Government. The Constitution's Framers never considered a President to be the final arbiter of the public good. Whether the question relates to military, foreign, or domestic affairs, a Presidential veto threat is not the last word in what should become the law of our land. Those decisions are left to the representatives of the people, along with the power over the purse—along with the power over the purse—and other constitutionally enumerated congressional powers.

We hear almost daily a Presidential scolding of the Congress concerning the supplemental appropriations bill, which is shortly headed for a House-Senate conference. Continued Presidential veto threats on the funding for the Iraq war represent a stubborn unwillingness to concede that the American people have over time and with considerable debate come to see that the Iraq war was a mistake.

In the case of Iraq, it is likely that the people of the United States would have come to these opinions much earlier had they not had information withheld from them or, in some instances, presented to them falsely. Of course, I knew this.

Of course, also, it remains the constitutional prerogative of the President to exercise the veto. I respect that. But it also remains the prerogative of the Congress—the other body across the way and this body—it also remains the prerogative of the Congress to challenge that veto and to assert and defend the will of the people.

A President's power to veto is not and should not be absolute. Let me repeat that. A President's power to veto is not and should not be absolute. If the President vetoes a measure under our Constitution, the Congress can override that veto with a two-thirds vote of both Houses. All Senators know that. I am not telling Senators anything they don't know.

A Presidential veto does not necessarily end the legislative process. When the President vetoes legislation under article I, section 7 of the Constitution, the President's objections are submitted to the House of Congress—Congress being of two bodies—submitted to the House of Congress in which the measure originated so that the measure and the President's objections can be reconsidered. All Senators know that. Any schoolboy who has studied the Constitution knows that. But I am stating for the record, again, for all who run to read.

A new vote can be scheduled on the same piece of legislation and a veto can be overturned if the people's representatives—if the people's elected representatives—in Congress demand it.

There is nothing earthshaking about overturning a Presidential veto. Since 1969, the Congress has overridden almost 20 percent of the Presidential vetoes. President Franklin Roosevelt had nine vetoes overridden by Democratic Congresses. I repeat: President Franklin Roosevelt had nine vetoes overridden by Democratic Congresses. President Ronald Reagan had six vetoes overridden by a Democratic House and a Republican Senate.

The veto override provision in the Constitution is a protection for the people whom the Congress represents. Members of Congress are elected by the people to make laws based on sound public policy, not to capitulate or surrender to any—Republican or Democrat—to any Presidential threats. The Senate must never—hear me now, the Senate must never—become a rubberstamp for any President, Republican or Democrat or Independent or otherwise.

Certainly, the Congress should carefully consider the announced reasons for a Presidential veto, but the Congress has a duty, if the President's reasons are not credible or do not reflect the will of the people, to overturn Presidential vetoes, if the Congress wishes to do so.

The veto on the override is a healthy public opportunity for Members of Congress—both Houses—to consider the reasons offered by the President for his veto. Just as the President is held accountable for his veto, we Senators are held accountable for our votes on bills that are sent to the President and, if applicable, a subsequent veto override vote.

Members of the Senate and the people understand that when the President submits a bill to Congress and then asks that it be passed without any amendments or conditions—the President has a right to do that, but we all know that the President is treating the Congress like a subordinate branch capable of only saying yes or no and never expected to alter a Presidential proposal in any way.

The President knows what the Constitution says, and he knows that the Congress has a right to listen, to study, and then to act as it seeks to act. So this is an argument that contradicts the most basic constitutional principles on which our Republic is founded.

The Congress was envisioned as a check on an overzealous or unwise President, and that is no reflection on either party—that the President can be a Democrat, a Republican, or otherwise—and we do our duty to the Constitution when we vigorously utilize our enumerated powers.

So let us hear no more about measures that the President has threatened to veto being not worthy of the Senate's consideration. Let the President issue his veto threats as he wishes, but also let the Congress dutifully represent the will of the people.

On the matter of Iraq—and I say this most respectfully—I have been chagrined of late to hear the falsehoods and scare tactics emanating from the Oval Office. President Bush has repeatedly intimated that there is a connection between the attacks of 9/11 and the Iraq war when no such link exists. President Bush has suggested—he is my President and yours, Senators—that the supplemental appropriations bill as now written would cause death and destruction in America, which is patently false. I speak now as the chairman—of course, everybody knows it—I speak as the chairman of the Appropriations Committee.

Mr. President, I make a parliamentary inquiry: Are we under limited time, I ask the Chair?

The PRESIDING OFFICER. The Senator has 1 minute 30 seconds remaining of the 20 minutes he requested.

Mr. BYRD. Mr. President, I am not going to belabor Senators. I have seven more pages to read. I know what is in here, and so I ask unanimous consent that I may use whatever time I consume, and I assure Senators I will not consume more than 10 minutes, if that much.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. BYRD. President Bush has said the bill does not fund the troops, which is false. The Senate bill provides $2 billion more than the President requested for the troops and provides $1.8 billion more for veterans health care. I regret this continual barrage of misinformation coming from the White House just as I regret the intransigence—the intransigence—of a President who will not cool off—and I say this respectfully—of a President who will not cool off and stop fearmongering long enough to negotiate a resolution to the differences in the bill's language. He—the President—has been invited to do so in good faith and yet still the almost daily castigation from the White House continues.

I wonder about the effect on the morale of our brave fighting men and women when the President—any President—repeats inaccuracies like the Congress has failed to fully fund the troops. It seems to me that it is not a prudent thing to say. Congress and the American people support our troops, and the supplemental bill that we shall shortly take to conference robustly funds their needs in the field and cares for their needs after they return home.

For the President to assert otherwise is a disservice—and I say this with the utmost respect. I will say it again. For the President to assert otherwise is a disservice. Honorable men and women may disagree, but Members of Congress and officials of the executive branch have a duty to try to find common ground, especially when the issue is a violent and controversial war, with our troops in harm's way every day. I shall hope for a more reasonable and more realistic tone from our President—and I say it with the utmost respect, but this is an equal branch with the executive branch and the judicial branch—in the coming days. May I say further that more light and less heat on this matter would truly be in the best interests of our troops and of our sorely divided country.

Now, Mr. President, I have been here a long time. I know how to speak, when to speak, and when not to speak, but I am a U.S. Senator, and I am asserting this Senate's constitutional duty. My Republican friends and my Democratic friends know this, and I know they have a right to do the same, but that is my speech for today, God willing.

Mr. President, I thank the Chair, I thank all Senators, and I yield the floor.

Ms. STABENOW. Mr. President, first, I thank my distinguished colleague from West Virginia for his insight, as always, and wisdom on so many issues. He epitomizes what it means to be a Senator, and we are honored and appreciative of his leadership.

PRESCRIPTION DRUGS

Mr. President, I do want to speak today as it relates to prescription drugs and the very important vote we will be having tomorrow, but I also first want to speak to what is happening as it relates to Blacksburg, VA,

and Virginia Tech University, just to indicate that we know there was a memorial service today; that all of us, even as we carry on the normal business of the Senate, are very mindful and aware of what has occurred in the massacre at Virginia Tech University. My thoughts and prayers go out to everyone who has been affected throughout the university, most particularly the families.

Certainly, I think I can speak for the people of my great State of Michigan when I say that we are deeply, deeply sorrowful, and our prayers go out to each and every one of the people who have been affected.

Mr. President, we have a very important vote tomorrow, which is whether to proceed to legislation that would begin the process of allowing the Secretary of Health and Human Services to be able to negotiate the very best price for our seniors under Medicare. I want to take this opportunity to commend our majority leader for getting us to this point, Senator REID, and the Finance Committee for getting us to this point, for bringing the issue of Medicare drug pricing to the Senate floor. I hope tomorrow we are going to see a strong bipartisan vote to proceed with the bill.

Frankly, it is very unfortunate we are having to vote on whether to proceed to this bill, but since that vote is occurring, I hope we will have a resounding yes tomorrow for something that is so clear to the American people. The direction we will hopefully take tomorrow is the direction that the voters asked us to take. Their message last November was crystal clear: that they want to make sure we are making health care decisions in the best interests of people—the best interests of seniors, of children, of families—and not the special interests that make money off the system. Tomorrow is going to be a vote on that.

Tomorrow will be the first step in the process. We are removing the provision that prohibits Medicare from using its negotiating clout. What we are going to be voting on tomorrow is whether we will proceed. And why are we doing that? Well, first of all, this Medicare bill that was put in place a few years ago actually prohibited the Secretary from negotiating to get the best price for seniors, amazingly. People to this day ask: How in the world did that happen? Well, it happened because, unfortunately, there were too many provisions in that bill that were put in on behalf of the special interests rather than our seniors.

The step we take tomorrow is good for our seniors, it is good for families, and it is good for taxpayers. It is good for taxpayers to get the best deal so that our dollars can go as far as possible under Medicare. So tomorrow is an important day.

I have been fighting for this provision ever since the Medicare prescription drug program was passed in late 2003. I wish I could have supported that bill. I did not, in part because of the prohibition that was put into place. That bill was written and designed with a huge gap in coverage—it has often been called the doughnut hole—that, frankly, wouldn't be there if we were able to get the very best pricing and stretch those Medicare dollars as far as they should go.

In fact, I joined a group of Senators to introduce legislation on December 12, 2003, to repeal the prohibition on negotiation, which is what we are talking about now, because we knew then what we know today. If the Secretary of Health and Human Services negotiates Medicare prescription drug prices, seniors will pay the lowest possible price. That should be what we are all focused on as it relates to Medicare prescription drugs. More than 3 years later, we are taking the first step toward getting this done. It is about time. I think that is what the American people are saying to us.

The best way to get the lowest possible prices on prescription drugs is to use the negotiating clout of 43 million seniors and people with disability who are under Medicare. That negotiating clout needs to be used. We are considering this bill right now because the American people want it. According to a poll conducted by the AARP, 87 percent of all Americans said they want Medicare to negotiate prescription drug prices—87 percent. That is a pretty big number. Eighty-seven percent of the seniors, according to AARP, when asked, have said: Yes, of course, we want the Federal Government to negotiate to get the very best price.

Why do consumers want Medicare to negotiate for lower drug prices? Because they know what everybody knows: large purchasers are getting deep discounts for prescription drugs, and they want the same from Medicare.

This bill does not do the same thing as the VA, but the VA is a good example of what can be done when there is negotiation, when the Federal Government brings its clout as it does for our veterans. It gives us some idea of the kinds of discounts that can be achieved.

For example, we know that on average, the VA health system gets prescription drugs for approximately 58 percent less than their retail prices—58 percent—and on some medicines, it is up to a 1,000-percent difference. Now, I would say, if the VA can do this and get 58 percent, we can get a better deal if we negotiate, knowing again that this bill does not reflect what the VA does, but it gives you a sense of what can be done when we have that kind of clout.

Let's be clear about what we are doing right now with this bill. We are opening the door to lower drug prices so Medicare beneficiaries can afford the medicines they need and we can save taxpayers money. We all know how many times we have heard the stories—I hear them all the time—of folks trying to juggle between keeping the lights on, buying food, and getting their medicine. Our top goal should be, as a Medicare Program, to make sure people can get the medicine they need at the very best price. This bill moves us in that direction.

Let's be clear also about what we are not doing. This legislation does not create a national drug formulary, nor does it establish price controls. Seniors will have access to all of the drugs they do today, and possibly more. The prescription drug industry will continue to thrive, and R&D will not be affected. The change we will see is a change we have been asking for for the last 3 years, that seniors and families have been asking for for the last 3 years.

It is also important to note because we will hear from our friends on the other side of the aisle that somehow, if Medicare is going to have the opportunity to negotiate or if the Secretary can negotiate at appropriate times for lower prices, we are going to see the prices of the VA go up. Well, I asked the Congressional Budget Office to submit to me in writing if that were, in fact, true under this bill. They, in fact, said: No, under this bill, that is not the case. We are not going to see veterans or any other group see their prescription drug prices go up under this legislation. So that is one good thing we need to make clear and debunk as we begin this debate.

Now, what we do know is we have a very interesting thing going on. We have two kinds of debate going on right now in opposition from those who are major beneficiaries of the current system, the special interest groups that have the benefit right now of seeing huge profit increases as a result of this prescription drug bill. On the one hand, we are seeing ads that say: This legislation will do nothing. Do not pass it; it will not do anything. Then, on the other hand, the very same people are saying: But it will cause seniors to not be able to get the choice of medicines they want, it will cause veterans to see their medicine costs go up, it will cost R&D and we won't be able to do research and development into new prescription drugs anymore. I find it so interesting that the same people are arguing both sides: It will not do anything, and it will have all of these devastating effects.

At the same time, we are seeing huge amounts of money, millions and millions of dollars—for months, I have seen ads on TV and radio, newspaper ads telling us these people do not want negotiation or that it will not do anything, all paid for by the same people who benefit by the current system. I might just say that just today, a full-page, single-color ad running in the Washington Post on page A5 today, costs about $135,000—this is today, this is yesterday. We have ad after ad after ad being run and paid for by people who tell us this bill will not do anything. It will not do anything, but yet they have spent millions of dollars on TV, millions of dollars on the radio, in ads we

have seen, ads for our benefit, ads telling us people do not want negotiation.

I might add that in this ad which is running right now, where they say people really do not want Medicare to negotiate, what they say in the fine print is that, in fact, 89 percent oppose Government negotiation if it could limit access to new prescription medicine—if it could limit access to new prescription medicine. This bill does not limit access to new prescription medicine—or old prescription medicine, for that matter. That is not what we are talking about.

In fact, what I find interesting, and the subtle part of this is, if we negotiate for a better deal, they won't be able to do research anymore. We know that right now the drug industry spends 2½ times more on marketing and advertising than they do on research.

I would suggest we can negotiate to get a little better price. And I wonder how much $135,000 would buy in medicine for somebody today instead of one ad? Let's cut down a little bit on the marketing and advertising, and we won't have to worry about whether Medicare can negotiate for the very best price.

So I hope that tomorrow we are going to have a vote to proceed to this very important public policy issue, this very important bill. I hope we are going to, in fact, do what 87 percent of voters are saying they want us to do—negotiate the very best price for prescription drugs.

I would ask my colleagues to vote to allow us to proceed to the bill. We can continue to work together on exactly what the language should look like, but the idea that you would stop it before we can even have the debate would be extremely disturbing. People in this country do not understand why it is that decisions are made too often for those who happen to have the lobbyists here or the ads on TV or in the newspaper and not enough for the folks who are working hard every day or are retired on a fixed income trying to make ends meet.

Tomorrow is a chance for us to show that those folks are not making the decisions, that we are going to move forward on a bill which is positive for seniors, which is going to give us an opportunity to open the door to negotiating good prices and make a real difference for people, a real difference for people whom the system is supposed to help, the Medicare prescription drug benefit for our seniors, for people on Medicare. They deserve the best price. Tomorrow, we will have a chance to vote to go to that debate and work together to get a bill that will do that. I hope we are going to vote to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

TAX DAY

Mr. SHELBY. Once again, today, tax time is upon us. It is April 17. We know April 15 is the magic day, but it has been extended because of when it fell. Today is the day everybody in America knows that the Federal Government income taxes are due. If you are like me, you spent way too much time completing your taxes this year.

Our Tax Code and its accompanying regulations total tens of thousands of pages which are complicated, confusing, and costly to comply with. In fact, since we last had major reform in 1986 there have been more than 14,000 changes to the Tax Code. Average taxpayers should not have to pour over tax regulations for hours on end or pay a tax professional to complete their tax documents.

In the IRS' own estimation, the average time burden for all taxpayers filing a 1040 is 30 hours. Unfortunately, what this means is that for most people is that in addition to paying the Government every year, they need to pay someone or buy software to tell them exactly how much to pay their Government.

Americans need a simple, commonsense solution. This is why I have introduced S. 1040, the Tax Simplification Act.

The Tax Simplification Act establishes a flat income tax of 17 percent on all income and places real spending limits on the Federal Government. First, my proposal would replace our current incomprehensible Tax Code with a flat rate of 17 percent on all individuals' income beyond an exemption for the individual and any dependents. To prevent the double-taxation of income, earnings from savings would not be included as taxable income, resulting in a tax cut for virtually all taxpayers and providing a strong incentive for people to save. Increasing the savings rate in this country should be a priority of this Congress and this bill will do that.

As complicated as the individual tax system has proven, it pales in comparison to the hoops U.S. businesses are required to jump through. In preparation for 2005 taxes, businesses and nonprofits spent an estimated 6.4 billion hours complying with the Federal Income Tax Code, with an estimated compliance cost of over $265 billion. Without action, that number is expected to grow to over $482 billion by 2015.

What this means is that for every $5 the Government collects right now, businesses are forced to spend another $1 to comply with the countless rules and regulations that we, the Government, have created. These additional costs are then passed on to the consumers, investors, and employees. We need to overcome this notion that our corporate income tax simply applies to some faceless boardroom. Corporations do not pay taxes. People pay taxes. Corporations do not comply with our tax laws. People do.

Under my legislation, companies would pay the flat tax of 17 percent rate on their income, simplifying the complicated calculations businesses currently go through to determine their taxable income. S. 1040 simply defines income as the positive difference between revenue and expenses. As the legislation is implemented, the rate of taxation would be 19 percent in the first 2 years and then lowered to the desired rate of 17 percent in the third year.

Finally, this legislation would require a three-fifths majority in Congress for any tax increase. This ensures that only in times of the most need would the Government be able to take any more money out of the hands of hard-working Americans. By enacting this legislation we would institute a strong backstop against those that would seek to continue the out-of-control growth of the Federal Government. And we would open a new chapter of responsibility and accountability in our revenue collection.

Yes, the flat tax would revolutionize the way our Government operates. Today, if a flat tax were in place, taxpayers would file a return the size of a postcard. Rather than spending hours deciphering convoluted IRS forms or resorting to professional tax assistance, the flat tax would allow taxpayers to complete their taxes quickly and easily.

The time for significant reform of our Tax Code is now. The flat tax would revolutionize the way our Government operates. The complexities and inequities of the current tax system would end. They would be replaced by a system that treats every taxpayer equally and represents a massive reduction in the tax burden carried by hard-working Americans.

Only by treating every taxpayer equally can our Tax Code ever achieve true fairness. Only when the shackles of our burdensome Tax Codes are removed will we truly see what our great economy is capable of doing.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, Mr. ISAKSON has a very brief statement, perhaps 2 minutes. I wonder if he can be recognized for 2 minutes and then Senator NELSON for 2 minutes and then I be recognized for 5 minutes. I ask unanimous consent.

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

The Senator from Georgia is recognized.

HONORING RYAN CLARK

Mr. ISAKSON. Mr. President, I ask to address the Senate as if in morning business.

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

Mr. ISAKSON. Mr. President, I rise today to express my sympathy and I know the sympathy of all of the Members of the Senate and the people of the United States of America on the tragic losses yesterday at Virginia Tech.

I learned this morning that one of those first tragic losses was a young gentleman by the name of Ryan Clark,

and I, from the floor of the Senate, send to Martinez, GA, my sympathy, that of Senator CHAMBLISS, and that of all Members of the Senate on the tragic loss of Ryan.

None of us can understand what happened yesterday, but all of us must understand the profound tragedy and the loss of youth in its prime.

Ryan Clark, 22 years old, a double major in English and biology, was about to walk across the stage and graduate and then pursue a masters and a Ph.D. in psychology. Ryan is survived not only by his mother Letitie but by his brother Bryan. Bryan told us that his brother was known best by his nickname on the campus, ''Stack.'' Stack, if you go to the Web site of the Virginia Tech band, can be seen volunteering his time in a food drive for the needy. In fact, just last December, in the Georgia Dome at the Peach Bowl of 2006, one of the last times that Ryan went back to Georgia, he performed with the Virginia Tech band at halftime of that bowl game.

This young man was a residential adviser, a member of the band, an outstanding student, a proud son, and a proud brother. I am very proud as a Georgian to have known of his accomplishments, and I send his mother Letitie my prayers and my hopes that she will accept our sympathy and endure the tragedy of the loss of her son Ryan.

To the families of all of those professors, employees, and students who were hurt yesterday in Blacksburg, VA, I extend my sympathy and my deepest prayers that we will find reconciliations out of tragedy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, our hearts go out to the citizens of Virginia, to the university community, and to the families and the loved ones of those in this tragedy. It goes without saying that we will get to the bottom of this and then find out what is going wrong in this country that our sense of morality has gone askew so that a senseless set of murders such as this would occur.

I am here to speak on behalf of this intelligence legislation on which we are about to have a vote, cutting off debate so we can proceed to finalize the bill. It is necessary that we do that. I had the privilege of serving on the Intelligence Committee along with my colleague, the Senator from Michigan, on his committee, the Armed Services Committee, as well as the Senate Foreign Relations Committee. There is so much going on that is at stake for this country that we cannot in any way delay this Intelligence bill; it needs to be considered; it needs to be amended, if that is the will of this body; it needs to be passed, and we need to then get reconciled with the House and get it to the President for his signature. There are too many things that are super important to this country for us to do anything other than protect the interests of this country through our intelligence activities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the release of the 9/11 Commission Report in July of 2004 fueled a debate about how our intelligence community should be restructured to better respond to the post-9/11 threat.

In response to problems identified by the 9/11 Commission, Congress passed and the President signed into law the Intelligence Reform and Terrorism Prevention Act of 2004. Most notably, that bill created the Director of National Intelligence, empowering the DNI with budget power and control over personnel in the intelligence community.

The bill also created the National Counterterrorism Center, or NCTC, with the authority to conduct strategic counterterrorism planning and to assign roles and responsibilities for counterterrorism activities. Passage of intelligence reform was a watershed moment in the drive to better organize our Government to deal with the threat of terrorism.

On December 8, 2004, the same day the Senate passed the Intelligence reform bill, it passed the Intelligence Authorization Act for fiscal year 2005. It is troubling that that day, December 8, 2004, was the last day this body passed an Intelligence authorization bill, and it underscores the importance of the Senate passing the bill before us. Since passage of the Intelligence reform bill in 2004, we learned a good deal about what additional changes to law might be needed to improve our intelligence community functions. In addition, as we have learned about such activities as the NSA's warrantless wiretapping program, we have come to better appreciate the need for strong congressional oversight of the intelligence community.

As a matter of fact, the 9/11 Commission said the following in its very lengthy and thoughtful report, ''Strengthen Congressional Oversight of Intelligence and Homeland Security.'' That is the heading of the section, and this is the one pungent sentence from that report which I hope will cause a lot of people to rethink their opposition to cloture on this bill:

> Of all of our recommendations, strengthening congressional oversight may be among the most difficult and important.

Those words should have an impact on the vote that is coming up in about 40 minutes.

More than 30 years ago, the Senate passed S. Res. 400, establishing the Select Committee on Intelligence, and charging that committee with providing ''vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.''

The legislation before us today takes significant steps toward reinvigorating our oversight responsibility. For example, effective oversight depends on Members of Congress having timely access to intelligence information. Unfortunately, too often that is not the case, as requests from Congress for intelligence information are stonewalled and slow walked. Section 108 of the bill before us requires the intelligence community to provide, upon request from the chairman or vice chairman of the Senate Intelligence Committee or chairman or ranking member of the House Intelligence Committee, timely access to existing intelligence assessments, reports, estimates, legal opinions, or other intelligence information.

The bill before us also advances Congress's oversight of particular matters. For example, section 313 requires the Director of National Intelligence to submit a classified report on any clandestine detention facilities operated by the U.S. Government. This public law requirement reflects the Intelligence Committee's determination to undertake serious oversight of any intelligence community detention and interrogation practices. The bill before us also establishes within the Office of the Director of National Intelligence an inspector general of the intelligence community. That is a major reform. It is highly important, and it is long overdue. The creation of an inspector general of the intelligence community will strengthen accountability by permitting independent examinations of problems, abuses, or deficiencies.

We should not let another year go by without an Intelligence authorization bill. We cannot defeat the threats this Nation faces without the strongest and most effective intelligence community which, in turn, requires strong oversight.

I yield the floor and suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TRADE

Mr. DORGAN. Mr. President, later this week there will be a group of us in the Senate holding a meeting on trade issues and talking about what our response will be to the request by President Bush to extend what they call trade promotion authority. Trade promotion authority is a slogan that was used to replace fast track because fast track apparently became some sort of a pejorative term, at least in the minds of some. So they came up with the term ''trade promotion authority.'' It is like labeling things healthy forests or clear skies, trade promotion authority. What it means is fast track. The Congress, by Constitution, has the

right to be engaged in foreign commerce. That is where it is described, in the Constitution. It is not described as part of executive branch responsibilities. It is described as part of the responsibilities of Congress to be involved in the issue of trade and foreign commerce.

What has happened over some years is the Congress has given the President authority to negotiate trade agreements in secret behind closed doors, bring the trade agreements to this Congress, and we agree we will put on a straitjacket and not be allowed to offer any amendments, and it will be considered as a trade agreement that we have negotiated with some other country under expedited procedures. The Congress itself has decided to put itself in a straitjacket with something called fast track or trade promotion authority. I did not support that. I didn't support it for President Clinton. I don't support it for President Bush. President Bush has had fast track trade promotion authority now for some while. It is about to expire on June 30. He is asking that it be extended. As for me, I will not support extending it. I hope to be involved with a group of Senators who similarly will describe the danger to this country's economic future that would be entailed by supporting the extension of fast track or trade promotion authority.

Let me describe what the danger is. Some wish to ignore all the evidence that exists with respect to trade. The fact is, in the past year our trade deficit in 1 year was $830 billion. What does that number mean? It probably doesn't mean much to most people. It means every single day we purchase from foreign countries $2 billion more than we are able to sell to foreign countries. Every single day we put $2 billion worth of IOUs in the hands of another country. A substantial portion of those IOUs is now possessed by China, Japan, and others. About $1 billion is owed from the citizens of this country to China and Japan.

In addition to the imbalance of $2 billion a day importing more than we export or consume—saying it another way, about 6 percent more than we produce—we are seeing American jobs being shipped overseas. We have actually some cheerleaders for that proposition. We have some people in this country who say isn't that great. Isn't that a wonderful situation where we can actually move American jobs abroad. None of those people will ever lose their jobs. They will write books and make laws, but they will never lose their jobs. It is the folks who shower after work who lose their jobs; the people who go to the plant, the people on the assembly line; the people who find their job is going elsewhere because there is someone else in the world, a billion to a billion and a half people willing to work for 20 or 30 cents an hour. They will work with no health care benefits and no retirement benefits and in some cases for 20 cents an hour. If they decide they are being cheated out of wages and try to organize workers, they will be sent to prison.

That is the new economy? That is the new circumstance of the global economy? That is free trade? That is good for our country? I don't think so.

I have spoken at length about this issue. I am for trade and plenty of it. Sign me up. I support trade. I like trade. I insist that it be fair to this country. I am flat out tired, through fast track, of having trade agreements being negotiated in secret overseas someplace behind closed doors by U.S. negotiators who forget who they are working for. They bring them to this Chamber under expedited authority called fast track and there is the prohibition of any amendment being offered to change what is obviously wrong with the agreement. Then it runs through here like a hot knife through butter. We have had NAFTA and CAFTA and U.S.-Canada. We have had all these trade agreements, at the end of which we have the largest trade deficit in the history of humankind. It is not even close. Every time we pass a new trade agreement, we have a larger deficit.

The people who come up with these concoctions called free trade say: Isn't this wonderful? No, it is not. Would they say it was wonderful if they were losing their jobs? They wouldn't. But they are not the ones losing their jobs.

Alan Blinder, a mainstream economist, former vice chairman of the Federal Reserve, said this about the outsourcing of American jobs: There are 40 million American jobs subject to outsourcing. Not all of them will leave this country, but even those that remain will have downward pressure on their income because there is someone else somewhere else in the world willing to work for pennies.

So is that the new global economy? Is that the flat world? Mr. Friedman wrote the book ''The World is Flat.'' I know better than that; so does he. The world is not flat. In the chapter where he looks at Bangalore, India and says, isn't this wonderful, all these jobs in India, no, it is not wonderful.

Is this the kind of new economy we signed up for? Have we forgotten the lessons, have we forgotten what it took to get to this kind of standard of living?

James Fyler was shot 54 times. It was said once he died of lead poisoning. I guess when you are shot 54 times—he was actually killed in Ludlow, CO, nearly 90 years ago. He was killed because he thought people who went into the coal mines to mine for coal had a right to a fair wage and a right to work in a safe workplace.

Move forward a century from James Fyler, from people who gave their lives to lift the standards in this country, to expand the middle class, to provide for good jobs, demand a fair wage, demand decent benefits, and then ask yourself if, after a century, when we expanded the middle class in this country—with good jobs that pay well—have we now decided there is a new strategy, a bankrupt strategy, which is so-called free trade, which is unfair to the American worker, because it is a race to the bottom, saying to companies: If you can find somebody who will work for 20 cents an hour, have them make the Huffy bicycles, have them make the Radio Flyer little red wagons, have them make the Fig Newtons, have them make the Hanes underwear, and have them make the Levi's. They are all gone because they went in search of cheap labor. All those American jobs are gone. Now, I ask you, is that a road to a better future for American workers?

We, actually, in this Chamber, mind you—not me but a majority—have supported one of the most pernicious provisions I have ever seen, a provision that says: Do you know what, if you want to close your manufacturing plant and fire your workers and move the jobs to China, we intend to give you a big fat tax break for doing it. That is unbelievable. I have tried four times to change that in the Senate and have come up short in the vote four straight times. But I guarantee you this: One day, there will be enough clear thinking in this Congress to decide we ought to stop subsidizing the export of American jobs.

So I started by saying we have an $830 billion trade deficit. That relates to the export of jobs and the purchase every day of $2 billion more than we are able to ship abroad. We are going to have to repay that someday. You can make a case on the budget deficit that is money which we owe to ourselves. You cannot make that case with the trade deficit. That will be repaid someday with a lower standard of living in this country.

That is why we ought to, as a country, begin worrying about and thinking about this new strategy. I am for a fair trade strategy. I am for trade, and plenty of it, but it must be fair to this country. I am sick and tired of seeing trade agreements that pull the rug out from under our workers and pull the rug out from under our standards. I want to lift people up, not press people down. I do not believe in a future in which 40 million to 50 million additional workers are subject to outsourcing. But if they are not outsourced, they, nonetheless, can come home and say: Honey, I didn't lose my job today, but they are going to pay me less.

One final point. I spoke here about a week ago about Circuit City. I do not know much about that company. I do know this: They announced they were going to fire 3,400 people. Because they were bad workers? Not a bit. No. They said: We are going to fire them because we want to rehire other workers to whom we can pay less money. They were making, I think, slightly above $11 an hour. They wanted to fire 3,400 workers so they could hire cheaper workers, less expensive workers.

I do not know. If you go into a store and ask somebody where the camera counter is, are you going to find a worker who knows? Maybe you have a worker you could pay less money to, but do these companies forget that their company is their workers, the company is represented by their workforce, that is their brand?

We are headed in the wrong direction. There is no social program in this country as important as a good job that pays well. Yet the whole notion here of the companies that want to produce in China and ship here and run their income through the Cayman Islands to avoid paying taxes to this country—the whole notion is, this is a new day, it is a new economy. Don't you understand it? Free trade. That is not fair trade, where I come from.

My colleague, Senator BROWN, has worked on this issue for a long while in the U.S. House, and now in the U.S. Senate. I really appreciate seeing new voices come to the Senate demanding we move toward fair trade relationships. We can compete, but the competition has to be fair. That has not been the case with any of these trade agreements.

Mr. President, I am happy to yield the floor so my colleague, Senator BROWN, can be recognized.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for only 5 minutes or so.

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

Mr. BROWN. Mr. President, I wish to echo much of what Senator DORGAN has said and thank him for his leadership on trade issues. I came to the House of Representatives in 1993, elected in 1992. Our trade deficit was fairly large in those days, we thought: $38 billion. Today, as the Senator said, depending on whether you count services in addition to manufactured products, it exceeds $800 billion.

Interestingly, if you add the aggregate trade deficit from 1992 through 2006—that means the amount of imports we have brought into our country versus the amount of exports we have going out of our country—we have had a $4 trillion trade deficit in the aggregate. That is $4 trillion of wealth having gone out of our country.

To understand what $4 trillion is, because nobody can really understand that, if you spent $1,000 every second of every minute of every hour of every day—if you spent $1,000 of every second of every minute of every hour of every day—to spend $4 trillion, it would take you 135 years. That is the kind of wealth we have seen go out of our country. But to understand that in more human terms, let me just share a story, if I could, for a moment.

About 7 or 8 years ago, after the North American Free Trade Agreement, unfortunately, passed the House and Senate—Senator DORGAN voted against it in the Senate; I voted against it in the House, a dozen or so years ago—I flew to McAllen, TX, at my own expense and rented a car and went across the border with a couple of friends and visited Reynosa, Mexico, to see what NAFTA had brought to the border areas and to the country of Mexico—at least that part of Mexico.

I went to the home of two General Electric workers—General Electric, Mexico. Both made about 90 cents an hour. Both worked pretty much 60 hours a week, 10 hours a day, 6 days a week. They lived in a home maybe 20 feet by 15 feet, with no running water, no electricity. They had dirt floors. When it rained hard, the floors turned to mud.

When you went outside their home—these are people who worked 60 hours a week each for an American company, a Mexican subsidiary of an American company, 3 miles from the United States of America in Reynosa, Mexico—if you went outside their home, there was a ditch behind their house, maybe 4 feet wide, with 2 by 4s across the ditch. Children would be playing in this ditch with human waste, industrial waste—who knows what was going through it. The American Medical Association said the Mexican-U.S. border is the most toxic place in the Western Hemisphere. And these children were playing in whatever this human and industrial effluent waste was in this neighborhood.

As you walked through this neighborhood, you could tell where the workers worked by the construction materials from which their homes were built—packing materials and cardboard boxes from the companies for which they worked or from the suppliers to the companies for which they worked. They used that as roofs and walls to build their shacks.

Again, these are people who hold full-time jobs for General Electric, Mexico, 3 miles from the United States of America.

Then, nearby, within a mile, I visited an auto plant—an auto plant that looked just like an auto plant in Lordstown, OH, Avon Lake, OH, with modern technology, even more modern than what we have often in auto plants in Ohio, unfortunately. They had clean floors and hard-working workers who were very productive.

There was one difference between the Mexican auto plant and the auto plant you would see in Cleveland. The difference was there was no parking lot in the Mexican auto plant because, simply put, the workers have not shared in the wealth they produce for their company.

You could go halfway around the world. You could go to a Motorola plant in Malaysia, and the workers are not paid enough to buy the phones they make. You could come back halfway around the world to Costa Rica to a Disney plant, and the workers do not make enough money to buy the toys they make for their children. You could go back halfway around the world to China, and the workers at the Nike plant are not paid enough to buy the shoes they make. The difference in their economy and ours, and these trading partners where we have huge trade deficits, is the workers are not sharing in the wealth they create.

But that is starting to happen in the United States. In the last 30 years, the wealthiest 20 percent in our country, the wealthiest 5 percent, the wealthiest 1 percent are seeing their wealth go up while wages are stagnant for the rest of the country. That is why the middle class is shrinking, because people who are working hard and playing by the rules simply are not sharing in the wealth they create.

They are more productive than they have ever been. We are setting productivity records in this country. Yet wages are stagnant or worse. Companies are outsourcing, companies are going overseas. Senator DORGAN said those same companies are getting tax breaks and all kinds of advantages, as this body and, across the Capitol, the House of Representatives continue to pass these job-killing trade agreements that outsource our jobs, that betray our middle class, that mean layoffs of police and fire and teachers and people who make our communities healthier, as families are hurt by these layoffs or as families are hurt by stagnant wages.

That is why we need a very different trade policy—whether it is with Japan, whether it is with Mexico—a trade policy that lifts up the middle class and helps to strengthen the middle class, a trade policy that will help workers in the developing world instead of this trade policy that outsources our jobs, betrays our communities, and hurts our families.

Mr. DORGAN. Mr. President, will the Senator from Ohio yield for a question?

Mr. BROWN. Yes.

Mr. DORGAN. Mr. President, the Senator from Ohio has described automobiles as one part of his discussion. I wonder if the Senator from Ohio knows, for example, with respect to South Korea, we imported about 700,000 automobiles from South Korea in the last year. We were able to export about 4,000 American cars to South Korea.

Now, why the imbalance? Mr. President, 99 percent of the cars driven on the streets of South Korea are made in South Korea. That is the way they want it. Once in a great while, we have a little burst. The Dodge Dakota pickup—all of a sudden, it looked like they were going to sell some Dodge Dakota pickups in South Korea. Just like that, the Government shut that down. Oh, they do it very subtlely, but they know what they are doing—just like that.

China is a good example. We did a trade agreement with China. China is now creating an automobile export market. They want to be a big automobile exporter and intend to export to this country. Here is what we said to China, a country with which we have a giant trade deficit: When you ship your Chinese cars to the United States, we

will impose a 2.5-percent tariff on your cars. And we agree that for any U.S. automobiles we would sell in China, you may impose a 25-percent tariff. So to a country with which we have a giant trade deficit—we now have a $230 billion trade deficit with China—we have said: It is OK for you to impose a tariff that is 10 times higher than we would impose on your cars.

That is unbelievably ignorant, in my judgment, ignorant of our own economic interests.

If I may make one additional point. In Ohio, they used to make Huffy bicycles. I have spoken about that at some length on this floor. They paid people $11 an hour to make Huffy bicycles. Huffy bicycles are 20 percent of the American bicycle market. You can buy them at Wal-Mart, Kmart, Sears. The people at the plant in Ohio loved their jobs. They made the Huffy bicycles for over a century. They all got fired. They all lost their jobs. You can still buy a Huffy bicycle. They are all made in China.

But on the last day of work, after they were fired, these Huffy bicycle workers, as they drove out of the parking lot of the plant, all left a pair of empty shoes where their car used to sit in the parking lot. It was their way of saying to this company: You can ship our jobs overseas, but, by God, you are not going to fill our shoes. It was a poignant way for workers to say: This job mattered to me. We worked here for a century making bicycles as American workers. And now it is gone.

It is unbelievable, when you hear these stories and see what the consequences are of American companies that have decided: Do you know what, the new economy says, let's produce where we can pay people 30 cents an hour. Incidentally, that is how much workers get who are now producing Huffy bicycles. They are paid 30 cents an hour. They work 7 days a week, 12 to 14 hours a day. That is what the Ohio workers were told. You cannot compete against that, so you lose.

In my judgment, our country, this Senate—Senator BROWN and I and others—has to begin standing up for the economic interests of our country and our workers. If we do not, we will surely see a shrinking of the middle class and a dramatic impact on the economy and future growth of this country. That is why this is such an important issue.

Again, let me just say how impressed I am with not only Senator BROWN but especially Senator BROWN and some others who have joined us in the Senate, who will be very strong voices on behalf of a sane, thoughtful, sensible protrade policy that is pro-fair trade and stands up for this country's economic interests.

I thank the Senator from Ohio for yielding to me.

Mr. BROWN. Mr. President, I reemphasize what Senator DORGAN says so often; that is, we want trade—plenty of it—we just want it with different rules. We want fair trade. Plenty of countries around the world practice trade, as South Korea does, for their own national interests. We practice trade according to some economics textbooks some days, and other days we practice trade according to what is in the interests of these large corporations that outsource. But these companies—again I use the word ''betray''—they betray our families, they betray our communities when they do what Huffy Bicycles did because those jobs were good-paying union jobs in Shelby County OH, in western Ohio. As Senator DORGAN said, they have been there for hundreds of years.

In the far corner of northwest Ohio there is a company called the Ohio Art Company. The Ohio Art Company makes something that almost everyone who grew up in this country knows about: they make the Etch A Sketch. Some years ago, Wal-Mart went to the Ohio Art Company and said: We want to sell Etch A Sketch in our stores for under $10, and the Ohio Art Company couldn't make them for that price, so they pretty much moved most or all of their production to China.

It is that kind of betrayal by these corporations, with the concurrence of our Government, because our Government writes the rules for these trade agreements—our Government has consistently practiced trade and allowed our largest companies to practice trade not according—unlike other countries that don't practice it according to our national interests, and it is time that we do.

Mr. DORGAN. Mr. President, I would like to ask the Senator to yield for one more point. The Governor of Pennsylvania, Governor Rendell, tried very hard to keep a company in Pennsylvania, Pennsylvania House Furniture. They make fine furniture with Pennsylvania wood, a very special kind of Pennsylvania wood. They make top-of-the-line furniture and did for a long time—I think for over a century as well. They were purchased by La-Z-Boy, and La-Z-Boy decided that Pennsylvania House Furniture would be outsourced to China. At that point, Governor Rendell and folks in Pennsylvania got involved to try to save Pennsylvania House Furniture, but they couldn't do it. The jobs all went to China. Incidentally, they now ship the wood from Pennsylvania to China, put the furniture together, and then ship it back to be sold as Pennsylvania House Furniture.

There is somebody in this country who has a piece of furniture that they don't understand the value of. The last day at work at this plant where they had made furniture, these craftsmen, who made top-end, top-of-the-line furniture, these craftsmen, the last day of work, on the last piece of furniture that came off the assembly line in Pennsylvania, turned it over and they all signed it. Someone has a piece of furniture with the signatures of all the craftsmen at that plant who, on their last day at work, decided they wanted to sign as a note of pride in the work they had just completed.

Then the jobs were gone, all gone to China, because the Pennsylvania workers could not compete with those who would work for 25 cents, 30 cents, 35 cents an hour. But they shouldn't have to. That is the point of our discussion about fair trade.

Mr. BROWN. Mr. President, in the next decade our Nation needs to—our Government needs to come up with a manufacturing policy. If our trade laws and our tax laws continue to encourage outsourcing, continue to contribute to this erosion of the middle class, we will be a country with less and less manufacturing, fewer and fewer manufacturing jobs, less and less of an ability to protect our national interests. It is a question of national security, to be able to have a strong manufacturing component to our economy, and it is a question of economic security for families in places such as Dayton, in places such as Steubenville and Painesville and Cleveland, OH, places where people have built middle-class lifestyles, bought their homes, sent their children to college, worked for a decent retirement because they have worked hard and played by the rules and manufactured goods that people in our country use.

I think it is important as we move forward with Senator DORGAN and people like Senator WHITEHOUSE from Rhode Island, who is also very interested in this, that we move forward on developing this manufacturing policy on trade, on tax law, and on helping particularly our small manufacturers compete in this global economy.

I thank the President, and I yield the floor.

Mr. WHITEHOUSE. Mr. President, we have seen a considerable number of the members of the Intelligence Committee come up to this floor this afternoon, and that is because we have before us S. 372, legislation authorizing funding for our intelligence and national security services. But rather than work with Congress to ensure agencies such as the CIA, FBI, NSA, and many others receive the funding they need to meet their missions and keep Americans safe, the Bush administration and some in the Republican minority are stonewalling this legislation.

As the newest member of the Select Committee on Intelligence, I am deeply troubled to see this legislation stalled at the expense of the security of our Nation. My father was a Foreign Service officer, and through his eyes I have seen the power of American diplomatic and intelligence efforts to do both great good in the world and great harm.

In their misuse and in the politicization of America's intelligence apparatus, President Bush and his administration have done great harm to America's standing in the world and our security at home. Now we face the

bleak prospect that for the third year in a row the Senate may not pass an intelligence authorization bill. This should give every concerned American pause.

This measure will fund our intelligence community agencies, fight terrorism, strengthen our capabilities to collect, analyze, and act on intelligence, and, most importantly, expand transparency and oversight of our intelligence community. It is a reflection of diligent, thorough, and tenacious work by our committee chairman, JAY ROCKEFELLER, the distinguished Senator from West Virginia whom I see with me on the floor this afternoon, along with his Republican counterpart, Vice Chairman BOND. I was hopeful that at least we could end the partisan logjam that has crippled the Senate Intelligence Committee for the last several years. I have been pleased with the thoughtful and serious tone of the committee's work on both sides of the aisle. Yet now something has suddenly changed, and the Republican minority has maneuvered to block this legislation from becoming law. Now it appears the White House has intervened, has called in chits, and twisted arms to stop a bill on which Chairman ROCKEFELLER and Vice Chairman BOND have worked so long and hard.

We understand this administration does not want congressional oversight. They don't want oversight on their inept response to Hurricane Katrina. They don't want oversight on the unprecedented purge of U.S. attorneys. They don't want oversight on the debacle going on in Iraq. They don't want oversight on intelligence either. But no administration in recent memory has more badly needed congressional oversight, and in no area has that need been more plainly demonstrated than in the intelligence function of our Government.

This is the administration that failed to ensure adequate oversight of national security letters under the PATRIOT Act. This is the administration that conducted its own secret wiretap program to monitor conversations, including the conversations of U.S. citizens. This is the administration that established its own secret prison network offshore to hold terrorism suspects off the record of this country's legitimate judicial institutions. This is the administration that cherry-picked its intelligence to justify the claim of Iraqi weapons of mass destruction. That abuse of intelligence alone cost our country thousands of lives, billions of dollars, and damage to our relations with allies around the world that will linger for many years.

One can see why this administration would resist congressional oversight, but Congress is obligated to oversee our country's national security and intelligence-gathering services. That is our duty under the Constitution. This duty is particularly important with the covert intelligence agencies because their work is not subject to public inquiry. These are not organizations that work in the bright light of day but in the deep dark of the secrecy they require to be effective. So meaningful and appropriate congressional oversight is our only safeguard.

This administration welcomes oversight less than almost any I can think of, but no administration in recent memory has needed it more. Perhaps the Nixon administration, but like the Nixon administration, this administration's resistance to congressional oversight is a measure of how badly that oversight is needed. Unfortunately, for too many years this Congress has conducted oversight by the principle, ''out of sight, out of mind'' or maybe ''see no evil, hear no evil, speak no evil.'' You don't have to look far to see how badly this strategy has failed.

But there is a new team in town and a new leadership of this Congress that takes these responsibilities seriously. It is an abdication of our responsibility under the Constitution, and it is irresponsible with respect to the security of our Nation to let this legislation languish.

I urge my colleagues in the minority to reconsider their actions, to return to this floor in good faith, to continue the good work that Chairman ROCKEFELLER and Vice Chairman BOND have so nobly accomplished, and to give our intelligence agencies the funding they need to keep us safe.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, first of all, I want to truly congratulate the Senator from Rhode Island for his statement which was delivered forcefully, intelligently, accurately, and with great conviction which comes from his extremely broad experience in life.

For this Senator's part, my view is this: Unless the Senate invokes cloture and moves to finish action on the fiscal year 2007 authorization bill, we have failed for the third time, or as Senator LEVIN put it, since 2004 when we last passed it, to pass important national security legislation. Everything that the American people are worried about, everything that comes out of events like yesterday in Blacksburg, VA—and by the way, I spent a good deal of time on the phone talking to students I know down there—everything points to a massive, tectonic change in the way we are carrying on.

I speak very proudly of a PBS series which is looking at this whole subject. Monday, Tuesday, Wednesday, Thursday, and Friday, 12 consecutive hours of looking at what Islam is, what it isn't; what jihad is, what it isn't; and how we came to this point. It is done from all points of view, usually without any journalists, just soldiers talking. It is brilliant, and I recommend it to my colleagues.

We tried last week to move the Intelligence authorization bill, and we were prevented from doing so due to objection from some of our Republican colleagues. When cloture on the motion to proceed was passed last Thursday, the vote was 94 to 3. That is not just to drop off a number, that is a significant expression of public will in the Senate. The Senate was again prevented from moving to the bill for the purpose of debate and amendment by a continued Republican objection, forced 30 hours to run on the motion to proceed. As a result, we have wasted 2 days.

As my distinguished and good friend Senator BOND said, we wasted 2 days when we could have considered and disposed of many amendments, which we were prepared to do.

Vice Chairman BOND and I have been working together, the two of us, to clear and pass amendments even this day, and have done so, a goodly number of very important ones, because we are determined that this should work. However, many of those 42 amendments filed are extraneous, and they are nonrelevant. We have to pay attention to those things that are outside the jurisdiction of the Senate Intelligence Committee and the purpose of the authorization bill so they don't fall, but we won't be able to get to those.

So I would just conclude this way. Oversight of the activities of the U.S. intelligence community is a necessary and essential duty of this body. It is a duty which Vice Chairman BOND and I take extremely seriously. He is very aggressive about it and cares a great deal about it. I do, too. I think it defines the integrity of the process with which we protect our Nation and the people who protect our Nation, covertly, overtly, as the Senator from Rhode Island talked about.

So it is our constitutional duty. I don't like to be in dereliction of my constitutional duty at any particular time. I can't think of any time that is more important to me not to do so than right now.

In addition, I fear that it sends a disturbing message to the clandestine collectors and the intelligence analysts of the intelligence community who actually watch us and pay a lot more attention to us, particularly here in Washington, and read our tea leaves and take their signals about where they stand on our priority list. I want them to stand at the very top. I think the vice chairman wants them to stand at the very top. If we do not consider them a legislative priority, then I am saddened by that.

I call upon my colleagues to set aside politics and vote for cloture and final passage of this intelligence authorization bill that has languished in legislative limbo for more years than I am happily willing to admit.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I regret we have come to an impasse. The chairman and I and the members of the committee have worked very hard to get a bill that is getting much better. I am very sorry that we were not allowed to

vote on amendments this afternoon and to continue with our efforts to move this bill forward. The leaders are responsible on both sides for running this body, and we are in a position now where it appears to the minority that amendments will not—could be precluded under that circumstance. I am afraid there will not be the support for cloture. I regret that we have worked so long and hard and apparently will not be able to continue with this bill. I hope to do so at a later time.

I thank my colleagues and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the motion to proceed to the motion to reconsider is agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 20, S. 372, the Intelligence Authorization bill of 2007.

Harry Reid, Chuck Schumer, Russell D. Feingold, Jay Rockefeller, Evan Bayh, Patty Murray, Dick Durbin, Jeff Bingaman, Robert Menendez, B.A. Mikulski, Dianne Feinstein, Bill Nelson, E. Benjamin Nelson, S. Whitehouse, Byron L. Dorgan, Blanche L. Lincoln, Ron Wyden.

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

The question is, Is it the sense of the Senate that debate on S. 372, a bill to authorize appropriations through fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

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 Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 50, nays 45, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—50

Akaka	Bingaman	Byrd
Baucus	Boxer	Cantwell
Bayh	Brown	Cardin
Carper	Klobuchar	Pryor
Casey	Kohl	Reed
Clinton	Landrieu	Reid
Conrad	Lautenberg	Rockefeller
Dodd	Leahy	Salazar
Dorgan	Levin	Sanders
Durbin	Lieberman	Schumer
Feingold	Lincoln	Snowe
Feinstein	McCaskill	Stabenow
Hagel	Menendez	Tester
Harkin	Mikulski	Webb
Inouye	Murray	Whitehouse
Kennedy	Nelson (FL)	Wyden
Kerry	Nelson (NE)	

NAYS—45

Alexander	DeMint	Martinez
Allard	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Roberts
Bunning	Enzi	Sessions
Burr	Graham	Shelby
Chambliss	Grassley	Smith
Coburn	Gregg	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Thomas
Corker	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner

NOT VOTING—5

Biden	Johnson	Obama
Brownback	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. FEINGOLD. Mr. President, I am deeply disappointed and concerned about the continuing Republican filibuster of the fiscal year 2007 Intelligence authorization bill. This bill is critical for our national security. It supports the intelligence community while ensuring that Congress can conduct necessary oversight of our intelligence activities. Failure to pass this legislation would undermine the men and women of our intelligence community who look to Congress not only for funding but for policy guidance and legal clarity. It also sends a terrible signal to the American people, that despite repeated abuses by this administration from warrantless wiretapping to National Security Letters, Senate Republicans have chosen to shield the administration from congressional scrutiny and oversight. Unchecked executive authority is contrary to our constitutional system. And the American people understand well what the 9/11 Commission stressed—that strong congressional oversight is an essential part of defending and protecting America.

There are a number of provisions of the bill that I view as particularly important. Besides authorizing the intelligence programs that help keep us safe, the bill improves congressional oversight of the intelligence community and advances the critical work of intelligence reform. The National Security Act requires that the congressional intelligence committees be kept fully and currently informed of all intelligence activities. The administration failed to comply with this law with regard to its illegal warrantless wiretapping program. I am pleased, therefore, that this bill limits the ability of the executive branch to deny information to the full membership of the Intelligence Committee. I am also pleased that the classified annex to the bill includes my amendment calling on the administration to work with the committee to ensure adequate oversight of the program, which has not yet occurred.

With regard to intelligence reform, the bill establishes, within the Office of the Director of National Intelligence, an inspector general of the intelligence community, which will strengthen accountability across the community. The bill also requires the declassification of the aggregate budget for all intelligence activities. This longstanding intelligence reform goal, which was recommended by the 9/11 Commission, will allow for basic budget transparency and a level of accountability without damaging our national security.

The bill includes an amendment I offered to the classified annex with Senator ROCKEFELLER calling for more intelligence resources to be directed toward Africa. The continent presents a wide range of threats, such as terrorist havens and the transnational movements of terrorist organizations, while corruption, authoritarianism and poverty allow these conditions to fester. In order to bolster our national security, we need greater information and understanding of these threats. Of particular concern is Somalia, where the committee encouraged the intelligence community to work with other agencies of the U.S. Government on a comprehensive strategic plan for stability. Unfortunately, since the amendment was originally accepted by the committee in May 2006, the situation in the Horn of Africa has only deteriorated and the overall U.S. Government strategy for addressing the crisis remains sorely inadequate.

Finally, I am pleased that, in response to the concerns of Senator WYDEN and myself, a provision creating a new exemption to the Privacy Act has been removed. Widespread abuses involving National Security Letters recently uncovered by the Department of Justice inspector general only underscore why Congress must conduct vigorous oversight of how current authorities are being used before providing new ones.

I again express my disappointment that the bill is being filibustered and hope that the bill will soon be passed into law.

Mr. KYL. Mr. President, I rise to talk to my colleagues about my amendment No. 866 to protect the classified information handled by Congress.

Having served on the Intelligence Committee for 8 years, no one needs to tell me how important it is for Congress to have the information it needs to perform oversight of the intelligence community.

However, we must be mindful that much of this information could do great damage to our national security.

This bill includes what I believe are misguided provisions related to clandestine prisons, the Detainee Treatment Act, and the enormous expansion of access to highly sensitive national security information.

The bill would declassify information about the intelligence budget, dramatically expand the number of members and staff with access to the most sensitive national security information our government holds, and provide details of the interrogation techniques used by our military and intelligence community.

Can anyone imagine what would happen if al-Qaida became privy to the interrogation techniques our military and intelligence community use? Does anyone think al–Qaida wouldn't adapt and train its terrorists accordingly?

I believe disseminating this information is a mistake. But, if we are going to disseminate it, we must put in place a mechanism to ensure this sensitive information does not get into the hands of our enemies. And we must give pause to those who would use this information to conduct their own personal foreign policies, as has been seen in the systematic use of leaks of classified information in recent years.

My amendment will ensure this information is treated as it should be by imposing a 10-year criminal penalty on those Members and staff who leak our national security secrets.

I urge adoption of the amendment.

MEDICARE

Mr. CORNYN. Mr. President, I rise today to discuss the Medicare prescription drug program that Congress passed a little over 3 years ago with a bipartisan majority. We have all heard the very impressive statistics associated with the Medicare Part D program. More than 90 percent of seniors eligible for the benefit have drug coverage, and they will save on average $1,200 per year.

More importantly, more than 80 percent of enrolled seniors have expressed their satisfaction with the program. Competition in the prescription drug benefit has forced down costs far below what was anticipated. In 2007, the average premium for the benefit was $22 a month, 40 percent less than projected at the outset.

The Congressional Budget Office's new budget estimate for the next 10 years shows that net Medicare costs for the prescription drug benefit will be more than 30 percent, or $256 billion, lower than originally forecast. Not only are the costs for this prescription drug benefit lower than expected, but for 2007 more drugs are also being covered by participating plans than last year. The average plan now covers 4,300 drugs in its formulary versus 3,800 last year, a 13-percent increase.

The basic point is this: We passed a prescription drug benefit that uses market competition to provide critical medications to seniors at a cost much lower than originally projected. The results so far demonstrate a familiar principle: competition and choice bring lower prices and, I might add, better service.

There are some who want to change that successful model, so we have to ask ourselves: How does their plan improve on this very successful Government program?

Since I believe being a zealous guardian of the taxpayers' dollars is one of the reasons my constituents sent me here, one of the first questions I ask is: Will the alternative plan of interfering with this market-based competition actually save taxpayers money while continuing to provide choice and access to prescription drugs for seniors?

The simple answer to this question is, no, and you don't have to take my word for it. The nonpartisan Congressional Budget Office determined that the proposal that is before us would have a ''negligible effect'' on reducing Government spending.

The advocates of this particular proposal that is pending before us cannot point to any Government source that will support their claim that the Federal Government can negotiate more effectively than the private market. Specifically, CBO writes that ''CBO estimates that H.R. 4 would have a negligible effect on Federal spending because we anticipate that the Secretary would be unable to negotiate prices across the broad range of covered part D drugs that are more favorable than those obtained by PDPs under current law.'' Secretary Leavitt describes in practice how having the Government negotiate drug prices will not lead to lower costs for beneficiaries or taxpayers. He has written:

> We are seeing large-scale negotiations with drug manufacturers, but they are being conducted by private plans, not the government. A robust market with a lot of competitors has driven down prices. It's the magic of the market. To assume that the government, in our genius, could improve on this belies the reality of a complex task.

In fact, public opinion polls back up Secretary Leavitt's comments. A study by the Tarrance Group found that only 28 percent of seniors believe that the Government would do a better job in setting drug prices than a competitive marketplace.

The Washington Post agrees. It has written, on January 14:

> Governments are notoriously bad at setting prices, and the U.S. Government is notoriously bad at setting prices in the medical realm.

As policymakers, it is also our job to ask: What are the potential consequences of this new legislation that is pending before us? Quite simply, the consequences are dire. Since Government will decide which drugs seniors have access to, seniors will be left with fewer choices.

In terms of analyzing the consequences of this alternative plan, it is helpful to look at examples in other countries that have tried what Democrats are now advocating in this model. We don't have to guess about what the consequences would be because other countries have tried it. I recently read a piece published in the Washington Post and written by Alberto Mingardi, president of a think tank in Italy, and I want to quote from this article because I believe it demonstrates my point. He writes about the Democrats' plan to require the Government to set prices, or at least giving the Secretary the authority to do that. He said:

> It would create a Medicare drug program that looks a lot like the system we have in my country, Italy, where drug prices are among the lowest in Europe. At first glance, this might seem like an enviable model for America to follow. But before Pelosi rushes down the road to Italian-style health care, let me offer a word of caution. Italy is hardly a health care paradise. In fact, it's more like a quagmire of red tape.
>
> For the most part, Italy's lower drug prices are the product of government price controls. In Italy, these price controls have created a number of problems. The government's attempt to force down drug prices has not produced overall health-care spending. Rather, it has resulted in a spike in demand—which is one reason why Italy's health-care spending has skyrocketed, growing nearly 68 percent between 1995 and 2003.
>
> As for the quality of Italy's care, that, too, has suffered. With demand for drugs rising, the Italian government has attempted to save money by adopting reimbursement policies that favor certain drugs over others. Unfortunately, the most innovative products often aren't considered reimbursable by the government precisely because they are the most expensive.
>
> It's a great system if you just need an antibiotic. But if you're hoping to avoid open heart surgery through access to a miracle drug, it can be a nightmare.

He concludes.

> The economy is also harmed. Because it's simply not profitable for companies to invent cures in Italy, price controls have decimated Italy's pharmaceutical industry. So by attempting to hold down drug prices, the Italian government has deprived its citizens of the best care without reducing health-care spending. And it has deprived the country of what could be a vibrant sector of the economy. In their rush to revamp Medicare, U.S. policy leaders should be careful not to make the same mistake.

Mr. President, I ask unanimous consent that the article be printed in its entirety in the RECORD at the conclusion of my comments.

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

(See exhibit 1.)

Mr. CORNYN. Mr. President, I also want to stress the last sentence that I read one more time, where he says: It is a great system, if you need an antibiotic. But if you are hoping to avoid open heart surgery through access to a miracle drug, it can be a nightmare.

We don't need to go down this path. We don't have to change course. Right now, under Medicare Part D, market forces and competition have created a wildly popular benefit that uses market competition to provide critical medications to seniors at costs much lower than projected a few short years ago.

I have spent a few moments describing my concern with the Democrats'

plan to ''so-called'' negotiate prices. I would say to ration drugs is a more accurate description. But by far my biggest concern about this bill is, of course, another example of their preference for Government control in health care rather than market-driven, patient-centered approaches favored by those of us on this side of the aisle.

I would urge my colleagues to call this debate what it is: It is not so much about noninterference clauses in Medicare prescription drug laws. There is a much more importantly and potentially consequential debate about whom Americans want to be making decisions in our health care system. Do they want it to be the Government or do they want it to be patients themselves and their doctors?

I recently read a quote from a physician in Switzerland that I found particularly poignant. He reminds us that:

We all have a single-payer health care system. Citizens always wind up paying for health care, either through taxes, insurance premiums, or out-of-pocket costs. The real question is whether they will have a single-decider system. In many European countries, there are single-decider systems in which governments and their agents control what medical services its citizens will or will not receive.

Of course, we know all too well how close we are in this country to having a single-payer health care system. Roughly, 50 cents of every health care dollar we spend in the United States is spent directly by the U.S. Government. The health care economy is approximately $2 trillion annually, or one-sixth of the entire U.S. economy. I believe we have to reform our health care system, emphasizing individual choice and trusting patients and their families and their doctors to make the right choices—not lawyers or, yes, even bureaucrats in Washington, DC,—to make the important health care and treatment decisions.

So make no mistake about it, this bill is about a much larger issue than the title of the legislation itself would suggest. We are not debating some sterile provision called a noninterference clause. We are debating something far more significant.

The Washington Post believes this debate is about something much larger than the noninterference clause as well, and they have written:

The Democrats' stance is troubling because it suggests an excessively governmental-led view of health care reform. The better approach is to let each insurer offer its own version of the right balance, see whether it attracts customers, and then adapt flexibly.

In my State, the Dallas Morning News has written:

When congressional Democrats press for this change next year, remember they're pushing for much more than lower prices. They're seeking to move the line where government should stop and the marketplace should start.

I do agree with the Democrats that this debate is about negotiation, but the real question is not should we have negotiation but who should negotiate. The proponents of this legislation believe it should be the Government, and I couldn't disagree more. The proponents of this legislation believe the Government is more skilled in making pricing decisions than the free market, and I have to say, I think that is wrong.

We have been presented in this legislation with a remarkably clear choice: If you believe the way to improve our broken health care system is to embrace a market-driven approach that lowers costs and does not reduce choices for seniors, then you will vote to continue the prescription drug program that we passed a few short years ago. If you believe, as the advocates of this legislation do, that Government bureaucrats are better suited than the free market to make pricing decisions for thousands of prescription drugs, then you will want to vote for this legislation.

I will vote for the current market-driven approach that provides choices for seniors and puts patients and doctors in control rather than the Government, and I urge my colleagues to join me.

EXHIBIT 1

[From the Washington Post, Nov. 12, 2006]

DRUG PRICE PATH TO AVOID

(By Alberto Mingardi)

The next speaker of the House, Rep. Nancy Pelosi (D-Calif.), has let it be known that within her first 100 hours on the job, she will move to allow the government to negotiate directly with pharmaceutical companies to obtain lower drug prices for Medicare patients.

Her plan would create a Medicare drug program that looks a lot like the system we have in my country, Italy, where drug prices are among the lowest in Europe. And that's pretty low, considering that drugs in Europe average about 60 percent less than in the United States. Even as U.S. prices rose, Italian drug prices decreased by 5 percent last year.

At first glance, this might seem an enviable model for America to follow. But before Pelosi rushes down the road to Italian-style health care, allow me to offer a word of caution. Italy is hardly a health-care paradise. In fact, it's more like a quagmire of red tape.

For the most part. Italy's lower drug prices are the product of government price controls. The state purchases nearly 60 percent of the nation's prescription drugs. And it supposedly negotiates prices directly with pharmaceutical companies. But since the Italian government controls such a disproportionate share of the market, it in effect dictates drug prices. In Italy, these price controls have created a number of problems.

First, they distort the laws of supply and demand. Because of the country's artificially low drug prices, demand for pharmaceuticals is artificially high—higher than it would be under free-market conditions. The point is that the Government's attempt to force down drug prices has not reduced overall health-care spending. Rather, it has resulted in a spike in demand—which is one reason why Italy's health-care spending has skyrocketed, growing nearly 68 percent between 1995 and 2003.

As for the quality of Italy's care, that, too, is suffering. With demand for drugs rising, the Italian government has attempted to save money by adopting reimbursement policies that favor certain drugs over others. Unfortunately, the most innovative products often aren't considered reimbursable by the government precisely because they are the most expensive.

It's a great system if you just need an antibiotic. But if you're hoping to avoid open-heart surgery through access to a miracle drug, it can be a nightmare. And Italians are lacking more than just choice in cutting-edge drugs. They also lack information. According to a recent survey, more than 50 percent of Italy's patients believe that the national health service cannot even supply adequate information about treatments and drugs.

The economy is also harmed. Because it's simply not profitable for companies to invent cures in Italy, price controls have decimated Italy's pharmaceutical industry. Today not one of the world's 50 largest drug manufacturers has its headquarters in Italy, even though the country is the world's seventh-largest economy. Because most drug and biotechnology companies are outside Italy's borders, there are only 84,000 pharmaceutical workers in Italy's entire drug industry. The industry has become a perfect target for Italy's politicians, because they can rail against it with little political downside. The more we follow this path, the less likely it is for Italian companies to develop valuable innovations—at great risk for both our economy and our health.

So by attempting to hold down drug prices, the Italian government has deprived its citizens of the best care without reducing health-care spending. And it has deprived the country of what could be a vibrant sector of the economy. In their rush to revamp medicare, U.S. Policy leaders should be careful not to make the same mistake.

Mr. CORNYN. Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I rise to express my deep concerns about S. 3, the Medicare Fair Prescription Drug Price Act of 2007.

Back in 2003, I helped draft the Medicare Modernization Act. I was one of the Senate's chief negotiators for the House-Senate conference on this legislation. We wrote legislation that was approved by both Chambers of Congress and signed into law by the President in December 2005. And by enacting this legislation, Medicare beneficiaries are now offered a quality prescription drug benefit at an affordable price. It is a successful program by any measure.

I want to take a few minutes to talk about the Medicare Modernization Act of 2003 and what a difference it has made in the lives of Medicare beneficiaries.

Today, there are 38 million Medicare beneficiaries and over 90 percent participate in the Medicare Part D program. Eighty percent of Medicare Part D beneficiaries are happy with their Medicare prescription drug plan. And they are happy with their plans, because they have a choice in coverage—beneficiaries are able to get a plan that meets their needs. We don't have a one-size-fits-all program attempting to stretch over 38 million people. The cost savings have been profound for both beneficiaries and for taxpayers.

When the Medicare Part D plan first began in January 2006, we thought that the average premium would be around

$37 per month. Because of plan competition, the average premium is $22 a month. That has reflected for taxpayers over $113 billion of savings over what Congress had originally estimated. And the other good news is that if a beneficiary hits the doughnut hole—the point where the beneficiary has to pay out of pocket for his or her prescriptions—there are now plans in every State that will provide coverage through the doughnut hole period.

As we all know, back in January, the House of Representatives passed legislation that would require the prices of prescription drugs received under the Medicare Part D program to be negotiated by the Secretary of Health and Human Services. Late last week, the Senate Finance Committee also approved S. 3, the Medicare Fair Prescription Drug Price Act of 2007. While this legislation does not mandate that the Secretary negotiate drug prices for the Medicare Part D benefit, it gives the Secretary the discretion to do so.

Any way you look at it, Congress requiring the Secretary to negotiate prescription drug prices would lead to a one-size-fits-all drug plan which would result in fewer choices. Beneficiaries would have less satisfaction with a one-size-fits-all plan. And, in my opinion, drug prices will not be lower.

In addition, beneficiaries would have fewer choices. When you negotiate drug prices, there is really only one way to do it. You limit the choices available. You say I am going to take your medication off your drug plan or I am only going to pay X amount for a drug, a price so low that perhaps the manufacturer cannot participate. If the Government starts doing that, suddenly you have the Government making choices about who can get what drug as opposed to beneficiaries and their doctors making those decisions.

Currently there are over 4,400 drugs available on Medicare Part D plans. Beneficiaries may choose a plan that meets their needs. That is exactly why 80 percent of Medicare Part D beneficiaries are happy. And for those who aren't, the good news is we can help find a plan that serves them better. If we had one plan, one formulary, then we would have a lot more unhappy people.

And how does the Secretary of Health and Human Services feel about this new responsibility? I would like to take a minute to read an editorial that appeared in the Washington Post on January 11, 2007. This editorial was written by Secretary Mike Leavitt, not only a good friend of mine but a very thoughtful, knowledgeable, and open-minded Secretary of HHS as far as health care policy is concerned. ''Medicare And the Market Government Shouldn't Be Negotiating Prescription Prices,'' by Mike Leavitt, Thursday, January 11, 2007; Page A25:

We all want people with Medicare to get the prescription drugs they need at the lowest possible prices. The issue before Congress this week is how best to do that. Should consumer choice and private-sector competition determine prices—or should government?

The success of the Medicare prescription drug benefit provides strong evidence that competition among private drug plans has contributed significantly to lowering costs. The average monthly premium has dropped by 42 percent, from an estimated $38 to $22—and there is a plan available for less than $20 a month in every state. The net Medicare cost of the drug program has fallen by close to $200 billion since its passage in 2003.

Seniors and people with disabilities like the benefit. Studies consistently show that three-quarters of Medicare beneficiaries are satisfied with their coverage. Individuals like being able to choose the plan that best fits their needs. A single, one-size-fits-all drug plan would have made the choice easier, and Congress did create a standard plan. But fewer than 15 percent of enrollees have selected that standard plan—opting instead for plans with lower premiums, no deductibles and enhanced coverage.

Despite the success of the benefit, some people believe government can do a better job of lowering prices than a competitive marketplace. Legislation under consideration would require the secretary of health and human services to negotiate and set the prices of drugs. In effect, one government official would set more than 4,400 prices for different drugs, making decisions that would be better made by millions of individual consumers.

There is also the danger that government price setting would limit drug choices. Medicare provides access to the broadest array of prescription drugs, including the newest drugs. But price negotiation inevitably results in the withholding of access to some drugs to get manufacturers to lower prices.

The Department of Veterans Affairs, often cited as an example of how government can negotiate prices, operates an excellent program for veterans, but the VA formulary excludes a number of new drugs covered by the Medicare prescription benefit. Even Lipitor, the world's best-selling drug, isn't on the VA formulary. That may be one reason more than a million veterans are also getting drug coverage through Medicare.

Some observers point to the massive buying power of the federal government as the means to exert clout over drug companies, but the federal government has nowhere near the market power of the private sector. Private-sector insurance plans and pharmacy benefit managers, who negotiate prices between drug companies and pharmacies, cover about 241 million people, or 80 percent of the population. Medicare could cover at most 43 million.

The independent Congressional Budget Office has said that government price negotiation would have a ''negligible effect on federal spending.'' And previous experience with Congress and Medicare regulating drug prices has not been reassuring. Medicare Part B, which covers physician services, outpatient hospital care and other services, sets the prices for some medicines—notably a number of cancer drugs. It has a history of reimbursing at rates substantially greater than prevailing prices. In 2005, Part B drug spending increased by almost 20 percent.

If the Federal Government begins picking drugs and setting prices for all Medicare beneficiaries, administrative costs would add a new burden to taxpayers. The Department of Health and Human Services would have to hire hundreds of new employees. Legions of lobbyists would follow, each seeking higher Medicare payments for the drug companies they represent. As a Post editorial noted in November, ''having the government set drug prices is a sure way of flooding the political system with yet more pharmaceutical lobbyists and campaign spending.''

There is a proper role for government in setting standards and monitoring those who provide the benefit. We should ensure that beneficiaries have access to medically necessary treatments. But government should not be in the business of setting drug prices or controlling access to drugs. That is a first step toward the type of government-run health care that the American people have always rejected.

There are many ways the administration and Congress can work together to make health care more affordable and accessible. But undermining the Medicare prescription drug benefit, which has improved the lives and health of millions of seniors and people with disabilities, is not one of them.

Secretary Leavitt is correct—providing flexible prescription drug plans to beneficiaries should be one of our top goals. Getting Medicare beneficiaries the best price possible for their prescription drugs should be one of our top goals. And offering Medicare beneficiaries high quality prescription drug plans should be one of our top goals. In my reading of this legislation, passage will result in none of these goals being achieved and, in fact could result in the Medicare prescription drug benefit becoming a national formulary which could result in higher prices for drugs and limited choices for Medicare beneficiaries.

When we were drafting this bill, we took great care to provide protections to Medicare beneficiaries who decided to participate in the Medicare Prescription Drug Plan. We wanted to provide beneficiaries with a drug benefit that would not cost them an arm and a leg, and that would allow access to a wide range of prescription drug choices.

In order to preserve those choices, the Medicare Modernization Act prohibits the Secretary from establishing a formulary. If the Secretary cannot lower prices without a formulary and if it is prohibited by law for the Secretary to establish a formulary then I ask you—what is the purpose of this bill?

I believe that, should this bill become law, it will be no time before its supporters decide that now they want the Secretary to establish a formulary. I think this bill is a Trojan horse with a Medicare formulary hidden inside.

Mr. President, I urge my colleagues to think carefully about this issue. I urge them to talk to their Medicare beneficiaries in their states and ask them whether or not they are happy with their prescription drug plans. I believe that they will find that almost everyone is happy with their current

benefit and changing this benefit is a terrible mistake on our part.

FEDERAL INCOME TAX FILING DEADLINE

Mr. HATCH. Mr. President, today the tax man cometh.

Americans have April 17 circled on their calendars, and not with a smiley face.

This year, roughly 135 million Americans sat down to complete their tax returns. Many have made the unfortunate discovery that they owe additional money to the IRS.

Others are shocked to learn that they owe something called the alternative minimum tax.

I would like to emphasize one point today, a point that many of my constituents have learned the hard way: their tax burden is already too high.

For middle-class Americans, tax day has become an aggravation at best, and an outrage at worst.

Many Utahns, as well as distraught taxpayers throughout the Nation, know the look of tax overload. They see it when they look in the mirror, and they see it when they look at their spouse.

There is the kitchen table. A late night. Some scattered papers and receipts. An elbow on the table. And a hand on the forehead in disbelief. This is the look of overtaxed Americans. It is the look of misery and confusion. It does not need to be this way.

There are economic burdens as well, and that burden is only going to grow if the Democrats get their way.

Many of us pay too much in taxes already. But the policies of the congressional majority are a blueprint for even higher taxes. Neither our citizens nor our economy can bear much more.

Middle-class Americans are overtaxed.

According to the Tax Foundation, this year Americans will work 120 days to pay their total tax burden.

Let's put this in perspective. They will work 62 days to pay for their house and home. They will work 52 days for health and medical care. They will work 30 days for food. But they will work 120 days to pay their taxes.

If you told my parents' generation that their tax burden would be that high, they would have thought we lost a war to France.

But the Democrats are not satisfied. They want the so-called rich to pay more of their so-called fair share.

Let me translate. By ''rich'' they mean anyone with a job.

And by ''fair share,'' they mean empty your wallet.

According to recent data from the IRS, persons making more than $30,122, or the top 50 percent of all income earners, paid 97 percent of all income taxes in 2004, the latest year there were data available.

Those who made more than $60,041 in 2004, the top 25 percent, paid 85 percent of all income taxes.

These people are not rich.

As one of my Democratic colleagues noted earlier this year, a mother and a father making $90,000 a year in a place like Virginia or New York or California or New Jersey are not rich. They are doing the best they can to provide for their families. And once you factor in taxes, housing, clothing, medical care, and college savings, those paychecks do not go that far.

The middle class is already paying out much more in taxes than is spent by the Government on its behalf.

According to the Tax Foundation, an individual making over $65,000 a year pays $7,217 more in taxes every year than is spent for him or her.

But for some Members of this body, our system is still not progressive enough.

I know that there are some policy wonks and political strategists who think the days of tax revolt are over.

Apparently we are at some postpartisan, end of history, where Americans just accept big government and big bites out of their paychecks.

I for one am not buying it.

It seems some things never change in this country.

One of those things is the commitment of Americans to their rights of life, liberty, and property.

Americans remain very jealous of their liberties, and rightly so. Chief among our liberties is the freedom to use the money you earn through your hard work and initiative, to build your business, buy a home, and take care of your family.

Working hard to fund some new Government bureaucracy is not at the top of the list. If taxes go up significantly, the party responsible is going to be in for a rude awakening. They are going to be reminded, with grave electoral consequences, that the Government can take only so much.

Along with many of my colleagues on this side of the aisle, I think our tax burden is still too high. Many Americans still pay too much. The estate tax still destroys family businesses. Too many startup businesses are killed off by taxes before they have begun. We need to be providing tax incentives so people can responsibly save for their retirement and health care. We need to be coming up with innovative tax policies and entitlement reforms.

Instead, the Democrats are keeping mum as Medicare and Social Security take on water, keeping to themselves their foolproof plan to bail us out: Raise taxes.

The combined unfunded liability for Social Security and Medicare is $84 trillion. That is ''trillion'' dollars. Where is that money coming from? They are having a hard time coming up with money today for a $50 billion 1-year fix for the AMT, the alternative minimum tax. Where are they going to get $84 trillion?

Do not worry, they tell us; they are going to fix Social Security and Medicare. But fixing it their way will break the backs of middle-class taxpayers. Mark my words, they will raise taxes on the middle class, taking away or limiting savings vehicles for health and retirement. They will raise taxes on individuals, hiking rates and hurting families. And they will raise taxes on businesses, killing industry and choking initiative.

Conservatives are fond of saying that ideas have consequences. They certainly do. There are important differences between the parties. In their guts, Democrats distrust markets, believe that more Government intervention and Government programs are the answer, and are willing to hike taxes to achieve their goals.

Those of us on this side of the aisle believe in personal responsibility, low taxes, and encouraging the freedom, entrepreneurialism, and dynamism of the American people.

Ideas have consequences. One leads to economic prosperity; the other leads to national stagnation. I want my constituents to know that on these debates to come, I stand with the taxpayers. We need to be encouraging industry. We need to be growing our economy. We need to be lowering and simplifying our tax burden.

Today's Democratic majority promised real change. Instead, we are getting the same tired song. They are not taking our Nation's fiscal woes seriously. They are hoping Americans will not object when their taxes are hiked to pay for our coming entitlement train wreck.

They should think twice before going down this road. Middle-class Americans, such as my constituents in Utah, are trying to get their taxes done by midnight tonight. They want their tax burden lowered, and so do I. There are lots of promises made by our friends on the other side to get rid of the AMT. They have had at least three chances to vote to get rid of the AMT for the vast majority in the middle class and they have refused do so.

If left unchecked, the AMT is going to, within the next 10 years, be assessed on over 35 million Americans. Remember, it started out because there were about 159 people who did not pay their taxes, people who were immensely rich. Now we are talking up to 25 million Americans as we stand here today, and up to 35 million Americans within the next ten years. I am calling on my colleagues on the other side to live up to their campaign promises and let us get rid of AMT. It is very unfair to the middle class, and frankly, for most Americans.

I promise to do all I can to see we do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

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

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

Mr. CHAMBLISS. Mr. President, I rise today to oppose S. 372, the fiscal year 2007 Intelligence authorization bill, in its current form. I believe, without amendment, this legislation will

deteriorate the existing working relationship and trust the intelligence community has with Congress.

I voted against this legislation in both the Intelligence Committee and the Armed Services Committee because I believed significant alterations needed to be made before I could offer my support. As a member of the Intelligence Committee, I am fully cognizant of the importance of passing an authorization bill to guide our intelligence community as well as to advise the Senate appropriations process. Passing an authorization bill reasserts much needed Congressional oversight of the intelligence community, and it ensures that the Senate is relevant on national security issues that are critically important.

At this time, I question whether the Senate is serious about the need to examine all possible improvements to the bill or is willing to devote the time necessary to discuss and debate all amendments. Given the natural and conflicting interests involved, it is prudent that Congress act carefully and work with the executive branch to ensure that its needs are met, rather than hastily making demands through legislation that many provisions of this bill attempt to do. This will only create further friction between the two branches. I believe there are other ways to ensure effective oversight.

Some sections of this bill, particularly sections 304 and 107, are problematic to me, and I believe they will not further meaningful Congressional oversight. Therefore, I have offered amendments to strike these sections and urge my colleagues to support my amendments.

Let me detail my concerns with these two sections. First, section 304 requires the intelligence community to notify all of the members of the Senate and House Intelligence Committees whenever the House and Senate leadership and committee leaders are briefed on highly sensitive intelligence or covert actions. It requires that the notification include a statement of the reasons why only the leadership was informed, as well as a description of the main features of the matter.

There is a history of compromise and cooperation between the executive and legislative branches regarding the sharing of sensitive intelligence with Congress. The President has the duty to protect intelligence sources and methods. One such way is to limit the number of people who are privy to the information. Congress recognized this duty in the National Security Act, which states that information be shared:

> with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources or methods or other exceptionally sensitive matters.

The reporting requirement in section 304 may disclose the very sensitive information the President has determined only the leadership has a need to know. As a member of the Intelligence Committee, I recognize there are some highly sensitive matters I do not have a need to know, and I support having limited notification when absolutely necessary to protect the information.

Frequently the Congressional leadership will be informed of tightly controlled classified operations in which limiting knowledge of them is appropriate. Many of us do not have a need to know about various sensitive operations which, if leaked, could result in lives being lost as well as the termination of Congressional access to information.

Additionally, I have confidence in the chairman and vice chairman of the Intelligence Committee. I count on the leaders of the committee to be responsible for determining when additional access to information is warranted and for requesting that additional members be briefed as necessary. Section 304 seeks to abandon these practices which have been refined over three decades of aggressive Congressional oversight.

Next, section 107 requires the public disclosure of the National Intelligence Program budget requests and Congressional authorizations and appropriations for the intelligence community. Disclosing these figures to the public also discloses them to our enemies who will be watching for fluctuations in these figures, which may damage intelligence sources and methods over time.

Additionally, declassifying the overall budget for the intelligence community may lead others to demand that each agency declassify their budget. No doubt this would have grave effects on the capabilities of our intelligence agencies. For those reasons I oppose S. 372 in its current form and the managers' amendment to it. I urge my colleagues to support my amendments to strengthen this bill.

FAIR TAX ACT

Mr. President, today is the deadline for all taxes to be filed. As many millions of Americans rush to file their taxes, I rise to bring attention to our horribly broken, overly complex, and unfair American tax system. I have and will continue to support significant reform of the Tax Code in this country, as I have consistently done during my service in Congress.

Accordingly, I have recently introduced the Fair Tax Act of 2007 on behalf of myself, my colleague from Georgia, Senator ISAKSON, Senator COBURN, and Senator CORNYN, because we are in desperate need of tax reform.

Imagine the economic freedom and purchasing power provided by a tax system that would allow us to retain 100 percent of our earnings while maintaining the benefits of Government-sponsored programs, and allowing them to flourish. Such would be the case under the system proposed in the Fair Tax Act.

The Fair Tax Act would create a national sales tax as the primary source of Federal revenue, would eliminate our current archaic and inefficient Tax Code, and would replace it with a simpler, fairer means of collecting revenue. Specifically, the Fair Tax Act would repeal the individual income tax, the corporate income tax, capital gains tax, all payroll taxes, self-employment tax, and the estate and gift taxes in lieu of a 23-percent tax on the final sale of all goods and services.

Elimination of these inefficient taxing mechanisms would bring about equality and simplicity to our overly complex tax system. Moreover, the Fair Tax Act would abrogate any double taxation that occurs under our current tax system because it would provide tax relief for business-to-business transactions. These transactions, including used-product transactions that have already been taxed, are not subject to the sales tax.

More importantly, under the Fair Tax Act, the Federal Government's revenue would go unchanged. Social Security and Medicare benefits would remain untouched under the Fair Tax bill, and there would be no financial reductions to either one of these vital programs. Instead, the source of the trust fund revenue for these two programs would be replaced simply by consumption tax revenue instead of payroll tax revenue.

Finally, under the Fair Tax Act, every American would receive a monthly rebate check equal to spending, up to the Federal poverty level according to the Department of Health and Human Services guidelines. This rebate would ensure that no American pays taxes on the purchase of necessities. This is a critical component.

INVEST IN AMERICA ACT

Mr. President, I also rise today as an original cosponsor of the Invest in America Act. While I firmly believe significant overhaul of the Tax Code is the best way to achieve absolute fairness and transparency in our tax system, until we actually get to that point, we simply cannot allow the current rate reductions and other provisions of the 2001–2003 tax relief packages to expire, which is what the Democrats have proposed in their budget for the 2008 fiscal year. This would be a drastic blow to the economy and a misguided step in the wrong direction. The Invest in America Act would make the individual tax rates permanent. The lower rates have been essential to our continued economic growth over the past several years, and have encouraged Americans to work harder, be more productive, and retain more of their hard-earned money.

Additionally, this bill corrects current wrongs in our tax codes, such as the death tax and the AMT. It would make the repeal of the death tax permanent, and would save more than 130,000 families each year from confronting a loss of the family farms, ranches, or family-owned businesses. It would permanently repeal the AMT which, while designed to ensure every American pays some minimum tax, is

in fact now hitting more and more middle-income families, and this it was not designed to do.

Most significant to the growth of our economy, this bill would also make the current reduced capital gains and dividend rates permanent. Since the reduction of these investment rates in 2003, it has become easier for new businesses, and existing ones, to attract the capital they need to start, succeed, and expand.

Moreover, with greater than half of all Americans owning stock, middle-class families, seniors, and other Americans are greatly benefitting from these lower rates, including the 5-percent rate, which drops to zero percent in 2008.

The proposals in this bill would also help American families by making permanent the increased child tax credit, the marriage penalty relief, the adoption tax credit, the tuition deduction, and the teacher deduction. These provisions, along with other proposals in the Invest in America Act, make permanent the R&D tax credit and the increased small business expensing rates, enabling both the taxpayer and the American economy to grow.

Most importantly, the Invest in America Act sets forth a tax system that would gave back to those who invest in the strengthening of the American economy. We need to overhaul our tax system, impose fairness, and implement policies that encourage economic growth rather than stifle it. That is what Georgians want and deserve, and that is what Americans want and deserve.

VIRGINIA TECH TRAGEDY

I rise today with a very heavy heart to extend my condolences to the families who lost loved ones as a result of yesterday's tragic shootings on the Virginia Tech campus. One of those victims includes a young man, 22-year-old Ryan Clark of Martinez, GA, who served as a resident adviser at West Ambler Johnston dormitory where the first shooting occurred. Ryan was set to graduate this spring with a degree in biology and English, and he hoped to pursue a Ph.D., a pretty amazing young man from an academic standpoint. In his spare time, he also helped out the disadvantaged children in the area, as well as disabled children. On this particular day, he came to the rescue of the first victim and, as a result, became a victim himself.

I wish to convey my extreme sorrow to his family as they try to grasp the reality and gain a better understanding of what has happened. While he was still in his very young years, it is clear that he had already impacted so many lives and in so many different ways. While I know that words may be of little comfort at this time, the Clark family and all of the families involved and the Virginia Tech community will remain in my prayers as we try to find peace in the coming days.

It is difficult to fathom how something like this could happen. Words can't fully describe the grief we all feel as the weight of this tragedy settles over our Nation. My prayer is that through faith and resolve, our country will emerge from this disaster in unity and strength as together we find healing. While I know that we are still learning the facts surrounding these despicable acts, it is my hope that we can all work together and renew our commitment to ensure that our communities and schools are safe from similar future events.

I join my colleagues in the Senate who have spoken so eloquently on this matter and our entire Nation in mourning the 32 lives lost yesterday, and I pray for the strength of our country during this time of grief and sorrow.

Mr. CRAIG. Mr. President, news of yesterday's tragic killings at Virginia Tech reached me piecemeal as I was traveling back to Washington.

We are still far from final answers and explanations. Even today, facts are still being confirmed, evidence is still being collected, and the impact of the tragedy is still reverberating.

Last night, the Senate formally reacted to these terrible events through a resolution of sympathy.

I rise today to personally express my sorrow and condolences to the family and friends of the victims, to the survivors, and to the Virginia Tech community at large. The magnitude of this tragedy is unimaginable. You are in my thoughts and prayers, and I hope you know that the hearts of millions of Americans go out to you in your time of grief.

As we come to understand more about the events that unfolded so tragically yesterday, there will be plenty of time for us to argue about policy and politics and how to distribute blame. Today we should be mourning the loss of these lives, and doing what we can to help the wounded and comfort the bereaved.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I don't need to remind my colleagues that our country is at war. We face tremendous challenges in keeping America safe. On the other side of the aisle, in the last couple of days we have heard some talk about the Intelligence authorization bill which the Republican majority failed to pass in 2 separate years, the first time in 27 years this bill has not been passed, but it wasn't passed the last 2 years.

This year I thought it would be good if we passed an Intelligence authorization bill. We have 16 agencies that deal with the espionage, the security, the intelligence of our Nation. A bipartisan bill came out of the Intelligence Committee, the committee agreeing that something should be done. But it gets over here and word comes from the White House: Don't let that bill go. Like lemmings off a cliff, the Republicans do not allow this bill to go forward. The excuses, a fourth grade student could see through, maybe a second grade student.

They say: Democrats wouldn't allow us to offer amendments. That is absolutely false, untrue. From the very beginning, when they refused to let us proceed to the bill initially and we had to file cloture, cloture was invoked because it gave them 30 hours to stall doing nothing. I said that during that 30-hour period amendments could be offered. Not a single amendment was proffered.

So then we come to cloture on the bill itself. Even the vice chairman of the committee did not vote to go forward with this legislation. Again, I said: OK, cloture wasn't invoked. Let's go ahead and offer some amendments. They did. Guess what the first amendment was to show how serious they are about the intelligence operations of this country. An amendment was offered by a Republican 34 pages long dealing with immigration which shows how they want to solve the immigration problems of this country and the intelligence problems. This is no place for immigration. We are going to debate immigration the last 2 weeks of this work period.

It is beyond my ability to comprehend how Senators on this side of the aisle, looking over there, could vote this way, people whom I have always believed to be patriots. Why would they not vote on this? I will tell you why they didn't. Vice President CHENEY wants to be the czar of intelligence of this country, as he has been for 6 years. He can rest well tonight because he is going to be able to continue, without this bill setting certain standards for interrogation with our intelligence agencies and other things that on a bipartisan basis were said to be important to improve the intelligence apparatus of our country.

The amendments offered this afternoon were not in good faith. A 34-page immigration amendment on an Intelligence authorization bill? They were nothing more than an effort to make the White House happy. It is no secret. Senators have told Senators on this side that is why they voted against cloture: they were told to do so by the White House.

Maybe my friends on the other side of the aisle think it is not important, that they can pull this one off and get away with it. We have a war on terror going on, and we have intelligence agencies—16 in number—that are working every day trying to keep ahead of the bad guys. The bipartisan bill that has been before the Senate for the last several days was drafted based upon what the intelligence agencies thought they needed to improve their ability to collect information. I don't think it is going to work. The credibility of the Vice President is not very high in this country. For reasons like this, it is apparent why that is.

The White House talks about the war on terror; let's work together to do

something about it. Step back a minute. Is it political posturing to think that the intelligence agencies of this country that should have legislation that should be passed every year not be passed for 3 years?

I am very disappointed. I say this not in a mean or argumentative way. I am terribly disappointed. If the Presiding Officer, other Senators on this floor, if I ever as the leader came to one of you and said: We are not going to let the intelligence bill go forward this year, I think my caucus would tell me what to do with my suggestion. But apparently the White House has more sway than the American people to this group across the aisle. That is really too bad.

The PRESIDING OFFICER. The Senator from Ohio.

MORNING BUSINESS

Mr. BROWN. I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

MEDICARE PRESCRIPTION DRUG BENEFIT

Mr. BROWN. Mr. President, Americans as much as any people on Earth have a sense of fair play. That is why I believe 3 or 4 years ago, when the Medicare law was passed literally in the middle of the night in the House of Representatives, where the Presiding Officer and I served at that time, by one vote—the rollcall vote was kept open for 3 hours, arms were twisted, calls from the President and pleas and all kinds of begging on the House floor, and who knows what else—that is why people were angry with the way the Medicare law passed. They were also angry especially because of the sense of betrayal they felt with the Medicare law that clearly was written by the drug companies and for the drug companies and by the insurance companies and for the insurance companies.

In fact, that Medicare law meant as much as $200 billion in extra profits for the drug industry and meant as much as $70 or $80 billion in directed subsidies for insurance companies to entice—the word our friends used—entice those insurance companies to write standalone Medicare prescription drug coverage.

Americans know the score. Americans understand much about this whole Medicare law. We all understand the major employee groups typically in our system negotiate bulk discounts on prescription drugs. Americans also understand that the VA negotiates bulk discounts on prescription drugs. The VA, which ensures millions of our Nation's veterans, will go to the drug industry, company by company, and negotiate on a drug formulary, negotiate a price that gives the Government paying for these prescription drugs for our Nation's veterans a discount of about 50 percent on average, the same kind of thing that large insurance companies will do. But under this Medicare law—again, written by the drug companies, written by the insurance companies, pushed through because of the lobbying force and the advertisements and all that the drug industry did and the insurance industry did—Medicare is prohibited under law from negotiating bulk discounts on prescription drugs. That is a prohibition only the drug industry and their friends in Congress—and they number many—could love.

When Medicare has to pay higher prices for medicines, dollars are taken from taxpayers' pockets and placed directly into the pockets of the multinational drug industry. For many years, I have taken bus trips with senior citizens to Canada, when I was in the House of Representatives, from my northern Ohio congressional district. We drove up through Detroit to Windsor to allow senior citizens to buy prescription drugs at a discount of 50, 60, 70 percent because the Canadians have a system where they negotiate drug prices directly with the manufacturer. It is the same drugs, the same manufacturer, the same packaging. The only difference between the medicine sold here and the medicine sold in Canada is the price.

That is the same in country after country after country. We pay two and three and four times more for prescription drugs than people in any other country given the same drug, the same dosage, the same manufacturer. It is a great deal for the drug industry and a bum deal for consumers, especially for senior citizens and for taxpayers in our country.

Medicare is the single largest prescription drug consumer in the country, and jacked-up prices jeopardize Medicare's future.

The legislation we will consider tomorrow ends the prohibition on price negotiations. It takes the handcuffs off Medicare and enables Medicare to negotiate price discounts—the kind of discounts Medicare should receive, given the huge volume of medicines it purchases.

Medicare is a system with more than 40 million Americans in that system. That kind of bulk discount buying will save billions—tens of billions—of dollars for American taxpayers and for senior citizens.

The drug industry, however, has taken to the airwaves, as it always does, and gone to Nation's newspapers to fight this legislation. In the Washington Post today is an example of an outrageous kind of ad the drug industry has written: ''89% of Voters Oppose Government Negotiation of Medicare Drug Prices.'' That is what it says: ''89 percent of Voters Oppose Government Negotiation of Medicare Drug Prices.'' That does not even pass the straightface test. I hardly know anyone in Ohio—a Democrat, a Republican, an independent—I hardly know anyone who does not think the Government should use the bulk discount process of negotiating directly with the drug industry on behalf of 40 million Medicare beneficiaries. Yet, they claim, in bold print, in a full-page ad that costs tens of thousands of dollars—not much for the drug industry, to be sure—that ''89% of Voters Oppose Government Negotiation of Medicare Drug Prices.''

If you read the small print, it says:

> Majorities of Democratic, Republican and Independent voters do not want the government negotiating prescription drug prices under Medicare. In fact, 89 percent oppose government negotiation if it could limit access to new prescription medications.

Well, no kidding, if it limits access, then they say they do not like it. But, of course, they do not. And, of course, because of high drug company prices, we are seeing limited access to prescription drugs.

How many times, I say to the Presiding Officer, in New Jersey or in Ohio or in Nevada or in Iowa do we hear stories from our constituents who have decided, because they cannot quite afford the drugs, they are going to cut a pill in half so their prescription will last twice as long, or they are only going to take a tablet every other day, even though they are prescribed to take it every day, so their prescription lasts longer? How often do we have to hear that?

That is the issue of access, that too many seniors, too many middle-class Americans, too many low-income Americans simply cannot afford to pay for their prescription drugs because the price is so high because of the drug companies, with their billions of dollars in advertising, with their hundreds of millions of dollars they spend on 600 lobbyists in this institution. There are, at last count, over 600 people paid by the drug industry to lobby this Congress. There are only 535 of us here in Congress; 100 in the Senate, 435 in the House. They have more than 600 lobbyists to talk to us. These most recent ads are particularly offensive.

Allowing Medicare to negotiate lower priced medicines will not reduce access to medicines, it will increase access. If we get lower priced drugs, more people who have these prescriptions will be able to fully fill their prescriptions so, in fact, they will get access to drugs. That is why lower prices for Medicare mean lower copayments for seniors, and that means increased access to medicines.

That is why AARP supports allowing price negotiations. That is why the Alliance for Retired Americans supports allowing price negotiations. That is why the Committee to Preserve Social Security and Medicare supports allowing price negotiations.

The drug industry, again, stooped pretty low with this misleading poll, and then with this very expensive—tens of thousands of dollars for this one ad in one newspaper in the country. I wonder if there is any line the drug industry would not cross when it comes

to preserving the sweetheart deal they have in this country, where they have far too many politicians in the Senate and in the House, far too many of our colleagues, who simply, again, over and over and over, do the drug companies' bidding.

Every other developed country in the world, as I said earlier, gets better priced prescription drugs than we do. Every other developed country in the world gets better prices than we do. That is because these countries do not put up with the grossly inflated drug prices our Nation does. It is because their drug company lobbyists or their drug company media campaigns simply may not be as effective in France and Canada and Germany and Israel and Japan and Mexico, and all over the world, where drug prices are a half or a third or a fourth of what they are here.

We will put up with most anything, it seems, if an industry has deep enough pockets and an army of lobbyists. Prohibiting the Government from negotiating volume discounts on prescription drugs simply makes no sense. The Government negotiates the price of everything else it buys.

When the Architect of the Capitol buys carpeting for the Senate floor—as we look around at this very nice blue carpet here—they do not take the manufacturer's word that a fair price would impair fiber research. We do not say whatever the carpet makers want, we will pay because it costs a lot to do this research to make these rugs beautiful and make this carpet last, when so many feet walk over it.

When the Park Service buys ranger uniforms, it does not take the first bid that comes in. It gets good quality at the lowest price possible.

But with drugs, the President and his allies here in Congress—and we know how much money the drug industry gave to President Bush; and we know the kinds of effective lobbying the drug industry employs in the Senate—the President and his allies here in Congress say the Government must pay any price the drug industry wants to charge.

That policy is more than a mistake; it is a joke on the American people. It is a betrayal of our constituents. The drug companies are laughing all the way to the bank.

We need to pass this legislation tomorrow and let Medicare bargain for the prices that Medicare beneficiaries deserve.

REMEMBERING FELIX WILLIAM RIVERA

Mr. REID. Mr. President, I rise today to honor the memory of a great Nevada educator and coach, Felix William Rivera. Felix, a physical and health education teacher in the Clark County School District in Las Vegas, NV, was involved in a fatal car accident on February 8, 2007.

Felix proudly lived in the Las Vegas metropolitan area all of his life. He graduated from Basic High School in 1991 and the University of Nevada, Las Vegas in 1996 with degrees in secondary education and sports medicine and certification in athletic training. As a student teacher, Felix was selected as a Distinguished Student Teacher of the Year Award. He began his teaching career at Swainston Middle School in 1997, and thereafter served as a Physical Education Coach and Athletic Trainer at Western High School and Health Teacher and Athletic Trainer at Desert Pines High School.

Felix went above and beyond his job responsibilities in order to provide students with the opportunity to learn and succeed. He spent countless hours treating students who had limited access to health care. Oftentimes, he would arrive early to school in order to provide treatments, limited therapy, or counseling to students who simply needed a listening ear. Felix had outstanding listening skills and frequently utilized his networking base to connect students with the proper resources. As one of his former students noted, ''Not only did Mr. Rivera teach health, he also taught us about life and steps we needed to take in order to become successful.'' A fellow teacher at Desert Pines High School described him as a ''role model for students who took great pride in every lesson that he taught.'' A teacher and friend further commented on his congenial personality, ''He was the kind of person who had an innate ability to get right to the point, an ear-to-ear smile that was contagious and a well-known sense of humor.''

It is clear that Felix was a dedicated educator, a role model, and a mentor who left a lasting impression on his students. On April 18, 2007, family, friends, students, and colleagues will honor his legacy by dedicating a mural with the words ''hard as steel with a heart of gold'' in the training room at Desert Pines High School, where he spent much of his time counseling students. I join in honoring Felix and extend my deepest sympathies to his family and friends, especially his wife and high school sweetheart, Alice ''Cookie'' Masterson and children, Anthony and Felicia. He is deeply missed and his service and dedication to the students of Clark County will always be greatly appreciated.

ARMY MEDICAL DEPARTMENT CENTER AND SCHOOL ACHIEVEMENTS

Mr. AKAKA. Mr. President, when I began my chairmanship of the Veterans' Affairs committee this January, I assured my colleagues that we would renew our focus on the need for cooperation and collaboration between the Department of Defense and the Department of Veterans Affairs. As we look at the way these two entities work together, it is important that we highlight the good work and progress being made. One example of progress and excellence in collaboration can be found at the Army Medical Department Center and School, located at Fort Sam Houston, which trains Army, Air Force, and VA nurses.

This year, U.S. News and World Report ranked the Army Medical Department Center and School second in the Nation for their anesthesia nursing program. They missed first place by just a tenth of one point, and have improved their score from 3.8 out of 5.0 in 2003, to 4.0 out of 5.0 in 2007. This notable achievement brings added credibility to their already prestigious program.

Since 2004, VA and DOD have partnered to train VA nurse anaesthetists to work in the VA health care system, the largest health care system in the country. The first class of VA nurse anesthetists recently graduated from the Army Medical Department Center and School. Their graduation represents what I hope will be a steady flow of highly qualified VA nurse anesthetists using their skills and knowledge to give veterans the high-quality health care they have earned through service.

I realize that, with the private sector offering six-figure salaries for nurse anesthetists, those who chose to work within the military and VA do so not for personal gain. They stay to respond to the higher calling of caring for servicemembers and veterans in their times of need, and are to be commended for their dedication and their work. In that spirit, I say 'e ho'omaika'i ia'oukou, or congratulations, to the graduates, students, faculty, staff, and others who have worked to make the Army Medical Department Center and School the success that it is today.

RECOGNITION OF CANUTE DALMASSE

Mr. LEAHY. Mr. President, today I honor Canute Dalmasse of Stowe, VT, who is retiring after 36 years of dedicated service to the State of Vermont, working to conserve, protect, and enhance our State's natural resources. His extraordinary contribution to the stewardship of Vermont's natural environment calls for special recognition.

Canute retires as the deputy secretary of the Vermont Agency of Natural Resources, overseeing fish, wildlife, forests, parks, recreation, and environmental conservation programs and recently served with distinction as acting secretary. His career began in 1971 as one of the first district coordinators implementing Vermont's landmark Act 250 environmental law that uses a holistic approach looking at environmental, visual, and social criteria to assess potential development impacts. A proven leader and innovator, he has served as director of the Office of Water Resources and commissioner of the Department of Environmental Conservation.

Canute is an avid boater and angler on Lake Champlain and an unflinching

advocate for Vermont's waters. He serves on the Lake Champlain Basin Program Steering Committee and as chair of its executive committee, bringing the States of Vermont and New York and the Province of Quebec together to work for a clean, healthy lake. He also serves on the Lake Memphremagog Steering Committee, working with the Province of Quebec to protect and enhance that international water.

Canute received his bachelors degree from Columbia University in New York City and served in the 101st Airborne Division in the U.S. Army during the Vietnam War. He and his wife Diane have two sons, Layton and Canute. He is a longtime resident of Stowe, VT, and is a past president of the Stowe Youth Hockey and chair of the Stowe Recreation Commission.

Canute Dalmasse is a tribute to his State, his community, and to protecting Vermont's natural environment. The great State of Vermont, with its celebrated natural beauty and well-deserved reputation for exemplary environmental stewardship, honors Canute's dedication, devotion, and hard work that helped set the course for Vermont's environmental future. It is an honor and a privilege to recognize Canute today in the U.S. Senate.

TRAUMATIC BRAIN INJURY

Mr. BAYH. Mr. President, I wish to speak to legislation to fight a discrepancy in access to care that prevents hundreds of our Nation's heroes from receiving the best possible care for traumatic brain injury.

Traumatic brain injury has been identified as the ''signature injury'' afflicting armed servicemembers returning from Iraq and Afghanistan. After sacrificing so much, we have a moral obligation to ensure that these men and women receive the best care available to them. Unfortunately, administrative and medical capacity problems have prevented many of our heroes from receiving the care they desperately need and deserve. There is an immediate solution to address this.

The Department of Veterans Affairs, VA, has made clear progress in research and development of rehabilitation treatment for individuals who have incurred traumatic brain injuries. However, VA medical facilities have not yet reached the level of private rehabilitation facilities, which have been developing cognitive treatment for the past 30 years.

While VA medical centers offer excellent services, there are barriers to receiving the optimal health care options. These include a confusing array of benefits, overworked and undertrained case managers, and, most importantly, a discrepancy between benefits for those on active duty versus those who are medically retired. This discrepancy in benefits leads to confusion among families who are forced to try to determine what is in the best interest of the servicemember, often without having full knowledge of the difference in benefits offered to Active Duty and veterans. Currently, the TRICARE plan that is available to Active Duty servicemembers permits them to receive coverage for cognitive therapy obtained in private nonmilitary facilities. However, medical retirees do not have this health care coverage option. Consequently, severely injured TBI patients struggle to obtain the critical care they desperately need.

Further, while many armed servicemembers have dedicated family members and loved ones who fight to ensure that they receive the best care possible, not all servicemembers have family to speak and act on their behalf. Thus, many are left without optimal treatment and without an advocate.

The need to ensure that every TBI patient receives the best care possible cannot be understated. This is an immediate problem with an immediate solution. We have the ability to provide a crucial, temporary answer to our armed services members while the VA develops the capability to facilitate care for this unique population. We can not stand idly by, as hundreds of our bravest Americans are prevented from receiving the care they deserve.

HONORING PASTOR RHIO CLEIGH

Mr. GRASSLEY. Mr. President, today I take a few minutes to honor a great man of faith. Pastor Rhio Cleigh dedicated the past 25 years to serving his community through the church. The last 15 of those years have been at my home church—Prairie Lakes Church in Cedar Falls, IA.

The work of a pastor is not always easy but, much like my work, it is very rewarding. As a minister in our church, Rhio was responsible for counseling individuals through difficult times, visiting the sick in the hospital, and ministering to the senior citizens of our congregation.

This Sunday our membership will honor Pastor Cleigh as he retires from the ministry. Rhio plans to spend his retirement enjoying time with his wife Patti, his 6 children, 10 grandchildren, and 1 great-grandchild. He also hopes to have a little more time for some of his hobbies—things like woodworking, camping, fishing, and gardening.

Barbara joins me in sincere appreciation to Rhio for his contributions to our church and community. Together we wish him a long and happy retirement.

U.S. FOREIGN POLICY AGENDA

Mr. CRAIG. Mr. President, I rise today in support of a sense-of-the-Congress amendment my good friend and colleague Senator INHOFE has just submitted regarding Presidential authority over setting American foreign policy. Like all of my colleagues, I have the right to visit foreign countries in my capacity as a Member of Congress. However, the Constitution is quite clear about the separation of powers between the legislative and executive branches of our government, and the executive branch has the exclusive authority to conduct negotiations with foreign countries.

As we all know, the Logan Act prohibits American citizens from negotiating with foreign governments without the authority of the United States. What would it mean if a Member of the House or Senate, and especially a member of the leadership, was to visit a foreign country and in discussions with their government, explicitly speak out against our Nation's foreign policy agenda? High ranking Members of Congress, I believe, are seen by foreign governments as carrying an official message of foreign policy, and if such members contradict the administration, it can be very damaging to our country politically and diplomatically.

Members of Congress have the ability to express their dissent from the floor of their respective Chambers, but under no circumstances should Members visit with foreign governments for the sole purpose of demonstrating their opposition to the administration's foreign policy. Such actions would show a sincere lack of respect for the boundaries drawn out by our Constitution, and I would hope that all Members of Congress will use good judgment when visiting with foreign governments in the future.

It is a very dangerous precedent to set if Members of Congress decide to buck the American foreign policy agenda and carry mixed messages to foreign governments, especially foreign governments hostile to our country. While I will continue to support congressional rights to travel abroad and meet with government officials, there is a responsibility that comes along with those visits, and that responsibility is to uphold and support the administration's foreign policy agenda.

For this reason I have joined my colleague Senator INHOFE in submitting this amendment. I believe it sends a clear and strong message that Members of Congress have the responsibility to defer to and support the administration on setting our Nation's foreign policy agenda, and under no circumstances should Members blatantly defy our administration for purely political gain.

REAL ID ACT

Mr. TESTER. Mr. President, today my home State of Montana becomes the fourth State in the Nation to declare its opposition to the REAL ID Act by enacting binding legislation that opts Montana out of REAL ID. With it, my State is opting out of the onerous regulation, blatant invasion of privacy, and the high cost of compliance that will come from implementing REAL ID.

I congratulate my Governor, Brian Schweitzer, and both houses of the

Montana State Legislature. Both houses of the legislature approved this legislation unanimously. Thirteen other States have anti-REAL ID legislation that has passed one of the houses of the legislature. In Montana and the rest of these States, opposition to this poorly constructed law is bipartisan.

That is why I am pleased to once again offer my support for the Identification Security Enhancement Act, introduced by Senator AKAKA and Senator SUNUNU—another bipartisan show of opposition to the REAL ID Act.

Why is there so much opposition to REAL ID beyond the beltway? It comes down to three reasons. First, the REAL ID Act puts massive new Federal regulations on the States. From new databases and fraud monitoring, to new network and data storage capacity, the States will be tasked with an enormous range of new regulations and requirements. Once REAL ID becomes effective, every State's Department of Motor Vehicles will have to play immigration official by reconciling discrepancies in social security numbers with the Social Security Administration. DMVs will have to require proof of ''legal presence'' in the United States from immigrants.

I am for a strong immigration policy. I believe we ought to enforce our borders and enforce the laws we have on the books. But it is completely unreasonable for the Federal Government to put that job on the Montana Department of Motor Vehicles, or any other State's DMV.

And these new regulations carry with them a hefty pricetag. DHS now estimates that Real ID will cost the states and their taxpayers $23.1 billion.

Finally, REAL ID raises some very real privacy concerns. Data mining and data theft have become all too common phrases for too many Americans who resent having their personal information collected by the government, or worse, having it stolen from the government. We all recall the massive potential problems that arose from the theft of personal data from the VA last year. I have no doubt that the databases called for in REAL ID will be an even greater target for data thieves.

We can do better than REAL ID. Senator AKAKA's legislation shows that. Today, Montana adds its voice to those calling for the Federal Government to go back to the drawing board. Let's listen to what Montana has to say.

PAYOLA SETTLEMENT

Mr. FEINGOLD. Mr. President, I would like to briefly comment on an important settlement that has been recently announced by the Federal Communications Commission, FCC.

Four major radio station groups, Clear Channel, Entercom, Citadel, and CBS Radio, have taken an important first step in cleaning up the radio industry through today's consent decree with the FCC and side agreement with the independent music community on airplay and rules of engagement. I want to especially commend Commissioner Adelstein for his tireless work to bring these groups together and then-Attorney General Spitzer for spearheading the initial investigation that has led to State and now Federal settlements.

I was encouraged to see internal business reforms, increased recordkeeping for transactions between labels and radio stations and unfettered access to these records by the FCC as part of the consent decrees. While these provisions are not as broad as those included in my previous payola legislation, the increased recordkeeping and disclosure in the consent decrees represent a step in the right direction. Transparency and accountability through sustained oversight will go a long way in eliminating the pervasive shadowy practices that have plagued the radio industry on and off almost since its inception.

While the parties to the consent decrees do not directly admit wrongdoing, the payment of $12.5 million to the U.S. Treasury from the four station groups is an implicit acknowledgement that the evidence uncovered by then-Attorney General Eliot Spitzer showed that significant abuses had taken place. From all accounts, the stations also deserve some credit for working in good faith with the FCC and the independent music community to work toward a solution that did more than just put this matter behind them. The internal reforms and side agreement negotiated with the American Association of Independent Music, A2IM, appear to show a real desire to change and include the voices of local, unsigned and independent musicians that have unfortunately been missing more often than not from our public airwaves over the past decade or more.

I am pleased by the voluntary side agreement by the radio station groups to provide more airtime and fair rules of engagement. These rules of engagement require nondiscriminatory treatment for labels and musicians seeking to be played at the stations and echo requirements from my previous payola legislation. I am heartened that these major radio station groups have apparently come to the realization that the old system wasn't working and that it was in their best interest to make it easier for small labels and local musicians to be heard. With more and more musicians being successful without or with limited radio airplay—just look at the commercial and critical success of the Dixie Chicks' last album—I hope radio stations are realizing they must change and play what their potential listeners want to hear in order to remain relevant. I hope this important commitment by four station groups will be replicated throughout the rest of the radio industry.

I have a few lingering concerns that both the consent decrees and side agreement depend heavily on continued good faith instead of strong enforceable standards. I have no reason to believe that the potential good from these agreements will not be fulfilled, but we can't allow backsliding, especially after the 3-year term of the decrees expires. This means that the FCC will need to maintain vigorous and continued oversight. I urge the FCC to take the next step of building on this first wave of settlements and reaching agreements or taking enforcement action against the other stations implicated by the Spitzer investigation.

TAX RELIEF

Mr. GRASSLEY. Mr. President, I ask unanimous consent that a posting by someone under the name ''Blue Bunting'' made to the Care2 News Network be printed in the RECORD. This posting is a supplement to a speech I gave last Thursday, April 12, on attempts by some Democrats to elude responsibility for tax relief permanence.

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

[From Care2 News Network]

THE MONSTER REPUBLICAN TAX HIKE

COMMENTS

Blue Bunting: Tuesday April 3, 2007, 8:32 pm

Last week I made a note to link to this post at Obsidian Wings. I just spotted the note.

Hilzoy notes the commentary in some quarters that:

Following the example set by their Senate brethren last Friday, House Democrats will adopt a budget resolution containing the largest tax increase in U.S. history amid massive national inattention.

Bet you didn't know that, eh? The Dems are already pushing through the largest tax increase in U.S. history! and nobody is paying attention!

Anyway, Hilzoy digs a bit further into the story. It really is worth reading.

Long story short . . . Republican Congresses chose not to make their tax cuts (or, as PGL would note, their tax deferments) permanent. They didn't have to put in a sunset clause—they chose to, in an attempt to make long term projections look better. Even with that obfuscation, the situation no longer looks quite so rosy. But . . . if the new Democratic Congress doesn't do what the Republican Congresses that preceded it failed to do, namely make the tax cut permanent, well, that's the equivalent of the Democrats pushing the largest tax increase in history.

Maybe it's just me . . . but since this whole thing was planned and executed by a Republican Congress under a Republican President, shouldn't we be referring to this as the Republican's tax increase? And my bet is that there are a lot of Republicans in Congress now, and that will be seeking re-election some time soon, that voted for this massive tax increase.

Blue Bunting: Tuesday April 3, 2007, 9:07 pm

Fact Check

Robert Novak wrote this in today's Washington Post:

''Following the example set by their Senate brethren last Friday, House Democrats will adopt a budget resolution containing the largest tax increase in U.S. history amid massive national inattention.

Nobody's tax payment will increase immediately, but the budget resolutions set a pattern for years ahead. The House version

would increase non-defense, non-emergency spending by $22.5 billion for next fiscal year, with such spending to rise 2.4 percent in each of the next three years. To pay for these increases, the resolution would raise taxes by close to $400 billion over five years—about $100 more than what was passed in the Senate.''

Heavens, I said to myself, what can Robert Novak possibly be talking about? The Democrats budget (pdf, h/t The Gavel) does not actually contain any tax increases:

And yet this claim that the Democrats' budget contains a tax increase is being cited all over the place. So what's up?

Novak gives us a clue:

''It had been assumed that the new Democratic majority would end President Bush's relief in capital gains dividend and estate taxation. The simultaneous rollback of Bush-sponsored income tax cuts was a surprise.''

Ah, Rolling back the Bush tax cuts. But wouldn't that still require some actual changes in revenues from the baseline projections? A GOP Budget Caucus press release gives us further details:

Note that word 'automatic'. It's quite worrying. How did the Democrats manage to create an automatic tax increase? Don't tax increases normally have to be enacted? I hope so. It would be awful if tax increases could just happen automatically. Come to think of it, it would be even worse if it turns out that this isn't confined to the tax code, and all sorts of laws could be passed automatically. I mean, who knows what the U.S. Code might decide to do to itself, without the intervention of any human agent? We could wake up one morning to find that ping pong had been automatically criminalized, or that a requirement that all Americans wear silly clown costumes had automatically come into force, or that all our national parks had automatically sold themselves to WalMart. The possibilities are horrifying.

Imagine my relief when I realized what was actually going on. The Bush tax cuts are set to expire automatically. They were written that way. What the Democrats are proposing to do is simply not to change this.

Moreover, guess who wrote these sunset provisions into the tax increases? The Republicans, that's who. They were trying to make the tax increases seem less fiscally ruinous than they were, so they made them last only so long before they expired. (This is why I expect 2010 to produce a spike in mortality among the very rich; the heirs of people who die during 2010 pay no estate tax; the heirs of people who die in 2011 pay 50% on all the money they inherit above the level at which the estate tax kicks in. As Paul Krugman said, ''That creates some interesting incentives. Maybe they should have called it the Throw Momma From the Train Act of 2001.'')

So here's what Novak's ''largest tax increase in U.S. history'' actually comes to the Republicans passed a series of tax cuts that they set up to expire. They intended to make them permanent, but never got around to it. The Democrats are proposing to leave their tax cuts alone. But this counts as a tax increase, apparently on the grounds that whatever Republicans sorta kinda thought they were going to do, but never actually got around to doing, counts as already done, and anyone who proposes to leave things alone counts as undoing the things they were intending to do.

That's a fun way to think. Maybe we should also count the Democrats as having dramatically increased the budget deficit, on the grounds that the Republicans kinda sorta said they were going to make it go away, so even though they didn't, we should act as though they did and compare whatever deficits the Democrats incur to the Republicans' imaginary balanced budget. Maybe, if things in Iraq continue to go badly, we should compare that not to the situation when the Democrats took over, but to the situation that would have obtained if the Republicans had in fact produced a beacon of democracy that transformed the Middle East, and say: hey, you awful Democrats, we were being greeted with flowers and candy, and hailed as liberators, and now look what's happened to Baghdad!!!!

Or maybe we should try living in the real world. The Democrats are proposing to leave tax laws written and enacted by Republicans alone. That does not count as increasing taxes.

Michaelena Whittaker: Thursday April 5, 2007, 11:21 am

Ditto, Blue . . . it' all a political ploy, as usual (''High Treason'' has been THE neocon agenda since the 80's.)

Indigo Star Nation: Saturday April 7, 2007, 11:14 pm

Impeachment is the only way to end these atrocities and reclaim America's conscience and honor.

http://www.care2.com/c2c/groups/disc.html?gpp=11736&pst=633140

Read this thread and take action to impeach.

Also follow my news shares on withholding your taxes as a protest.

SMALL BUSINESS TAX BURDEN

Ms. SNOWE. Mr. President, today millions of taxpayers, many owners of small businesses, will file their income tax returns while some States in the Northeast, including my home State of Maine, have rightfully been given an additional 48 hours to file due to the devastating storms resulting in disastrous flooding, wind damage, and power outages.

As citizens file their taxes this week, I am very happy to say that a wide majority of Mainers and Americans alike will be fully compliant in reporting the appropriate amount of income, with the Internal Revenue Service estimating 84 percent of taxpayers are compliant. The unfortunate flip side to that statistic is that 16 percent of taxpayers either fail to report income or underreport income and thus fail to pay all the taxes owed. This misreporting of income has resulted in a $345 billion gross tax gap, which is the difference between taxes owed and paid.

Unquestionably, we must ensure that taxes owed are taxes paid. While the Congressional Budget Office, CBO, projects a deficit of around $200 billion this fiscal year without any abatement through 2011, the fact remains that narrowing the tax gap would help reduce the deficit—plain and simple.

Not only does the tax gap prevent us from balancing the budget, equally disturbing is how noncompliance breeds disrespect for the tax system and can lead to the further shirking of obligations. The result could be that, to fill the gap, law-abiding taxpayers would have to pay higher taxes. Consider the following: According to preliminary IRS data, for 2005, taxpayers filed 134.5 million individual income tax returns. If we were to shrink the tax gap, each of those returns would have to be assessed additional tax in the amount of $2,566. I would not want to be in position to ask my constituents for more of their hard-earned money, especially to cover those who are not paying their fair share.

Last year, the Treasury Department issued ''A Comprehensive Strategy for Reducing the Tax Gap.'' This document astutely points out, the Tax Code's complexity is itself a significant source of noncompliance. The current Tax Code costs the Government revenue since even those who try their best to follow the rules, often end up underpaying tax because the rules are too complicated and difficult to decipher. Therefore, any solution to the tax gap must also require simplifying the Tax Code.

A top priority I hear from small businesses across Maine and this country is the need for tax relief. Despite the fact that small businesses are the real job-creators for Maine's and our Nation's economy, the current tax system is placing an entirely unreasonable burden on them when trying to satisfy their tax obligations. The current Tax Code imposes a large, and expensive, burden on all taxpayers in terms of satisfying their reporting and record-keeping obligations. The problem, though, is that small companies are disadvantaged most in terms of the money and time spent in satisfying their tax obligation.

For example, according to the Small Business Administration's Office of Advocacy, small businesses spend an astounding 8 billion hours each year complying with Government reports. They also spend more than 80 percent of this time on completing tax forms. What's even more troubling is that companies that employ fewer than 20 employees spend nearly $1,304 per employee in tax compliance costs, an amount that is nearly 67 percent more than larger firms. A recent survey by the National Federation of Independent Businesses found that 88 percent of small-employer taxpayers used a tax professional and the two reasons small-employer taxpayers most frequently cite for using tax professionals are to assure compliance and the complexity of the law.

For that reason, I have introduced a package of proposals that will provide not only targeted, affordable tax relief to small business owners, but also simpler rules under the Tax Code. By simplifying the Tax Code, small business owners will be able to satisfy their tax obligation in a cheaper, more efficient manner, allowing them to be able to devote more time and resources to their business.

I have introduced legislation, S. 269, in response to the repeated requests from small businesses in Maine and from across the Nation to allow them to expense more of their investments, like the purchase of essential new equipment. My bill modifies the Internal Revenue Code by doubling the amount a small business can expense

from $100,000 to $200,000, and make the provision permanent, as President Bush proposed this change in his fiscal year 2007 tax proposals. With small businesses representing 99 percent of all employers, creating 75 percent of net new jobs and contributing 51 percent of private-sector output, their size is the only ''small'' aspect about them.

By doubling and making permanent the current expensing limit and indexing these amounts for inflation, this bill will achieve two important objectives. First, qualifying businesses will be able to write off more of the equipment purchases today, instead of waiting 5, 7 or more years to recover their costs through depreciation. That represents substantial savings both in dollars and in the time small businesses would otherwise have to spend complying with complex and confusing depreciation rules. Moreover, new equipment will contribute to continued productivity growth in the business community, which economic experts have repeatedly stressed is essential to the long-term vitality of our economy.

Second, as a result of this bill, more businesses will qualify for this benefit because the phase-out limit will be increased to $800,000 in new assets purchases. At the same time, small business capital investment will be pumping more money into the economy. This is a win-win for small business and the economy as a whole and I am pleased to have Senators LOTT, ISAKSON, CHAMBLISS and COLLINS join me as cosponsors of this legislation.

Another proposal that I have introduced with Senators LINCOLN and LOTT, the Small Business Tax Flexibility Act of 2007, S. 270, will permit start-up small business owners to use a taxable year other than the calendar year if they generally earn fewer than $5 million during the tax year.

Specifically, the Small Business Tax Flexibility Act of 2007 will permit more taxpayers to use the taxable year most suitable to their business cycle. Until 1986, businesses could elect the taxable year-end that made the most economic sense for the business. In 1986, Congress passed legislation requiring partnerships and S corporations, many of which are small businesses, to adopt a December 31 year-end. The Tax Code does provide alternatives to the calendar year for small businesses, but the compliance costs and administrative burdens associated with these alternatives prove to be too high for most small businesses to utilize.

Meanwhile, C corporations, as large corporations often are, receive much more flexibility in their choice of taxable year. A C corporation can adopt either a calendar year or any fiscal year for tax purposes, as long as it keeps its books on that basis. This creates the unfair result of allowing larger businesses with greater resources greater flexibility in choosing a taxable year than smaller firms with fewer resources. This simply does not make sense to me. My bill changes these existing rules so that more small businesses will be able to use the taxable year that best suits their business.

To provide relief and equity to our Nation's 1.5 million retail establishments, most of which have less than five employees, I have introduced a bill, S. 271, with Senators LINCOLN, HUTCHISON, and KERRY that reduces from 39 to 15 years the depreciable life of improvements that are made to retail stores that are owned by the retailer. Under current law, only retailers that lease their property are allowed this accelerated depreciation, which means it excludes retailers that also own the property in which they operate. My bill simply seeks to provide equal treatment to all retailers.

Specifically, this bill will simply conform the Tax Codes to the realities that retailers on Main Street face. Studies conducted by the Treasury Department, Congressional Research Service and private economists have all found that the 39-year depreciation life for buildings is too long and that the 39-year depreciation life for building improvements is even worse. Retailers generally remodel their stores every 5 to 7 years to reflect changes in customer base and compete with newer stores. Moreover, many improvements such as interior partitions, ceiling tiles, restroom accessories, and paint, may only last a few years before requiring replacement.

Finally, I joined Senator BOND in introducing S. 296 that will simplify the Tax Code by permitting small business owners to use the cash method of accounting for reporting their income if they generally earn fewer than $10 million during the tax year. Currently, only those taxpayers that earn less than $5 million per year are able to use the cash method. By increasing this threshold to $10 million, more small businesses will be relieved of the burdensome recordkeeping requirements that they currently must undertake in reporting their income under a different accounting method.

This package of proposals are a tremendous opportunity to help small enterprises succeed by providing an incentive for reinvestment and leaving them more of their earnings to do just that. Notably, providing tax relief by passing these simplification measures will also help us reduce the tax gap by increasing compliance. I urge my colleagues to join me in supporting these proposals.

ADDITIONAL STATEMENTS

INVENT IOWA PROGRAM

• Mr. HARKIN. Mr. President, on April 21, some 360 young Iowa inventors will gather at Hilton Coliseum on the campus of Iowa State University for the Invent Iowa 2007 State Invention Convention. This gathering will mark the 20th year for Invent Iowa.

Over the last two decades, thousands of Iowa students have participated in this important statewide event. The annual Invention Convention has showcased the skill, imagination and creativity of some of our best and brightest—and most creative—youngsters.

From the Motorized Guinea Pig Walker invented by Nicholas Schrunk of Spirit Lake to the Oops! Proof No-spill Feeding Bowl invented by Alexis Abernathy of Cedar Rapids, students have created innovative solutions to everyday problems.

In Nicholas' case, he needed to figure out a way for his guinea pig, Freckles, to get some exercise without running around the house and annoying his mother. Alexis got the idea for her invention by watching a 2-year-old child spill his cereal again and again. These two inventions were creative solutions that earned recognition for the young inventors. In the last 20 years, there have been thousands of other inventions.

Each year, approximately 30,000 Iowa students begin the journey to the State Convention by participating in local and regional competitions. The staffs from Iowa's Area Education Agencies do a tremendous job working with educators on curriculum ideas and setting up the regional events. Since the inception of the program in 1987, more than half a million students have participated in Invent Iowa.

The seed for Invent Iowa was planted at a statewide conference I sponsored in conjunction with Iowa State University in 1986 on the future of Iowa communities. In his keynote address, David Morris from the Institute for Local Self-Reliance focused on the need to rekindle the spirit of innovation in the United States, and he also spoke of his experience as a judge for the Minnesota Metropolitan Young Inventor's Fair. Following that event, my office, led by Dianne Liepa, began working with Carol McDanolds Bradley at the Iowa Department of Education, statewide education groups, nonprofit organizations and businesses to form a steering committee to establish a statewide invention program for students. Invent Iowa was born.

In 1989, the Invent Iowa Board of Directors contracted with the Belin-Blank Center for Gifted Education and Talent Development at the University of Iowa to serve as the home for the organization's State coordinator. Eleven years later, Invent Iowa would become a program under the full direction of Belin-Blank. Under the leadership of the dedicated staff at Belin-Blank, Invent Iowa has grown and flourished.

In particular, I would like to salute the excellent work of Dr. Nicholas Colangelo, director of the Belin-Blank Center, and Dr. Clar Baldus, who serves a dual role as administrator of Rural Schools Programs and Inventiveness Programs at Belin-Blank as well as State coordinator for Invent Iowa. They have been tireless advocates for the program and are dedicated to its success far into the future.

Invent Iowa is a great program, and I am very proud to recognize all of the

people and organizations that continue to carry on Iowa's tradition for innovation and invention. Congratulations on reaching this important milestone to the advisory board for Invent Iowa and to the sponsors including the Belin-Blank Center, Iowa Area Education Agencies, Iowa Intellectual Property Law Association, Rockwell Collins Corporation, McKee, Voorhees and Sease patent attorneys Larry Engman and David Belin, Dean P. Barry Butler and the College of Engineering at the University of Iowa, and Dean Mark J. Kushner and the College of Engineering at Iowa State University.

The most important partners in the success of Invent Iowa have been classroom teachers across Iowa. They help guide students through all phases of the invention process from the documentation of need, to the inception of the idea, creation of the prototype, research to ensure the innovativeness of the invention, and the final presentation to a panel of evaluators. Without these dedicated teachers working with the young inventors, there would be no Invent Iowa.

On the 20th anniversary, I congratulate all the Iowans who have worked so hard to make Invent Iowa such a success. I wish them even greater success in their next 20 years. Also, good luck to the students who will be participating in the 2007 Invention Convention this weekend.●

IN RECOGNITION OF THE POTTER FAMILY

● Mr. NELSON of Nebraska. Mr. President, today I pay tribute to the Potter family, who are being honored with the Family Tree Alumni Award from the University of Nebraska-Lincoln, UNL. This award was established in 1995 for families having at least three generations of UNL graduates and at least two family members with a record of outstanding service to the university, the alumni association, their community and/or their profession.

This legacy finds its roots in Herb ''Cub'' Potter, Sr., who began attending the University of Nebraska in 1910. Herb lettered as a quarterback on the dominating ''Stiehm Rollers'' Nebraska football teams of 1911, 1912, and 1914. The latter of those teams finished with 7 wins, 0 losses and 1 tie, which was said to be deserving of the mythical national title. At the university, Herb met his wife, Carrie Coman, a fellow student and an Alpha Omicron Pi member.

The two sons of Herb and Carrie Potter, Herb, Jr., and younger brother Brooks, became the next generation of Huskers during the early 1940s. Herb, Jr., graduated in 1943 with a degree in business administration and soon married a fellow graduate, Lois Ballantyne, class of 1940. Brooks attended the University of Nebraska until he enlisted in the U.S. Navy at the onset of World War II. Unfortunately, Brooks passed away while serving his country as a member of the ''greatest generation.''

Herb, Jr.'s close ties to Nebraska did not end with his graduation. He embarked on a career spanning 30 years at the University of Nebraska Foundation as secretary/treasurer and later vice president. Upon his retirement in 1982, Herb's tenure spanned a period during which the foundation grew from a staff of 5 employees and assets of $1 million to a staff of 22 and assets of $80 million.

Herb and Lois passed on the Husker tradition to their two daughters, Barbara and Carol. Barbara, class of 1967, met and married Robert Reynolds, class of 1971, at Nebraska. Robert went on to serve in the U.S. Department of the Interior with distinction for 33 years. In recognition of his outstanding contributions to the National Park Service, Robert was given the Meritorious Service Award in 1991, the second highest award given in the Department of the Interior. Then in 2000, he was awarded the Distinguished Service Award, which is given to only 4 out of 20,000 each year.

Carol, class of 1973, M.S. 1975, also met her husband, Paul Lou, class of 1973, M.S. 1976, at the university. Paul has spent the past 25 years as an instructor teaching a broad range of computer classes at Diablo Valley Community College in Pleasant Hill, CA, where he is considered one of the most popular teachers.

From the Ballantyne family, there have been several other Nebraska graduates, with the latest being Kevin Zimmerman, a lawyer who is currently serving his country in the armed services. Other graduates have gone on to become doctors—Doug Peter—teachers—Sandra Peter, Pat Kahre and Frank Daily—artists—Joyce Ballantyne and Beverly Ballantyne—and business professionals—Byron Ballantyne and Jim Peter.

Finally, current marching band member Kyle Peter represents the fifth generation of the Potter family tree to attend the University of Nebraska.

In addition to this legacy being deep in its years, it is also wide in its spread. From 1910 up to the present, there has been a member of either the Potter or Ballantyne families affiliated with the University of Nebraska during every single decade. What a rich tradition at Nebraska.●

TRIBUTE TO COACH DOUG ROSS

● Mr. SESSIONS. Mr. President, I would like to congratulate and make some remarks today about a very valuable asset to the University of Alabama in Huntsville and the entire State of Alabama—Ice Hockey Head Coach Doug Ross, who is retiring after 25 years of coaching the UAH Chargers hockey team.

Coach Ross began his coaching career at Ohio University in 1976 where he coached for one season, and then at Kent State University for 2 years. He came to UAH in 1982. The hockey team at that time was a top team and the only NCAA hockey team south of the Mason-Dixon line. Under his leadership, the team has had great success, reaching NCAA Division I status. Quoting Coach Joe Ritch, his predecessor at UAH. ''Doug brought UAH championships, unique notoriety, and national respect in the collegiate hockey world. We all owe Doug Ross a debt of gratitude for his commitment to UAH and hockey for this state.''

The team went to the NCAA Regional Tournament this year where they played the third longest game in NCAA Regional Tournament history. In a thrilling game with top-ranked and top-seeded Notre Dame, the Chargers lost 3–2 in double overtime on a power-play goal. If winning it all could not happen, this game was one on which to cap a career.

Coach Ross is known for recruiting top notch student athletes to UAH. Following their success on the ice, many of his players are active alumni, living in the Huntsville area and actively involved in the community.

Thank you, Coach Ross, for bringing NCAA hockey to the forefront in Alabama and for your loyalty and support for the University of Alabama in Huntsville. Your legacy is a great one and I join with UAH, the Huntsville community, and the State of Alabama in wishing you the very best in your retirement.●

MESSAGE FROM THE HOUSE

At 2:31 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 988. An act to designate the facility of the United States Postal Service located at 5757 Tilton Avenue in Riverside, California, as the ''Lieutenant Todd Jason Bryant Post Office''.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 71. Concurrent resolution commemorating the 85th Anniversary of the founding of the American Hellenic Educational Progressive Association (AHEPA), a leading association for the Nation's 1.3 million American citizens of Greek ancestry, and Philhellenes.

H. Con. Res. 88. Concurrent resolution honoring the life of Ernest Gallo.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 988. An act to designate the facility of the United States Postal Service located at 5757 Tilton Avenue in Riverside, California, as the ''Lieutenant Todd Jason Bryant Post Office''; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 71. Concurrent resolution commemorating the 85th Anniversary of the

founding of the American Hellenic Educational Progressive Association (AHEPA), a leading association for the Nation's 1.3 million American citizens of Greek ancestry, and Philhellenes; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1485. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determination'' (72 FR 14449) received on April 12, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1486. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (72 FR 14447) received on April 12, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1487. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determination'' (72 FR 14456) received on April 12, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1488. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (72 FR 14461) received on April 12, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1489. A communication from the Chairman, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Council's 2006 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–1490. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks'' (OCC–2007–0007) received on April 12, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1491. A communication from the Director, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a report relative to the Office's compensation plan for 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1492. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Department's oversight of recruiter misconduct; to the Committee on Armed Services.

EC–1493. A communication from the Senior Attorney, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Review of Data Filed by Certificated or Commuter Air Carriers to Support Continuing Fitness Determinations Involving Citizenship Issues'' (RIN2105-AD25) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1494. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Electronic Stability Control'' (RIN2127-AJ77) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1495. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Upgrade Door Retention Performance'' (RIN2127–AH34) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1496. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''New Car Assessment Program; Safety Labeling'' (RIN2127–AJ76) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1497. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Phillipsburg, KS'' ((RIN2120–AA66)(Docket No. 06–ACE–13)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1498. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Thedford, NE'' ((RIN2120–AA66)(Docket No. 06–ACE–12)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1499. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Alliance, NE'' ((RIN2120–AA66)(Docket No. 06–ACE–15)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1500. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model DHC–8–400 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–155)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1501. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pacific Aerospace Corporation Ltd. Model 750XL Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–69)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1502. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; CTRM Aviation Sdn. Bhd. Model Eagle 150B Airplanes'' ((RIN2120–AA64)(Docket No. CE–11)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1503. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–135BJ, –135ER, –135KE, –135KL, and –135LR Airplanes; and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP'' ((RIN2120–AA64)(Docket No. 2006–NM–120)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1504. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–135 Airplanes and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–167)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1505. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE Systems Limited Model BAe 145 and Avro 146–RJ Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–106)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1506. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–145)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1507. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–8–62, DC–8–63, DC–8–62F, and DC–8–63F Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–063)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1508. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca S.A. Arrius 2F Turboshaft Engines'' ((RIN2120–AA64)(Docket No. 2005–NE–33)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1509. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ 170 and ERJ 190 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–166)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1510. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–6, PC–6–H1, PC–6–H2, PC–6/350, PC–6/350–H1, PC–6/350–H2, PC–6/A, PC–6/A–H1, PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, and PC–6/C1–H2 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–19)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1511. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Approvals'' ((RIN2120–AI50)(Docket No. FAA–2006–21332)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1512. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Miscellaneous Changes to Commercial Space Transportation Regulations'' ((RIN2120–AI45)(Docket No. FAA–2005–21234)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1513. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Human Space Flight Requirements for Crew and Space Flight Participants'' ((RIN2120–AI57)(Docket No. FAA–2005–23449)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1514. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Extended Operations of Multi-Engine Airplanes'' ((RIN2120–AI03)(Docket No. FAA–2002–6717)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1515. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Licensing and Safety Requirements for Launch'' ((RIN2120–AG37)(Docket No. FAA–2000–7953)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1516. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, the report of draft legislation to amend the National Aeronautics and Space Act of 1958, as amended, and the NASA Flexibility Act of 2004 to provide NASA additional workforce flexibilities; to the Committee on Commerce, Science, and Transportation.

EC–1517. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report entitled ''Federal Trade Commission Report to Congress on Marketing Violent Entertainment to Children: A Fifth Follow-Up Review of Industry Practices in the Motion Picture, Music Recording and Electronic Game Industries''; to the Committee on Commerce, Science, and Transportation.

EC–1518. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Cirsium hydrophilum var. hydrophilum (Suisun thistle) and Cordylanthus mollis ssp. mollis (soft bird's-beak)'' (RIN1018–AU44) received on April 13, 2007; to the Committee on Environment and Public Works.

EC–1519. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in Alaska During the 2007 Season'' (RIN1018–AU59) received on April 12, 2007; to the Committee on Environment and Public Works.

EC–1520. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Pilot Testing of Electronic Prescribing Standards—Cooperative Agreements''; to the Committee on Finance.

EC–1521. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Regulations: Application of Section 409A to Nonqualified Deferred Compensation Plans'' ((RIN1545–BE79)(TD9321)) received on April 13, 2007; to the Committee on Finance.

EC–1522. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2007 Automobile Depreciation Limits'' (Rev. Proc. 2007–30) received on April 13, 2007; to the Committee on Finance.

EC–1523. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''April—June 2007 Section 42 Bond Factor Amounts'' (Rev. Rul. 2007–25) received on April 13, 2007; to the Committee on Finance.

EC–1524. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revision to Regulations Relating to Portfolio Interest'' ((RIN1545–BF64)(TD9323)) received on April 13, 2007; to the Committee on Finance.

EC–1525. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Mirror Legislation and the United Kingdom'' (Uniform Issue List Number 1503.06–00) received on April 13, 2007; to the Committee on Finance.

EC–1526. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance Regarding the Application of Section 409A to Split-Dollar Insurance Arrangements'' (Notice 2007–34) received on April 13, 2007; to the Committee on Finance.

EC–1527. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 911 Waiver Rev. Proc.—2006 Update'' (Rev. Proc. 2007–28) received on April 13, 2007; to the Committee on Finance.

EC–1528. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Anti-Avoidance and Anti-Loss Reimportation Rules Applicable Following a Loss on Disposition of Stock of Consolidated Subsidiaries'' ((RIN1545–BG26) (TD9322)) received on April 13, 2007; to the Committee on Finance.

EC–1529. A communication from the President and CEO, Overseas Private Investment Corporation, transmitting, pursuant to law, a report relative to the development and effects of the Corporation's fiscal year 2006 projects; to the Committee on Foreign Relations.

EC–1530. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Taiwan's participation in the World Health Organization; to the Committee on Foreign Relations.

EC–1531. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the notification of a proposed exercise of the Federal Aviation Administration to transfer $11 million in fiscal year 2006 Economic Support Funds to the Peacekeeping Operations account to support security sector reform in Liberia; to the Committee on Foreign Relations.

EC–1532. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–50—2007–60); to the Committee on Foreign Relations.

EC–1533. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to methods employed by Cuba to comply with the United States-Cuba September 1994 ''Joint Communique'' and the treatment by the Government of Cuba of persons returned to Cuba; to the Committee on Foreign Relations.

EC–1534. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Millennium Challenge Corporation's activities for fiscal year 2006; to the Committee on Foreign Relations.

EC–1535. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received on April 12, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1536. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Dandruff, Seborrheic Dermatitis, and Psoriasis Drug Products Containing Coal Tar and Menthol for Over-the-Counter Human Use; Amendment to the Monograph'' ((RIN0910–AF49) (Docket No. 2005N–0448)) received on April 12, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1537. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Blood Vessels Recovered With Organs and Intended for Use in Organ Transplantation'' (Docket No. 2006N–0051) received on April 12, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1538. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Blood Vessels Recovered With Organs Intended for Use in Organ Transplantation'' ((RIN0910–AF65) (Docket No. 2006N–0051)) received on April 12, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1539. A communication from the Chairman, National Foundation on the Arts and the Humanities, transmitting, pursuant to law, an annual report relative to the Arts and Artifacts Indemnity Program for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–1540. A communication from the Director, Regulations and Disclosure Law Division, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Advance Electronic Presentation of Cargo Information for Truck Carriers Required to be Transmitted Through ACE Truck Manifest at Ports in the States of Vermont, North Dakota and New Hampshire'' (19 CFR Part 123) received on April 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1541. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, an annual report containing certain fiscal year 2006 statistical data relative to Federal sector equal employment opportunity complaints filed with the

Office; to the Committee on Homeland Security and Governmental Affairs.

EC–1542. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation: Federal Acquisition Circular 2005–16'' (FAC 2005–16) received on April 12, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1543. A communication from the Chairman, Postal Regulatory Commission, transmitting, pursuant to law, a report relative to its implementation of the Sunshine Act during calendar year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–1544. A communication from the Chief Administrative Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the Office's Annual Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–1545. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Control of a Chemical Precursor Used in the Illicit Manufacture of Fentanyl as a List I Chemical'' (RIN1117–AB12) received on April 13, 2007; to the Committee on the Judiciary.

EC–1546. A communication from the Secretary, Judicial Conference of the United States, transmitting, the report of draft legislation entitled ''Civil Judicial Procedure, Administration, and Technical Amendments Act of 2007''; to the Committee on the Judiciary.

EC–1547. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report relative to the Conference's determinations on four district courts that were subject to review under the Conference's Biennial Survey of Article III Judgeship Needs; to the Committee on the Judiciary.

EC–1548. A communication from the Secretary, Judicial Conference of the United States, transmitting, a draft bill intended to create additional Article III judgeships and convert temporary judgeships to permanent ones in the U.S. courts of appeals and district courts; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–62. A joint resolution adopted by the House of Representatives of the Legislature of the State of Idaho urging Congress to consider adoption of a resolution working toward the development of a federal bipartisan, long-term solution that addresses sustainable management of federal forest lands to stabilize payments, which help support roads and schools, to forest communities throughout the western states; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE JOINT MEMORIAL NO. 4

Whereas, it has long been the intent and policy of the federal government to hold rural communities harmless from the creation of federal lands and in 1906 the Committee on Public Lands recognized that the presence of federal lands could create hardship for many counties as they provided little revenue or commerce at that time; and

Whereas, in 1908, the federal government promised rural counties twenty-five percent of all revenues generated from the multiple-use management of the newly created national forests to support public roads and public schools; and

Whereas, in recent decades, the forest resources have not been managed in a manner to produce long-term sustainable revenue to share with schools and counties; and

Whereas, in 2000, Congress passed Public Law 106–393, the Secure Rural Schools and Community Self-Determination Act. The Act restored historical payment levels previously made to states and counties from the federal government for road and school purposes because of declining levels of actual forest receipts; and

Whereas, the reauthorization and appropriation of the Secure Rural Schools and Community Self-Determination Act is pending before the United States Congress, and Idaho counties are on record as being strongly supportive of a fully funded approval of this Act; and

Whereas, federal land managers continue to be faced with funding shortages. In the event the Secure Rural Schools and Community Self-Determination Act is not reauthorized and appropriated, counties will be faced with higher property taxes or a reduction in services and, even if the Act is reauthorized and appropriated, it will likely be the last time, and the state of Idaho must seek a long-term solution; and

Whereas, in 2006, House Joint Memorial No. 21 was adopted by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature to provide one option to address the problem of declining forest receipts by urging Congress to support federal legislation transferring management of National Forest System lands within Idaho to the state of Idaho to be managed for the benefit of the rural counties and schools; and

Whereas, in February 2007, a concurrent resolution was introduced in the Idaho House of Representatives and will be voted on by the First Regular Session of the Fifty-ninth Idaho Legislature authorizing Idaho's Legislative Council to appoint an interim committee to undertake and complete an assessment of the decline in receipts on National Forest System lands, which have historically been shared with counties. The goal of the interim committee's recommendations will be to develop a federal, bipartisan, long-term solution that addresses sustainable management of federal forest lands to stabilize payments to Idaho's forest counties, which help support roads and schools, and to provide projects that enhance forest ecosystem health, provide employment opportunities, and improve cooperative relationships among those who use and care about the lands the federal government manages. The resolution calls for the interim committee to work in cooperation and coordination with the state of Idaho, its counties, its school and highway districts, along with the recognized Indian tribes of the state of Idaho. The resolution also provides that the interim committee address National Forest System lands, but only those lands that do not have special designations. The interim committee is directed to formulate a solution that will protect all valid existing rights, existing public access and activities, including hunting, fishing and recreation, and that will not be construed to interfere with treaties or any other obligations to the Indian tribes, commitments to county governments, or the General Mining Law or Taylor Grazing Act: Now, therefore, be it

Resolved by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, That the legislatures of all western states should consider the adoption of similar resolutions, working toward the development of a federal, bipartisan, long-term solution that addresses sustainable management of federal forest lands to stabilize payments to forest counties throughout the western United States, which help support roads and schools, and to provide projects that enhance forest ecosystem health and provide employment opportunities, and to improve cooperative relationships among those who use and care about the lands the federal government manages; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Idaho in the Congress of the United States and to the Legislatures of the states of Alaska, Arizona, California, Colorado, Hawaii, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

POM–63. A resolution adopted by the Senate of the Legislature of the State of Michigan expressing the Senate's opposition to Norfolk Southern Corporation's proposed sale of its rail lines from Ypsilanti to Kalamazoo and Grand Rapids to Kalamazoo and continuing to the Indiana border; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 34

Whereas, The Norfolk Southern Corporation is considering the sale of its Michigan lines from Grand Rapids to Kalamazoo and from Ypsilanti to Kalamazoo. The Ypsilanti to Kalamazoo line carries the state's busiest high-speed AMTRAK train, the Wolverine, which travels from Detroit to Chicago. The Wolverine travels on the Norfolk Southern Railroad's rail corridor from Ypsilanti to Kalamazoo until it connects with AMTRAK's own line. Ridership on this line increased six percent in 2006 to 142,185 passengers; and

Whereas, The Ypsilanti to Kalamazoo portion of the Norfolk Southern line is a vital link between Detroit and Chicago. Expanding the high-speed rail capacity on this line is vital to the future development of this area. New industry, including coal energy, biodiesel, and ethanol fuel plants are proposed for Michigan and specifically along the I–94 corridor located near the Ypsilanti to Kalamazoo rail line. Continued operation of this line by Norfolk Southern is essential to expansion of new industry in this area. Over 150 railroad employees' jobs are associated with the rail traffic along this line; and

Whereas, Norfolk Southern is a Class One railroad operator, earning revenue in excess of $250 million annually. As a Class One operator, Norfolk Southern has the capacity to maintain and promote the use of these lines. The proposed sale of the Ypsilanti to Kalamazoo and Grand Rapids to Kalamazoo lines will almost certainly place the lines under the management of a Class Three operator, a rail company earning revenue of $20 million or less annually. A Class Three operator will be far less likely to have the means to maintain the lines, thus increasing the chance of accidents. Class Three operators also rely on federal grants for line and equipment maintenance, grants that are not always guaranteed; Now, therefore, be it

Resolved by the Senate, That we express opposition to Norfolk Southern's proposed sale of its rail lines from Ypsilanti to Kalamazoo and Grand Rapids to Kalamazoo and continuing to the Indiana border; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate; the Speaker of the United

States House of Representatives; members of the Michigan congressional delegation; the United States Department of Transportation, Surface Transportation Board; the Norfolk Southern Corporation; AMTRAK; and the Michigan Department of Transportation.

POM–64. A joint resolution adopted by the Legislature of the State of Maine memorializing the President and Congress to fully fund the State Children's Health Insurance Program; to the Committee on Finance.

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO FULLY FUND THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM

Whereas, the State of Maine and at least 13 other states have used up much of the federal subsidies for child health care even though the fiscal year is still not ended, due in part to the great need for these funds and also to the inadequate formula by which the money is apportioned; and

Whereas, the State Children's Health Insurance Program, known as SCHIP, was started by Congress in 1998 and is funded by a combination of federal and state funds, as well as by the premiums of participants; and

Whereas, the program was envisioned as a way to provide health insurance to the children of the working poor and the current budget is $5.5 billion, which is about $745 million short of the needs of the states; and

Whereas, the State of Maine has used its SCHIP funds to help significantly with MaineCare, which has provided valuable and important health care to more than 14,850 children in our State, and without additional federal aid 3,500 to 4,000 Maine children will go uninsured; and

Whereas, the State of Maine needs at least $6,500,000 to help the children at risk and to keep our children healthy, and other states have needs just as important: Now, therefore, be it

Resolved, That We, your Memorialists, on behalf of the people we represent, take this opportunity to request that the State Children's Health Insurance Program be fully funded not only for the children of the State of Maine, but for all of the children of the working poor in the United States; and be it further

Resolved, That official copies of this resolution, duly authenticated by the Secretary of State, be transmitted to President George W. Bush, the Speaker of the United States House of Representatives, the President of the United States Senate and to each member of the Maine Congressional Delegation.

POM–65. A joint resolution adopted by the House of Representatives of the Legislature of the State of Idaho urging Congress to use all efforts, energies, and diligence to withdraw the U.S. from any further participation in the Security and Prosperity Partnership of North America, or any other bilateral or multilateral activity that seeks to advance, authorize, fund or in any way promote the creation of any structure to create any form of the North American Union; to the Committee on Foreign Relations.

HOUSE JOINT MEMORIAL NO. 5

Whereas, the U.S. Department of State, the U.S. Department of Commerce and the U.S. Department of Homeland Security participated in the formation of the Security and Prosperity Partnership of North America (SPP) on March 23, 2005, representing a trilateral agreement between Canada, Mexico and the United States designed, among other things, to facilitate common regulatory schemes between these countries; and

Whereas, reports issued by the SPP indicate that it has implemented regulatory changes among the three countries that circumvent United States trade, transportation, homeland security and border security functions and that it is the intention of SPP to continue toward a North American Union in the future; and

Whereas, the actions taken by the SPP to coordinate border security by eliminating obstacles to migration between Mexico and the United States actually makes the United States-Mexico border less secure and more vulnerable to possible terrorist activities, and Mexico is the primary source country of illegal immigrants, illegal drug entry and illegal human smuggling into the United States; and

Whereas, according to the U. S. Department of Commerce, the United States trade deficits with Mexico and Canada have significantly increased since the implementation of the North American Free Trade Agreement (NAFTA), and the volume of imports from Mexico has soared since NAFTA, straining security checks at the U.S. border; and

Whereas, the economic and physical security of the United States is impaired by the potential loss of control of its borders attendant to the full operation of NAFTA and the SPP; and

Whereas, the regulatory and border security changes implemented and proposed by the SPP violate and threaten United States sovereignty; and

Whereas, the NAFTA Superhighway System from the west coast of Mexico through the United States and into Canada has been suggested as part of a North American Union to facilitate trade between the SPP countries; and

Whereas, the stability and economic viability of the U.S. ports along the western coast will be seriously compromised by huge cargos off-loaded at cheaper labor cost from foreign traders into the ports of Mazatlan and Lazaro Cardenas; and

Whereas, the state of Texas has already approved and begun planning of the Trans-Texas Corridor, a major multi-modal transportation project beginning at the United States-Mexico border, which would serve as an initial section of the NAFTA Superhighway System; and

Whereas, plans of Asian trading powers to divert cargo from U.S. ports such as Los Angeles to ports in Mexico will only put pressure on border inspectors, interfering with their already overwhelming job of intercepting the flow of drugs and illegals flowing into this country; and

Whereas, future unrestricted foreign trucking into the United States can pose a safety hazard due to inadequate maintenance and inspection, and the Transportation Security Administration's (TSA) lack of background checks for violations in Mexico, lack of drug and alcohol testing, lack of enforcement of size and weight requirements and lack of national security procedures, which threaten the American people and undermine the very charge given to our homeland security agency to defend our borders against these threats; and

Whereas, the Eisenhower National Highway System was designed for the national security of the United States for movement of the military, purposes of commerce from state to state, not from foreign countries, and this highway system should not be compromised by treaties or agreements with other countries that would supplant the control and management of our nation's highways by our U.S. Department of Transportation and the various states; and

Whereas, we strongly object to any treaty or agreement, which threatens to violate national security, private property, United States commerce, constitutional rights and American sovereignty and emphasize our commitment to the Pacific Northwest Economic Region (PNWER) and other cooperative working nations in mutual beneficial goals; and

Whereas, this trilateral partnership to develop a North American Union has never been presented to Congress as an agreement or treaty, and has had virtually no congressional oversight; and

Whereas, recent reports on internet news, Friday, January 26, 2007, WorldNetDaily, stating that Congressman Poe (R-Texas) asked about the U.S. Department of Transportation's work with the trade group North American Super-Corridor Coalition, Inc. (NASCO) and the department's plans to build the Trans-Texas Corridor, Congressman Poe was told that the NAFTA agreement superhighway corridor plans exist to move goods from Mexico through the United States to Canada; and

Whereas, American citizens and state and local governments throughout the United States would be negatively impacted by the SPP process: Now, therefore, be it

Resolved by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, That we emphatically urge and petition the Congress of the United States and particularly the congressional delegation representing the state of Idaho to use all efforts, energies and diligence to withdraw the United States from any further participation in the Security and Prosperity Partnership of North America or any other bilateral or multilateral activity that seeks to advance, authorize, fund or in any way promote the creation of any structure to create any form of North American Union; and be it further

Resolved, That House Concurrent Resolution 40 of the First Session of the 110th Congress addresses the concern herein expressed by the state of Idaho; and be it further

Resolved, That we are asking our congressional delegation, our U.S. Department of Transportation Secretary Mary E. Peters and President Bush to reject appropriated federal fuel tax dollars for such SPP or NAFTA when there is such a need for fuel tax dollars to be dedicated to the needs of the states in the U.S. in order to maintain our highway system; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM–66. A joint resolution adopted by the House of Representatives of the Legislature of the State of Idaho supporting the participation of Taiwan in a meaningful and appropriate way in the World Health Organization; to the Committee on Foreign Relations.

HOUSE JOINT MEMORIAL NO. 2

Whereas, direct and unobstructed participation in international health cooperation forums and programs is crucial for all parts of the world, especially with today's greater potential for the cross-border spread of various infectious diseases such as AIDS; and

Whereas, Taiwan's achievements in the field of health care are substantial, including life expectancy levels that are some of the highest in Asia, maternal and infant mortality rates that are comparable to those of western countries, free hepatitis B vaccinations for children and the eradication of polio, cholera, smallpox and the plague; and

Whereas, the Centers for Disease Control and Prevention and its Taiwanese counterpart have enjoyed close collaboration on a wide range of public health issues; and

Whereas, in recent years Taiwan has expressed a willingness to give financial and technical assistance to the international aid and health activities supported by the World Health Organization; and

Whereas, Taiwan's population of twenty-three million is larger than that of seventy-five percent of World Health Organization member states; and

Whereas, the United States, in its 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations; and

Whereas, Taiwan's participation in the World Health Organization could bring many benefits to the state of health care, not only in Taiwan, but also regionally and globally: Now, therefore, be it

Resolved by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, That we support the participation by Taiwan in a meaningful and appropriate way in the World Health Organization; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of Congress, to the congressional delegation representing the State of Idaho in the Congress of the United States, to the Director-General of the World Health Organization and to the representative of the Taipei Economic and Cultural Representative Office in the United States.

POM–67. A resolution adopted by the Senate of the Legislature of the State of Michigan memorializing Congress to invest in Head Start and quality child care; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 27

Whereas, Head Start and high-quality child care prepare children for school and life success by narrowing the educational achievement gap between lower- and upper-income kids, increasing high school graduation rates, and reducing crime; and

Whereas, Studies show that at-risk children who attend Head Start and high-quality child care are better prepared for school. For example, Head Start narrows the literacy skills gap by nearly half between children in poverty and all children. The research is clear that quality early childhood education programs work to prevent crime. In Ypsilanti, Michigan, three-and four-year-olds from low-income families who were randomly assigned to a group that did not receive preschool preparation were five times more likely to have become chronic lawbreakers by age 27 than those who were assigned to the High/Scope Educational Research Foundation's Perry Preschool program; and

Whereas, Currently, only about half of eligible low-income children can attend Head Start due to state and federal funding limitations, and even fewer infants and toddlers. Less than five percent of eligible children three years old and younger are able to participate in Early Head Start. Moreover, only one in seven eligible children in working, low-income families receives help paying for quality child care through the Child Care and Development Block Grant. The combination of state and federal money for preschool has helped Michigan reach two of three at-risk four-year-olds and one of five at-risk three-year-olds; and

Whereas, Real dollar funding levels for Head Start and child care have been cut for the last several years, falling far behind the rising costs that programs face. Instead of reaching more eligible kids with comprehensive health, nutrition, and early education services, Head Start programs have been forced to shorten program hours, cut back staff, reduce parent coaching, and reduce transportation and other services that help families participate: Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to increase discretionary funding in the federal budget for 2008 by $750 million in additional funding over current levels for Head Start and $720 million in additional funding over current levels for the Child Care and Development Block Grant (CCDBG). This request does not address the unmet need in Head Start and CCDBG, but simply restores services to children to the Fiscal Year 2002 level. This is a crucial first step toward meeting the need to provide quality early childhood education and care for at-risk children. Investing in Head Start and quality child care now will improve education outcomes for our nation's at-risk children and will save lives and money down the road; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–68. A joint resolution adopted by the House of Representatives of the Legislature of the State of Idaho affirming the state's support of the United States campaign to secure our country and urging members of Idaho's congressional delegation to support measures to repeal the federal REAL ID Act of 2005; to the Committee on the Judiciary.

HOUSE JOINT MEMORIAL NO. 3

Whereas, the state of Idaho recognizes the Constitution of the United States as our charter of liberty and the Bill of Rights as affirming the fundamental and inalienable rights of Americans, including freedom of privacy and freedom from unreasonable searches; and

Whereas, Idaho has a diverse population whose contributions are vital to the state's economy, culture and civic character; and

Whereas, Idaho is proud of its tradition of protecting the civil rights and liberties of all its residents, affirming the fundamental rights of all people and providing more expansive protections than are granted by the Constitution of the United States; and

Whereas, the federal REAL ID Act of 2005, Public Law 109–13, creates a national identification card by mandating federal standards for state driver's licenses and identification cards and requires states to share their motor vehicle databases; and

Whereas, the REAL ID Act mandates the documents that states must require to issue driver's licenses and requires states to place uniform information on every driver's license in a standard, machine-readable format; and

Whereas, the REAL ID Act prohibits federal agencies and federally-regulated commercial aircraft from accepting a driver's license or identification card issued by a state that has not fully complied with the act; and

Whereas, the REAL ID Act places a costly, unfunded mandate on states, with initial estimates for Idaho of more than thirty-nine million dollars with ongoing annual expenses of an estimated nine million three hundred thousand dollars and a national estimate of more than eleven billion dollars over the next five years; and

Whereas, the REAL ID Act requires the creation of a massive public sector database containing information on every American that is accessible to all motor vehicle employees and law enforcement officers nationwide and that can be used to gather and manage information on citizens. Such activities are not the business or responsibility of government; and

Whereas, the REAL ID Act enables the creation of additional massive private sector databases, combining both transactional information and driver's license information gained from scanning the machine-readable information contained on every driver's license; and

Whereas, these public and private databases are likely to contain numerous errors and false information, creating significant hardship for Americans attempting to verify their identities in order to travel on commercial aircraft, open a bank account or perform any of the numerous functions required to live in the United States today; and

Whereas, the federal trade commission estimates that ten million Americans are victims of identity theft annually, and because identity thieves are increasingly targeting motor vehicle departments, the REAL ID Act will enable the crime of identity theft by making the personal information of all Americans, including date of birth and signature, accessible from tens of thousands of locations; and

Whereas, the REAL ID Act requires a driver's license to contain a person's actual home address and makes no exception for individuals in potential danger, such as undercover law enforcement personnel or victims of stalking or criminal harassment; and

Whereas, the REAL ID Act contains onerous record verification and retention provisions that place unreasonable burdens on the motor vehicle division and on third parties required to verify records; and

Whereas, the REAL ID Act will place enormous burdens on consumers seeking new driver's licenses, such as longer lines, increased document requests, higher costs and a waiting period; and

Whereas, the REAL ID Act will place state motor vehicle staff on the front lines of immigration enforcement by forcing state employees to determine federal citizenship and immigration status, excessively burdening both foreign-born applicants and motor vehicle staff; and

Whereas, the REAL ID Act passed without sufficient deliberation by Congress and did not receive a hearing by any congressional committee or a vote solely on its own merits, despite opposition from more than six hundred organizations; and

Whereas, the REAL ID Act eliminated a process of negotiated rulemaking initiated under the Intelligence Reform and Terrorism Prevention Act of 2004, which had convened federal, state and local policymakers, privacy advocates and industry experts to solve the problem of the misuse of identity documents; and

Whereas, the REAL ID Act provides little security benefit and leaves identification systems open to insider fraud, counterfeit documentation and database failures: Now, therefore, be it

Resolved by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, That we support the government of the United States in its campaign to secure our country, while affirming the commitment of the United States that this campaign not be waged at the expense of the essential civil rights and liberties of the citizens of this country; and be it further

Resolved, That it is the policy of the state of Idaho to oppose any portion of the REAL ID Act that violates the rights and liberties guaranteed under the constitutions of the State of Idaho and the United States, including the Bill of Rights. Be it further

Resolved, That the Idaho Legislature shall enact no legislation nor authorize an appropriation to implement the provisions of the REAL ID Act in Idaho, unless such appropriation is used exclusively for the purpose of undertaking a comprehensive analysis of the costs of implementing the REAL ID Act or to mount a constitutional challenge to the act by the state Attorney General. Be it further

Resolved, That the Idaho Legislature urges the Idaho congressional delegation to support measures to repeal the REAL ID Act. Be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States George W. Bush, the United States Attorney General Alberto Gonzales, the President of the Senate and the Speaker of the House of Representatives of Congress, the Governor of Idaho C. L. Otter and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM–69. A resolution adopted by the Senate of the Legislature of the State of Massachusetts memorializing the President and Congress to recommend more funding to the Department of Veterans Affairs in the budget for fiscal year 2008; to the Committee on Veterans' Affairs.

RESOLUTION MEMORIALIZING GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES, AND THE UNITED STATES CONGRESS TO RECOMMEND MORE FUNDING TO THE DEPARTMENT OF VETERANS AFFAIRS IN THE FISCAL YEAR 08 FEDERAL BUDGET.

Whereas, President George W. Bush has recommended 34.2 billion for the Department of Veterans Affairs in his proposed fiscal year 08 budget, which is an inadequate appropriation to adequately address the health of our veterans; and

Whereas, while the Bush Administration continues to tout its recommendation for an increase of $2 billion over the previous fiscal year as a ''landmark budget'', the reality is that this 6% increase is barely enough to account for the cost of inflation and cannot fund the need for improvements in medical care and expansion of services; and

Whereas, more than 27,000 service members have returned home to Massachusetts since September 11, 2001, having faced a new type of warfare in the form of improvised explosive devices and are, upon return home, in need of specialized services and care; and

Whereas, the United States Government must provide to the Department of Veterans Affairs all the tools available to make this specialized care available, particularly for head, spinal cord and sight injuries and the growing need for mental health services; and

Whereas, in 2006, the Veterans Health Administration's Undersecretary for Health Policy and Coordination stated that some areas of the country did not have any mental health services available and that other areas had such long wait times that certain services were ''virtually inaccessible''; and

Whereas, unfortunately, once again, Category 8 Veterans, those veterans deemed ''high income'' veterans by the Veterans Administration—some who make as little as $28,000 a year—and who have been ineligible to enroll in the Veterans Administration Health Care System since 2003, may continue to be shut out of the Veterans Administration Health Care Systen if funding is not increased, adding to the approximately 1 million Category 8 Veterans who have been turned away since 2003; and

Whereas, while the Massachusetts State Senate has supported the Veterans Affairs' recommendations for improvements in medical equipment and facility upgrades to medical centers, for two years, the Senate has fought hard to prevent the possible consolidation of the four existing Veterans Administration medical care facilities in the greater Boston area into one ''mega-plex'', since the negative impact of removing thousands of veterans from their familiar health care environment and forcing them to change physicians would have consequences that cannot be balanced by the creation of one modernized facility: Now, therefore, be it

Resolved, That the Massachusetts Senate hereby urges the President of the United States and Congress to address the Veterans Affairs Budget in a timely manner, include in the 2008 budget the Veterans Affairs' recommendations for improvements in medical equipment and facility upgrades to all Massachusetts Veterans Administration Medical Centers and to provide mandatory funding for the Department of Veterans Affairs Health Care system so as to appropriately honor and facilitate the healing of our veterans who selflessly risk their lives and wellbeing to protect our freedom; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the Presiding Officer of each branch of Congress and to the Members thereof from the Commonwealth.

POM–70. A resolution adopted by the Senate of the Legislature of the State of Vermont urging Congress to enact legislation to assure federal funding for veterans' health care; to the Committee on Veterans' Affairs.

SENATE RESOLUTION 13

Whereas, the United States Department of Veterans Affairs (VA) provides medical care for veterans, including men and women, who have risked their lives to protect the security of our nation, and

Whereas, Congress appropriates funding for VA health care each year as part of the discretionary federal budget, and

Whereas, each year's federal budget for veterans' health care has been very seriously under-funded, and

Whereas, this serious and now chronic shortfall affects the access to and the quality of medical care services that the VA provides for our veterans, and

Whereas, the priority of serving veterans must be absolute and irrevocable, and must serve as the foundation for the VA and of our nation's public policy: Now, therefore, be it

Resolved by the Senate, That the Senate of the State of Vermont urgently requests that Congress enact legislation to assure Federal funding for veterans' health care, and be it further

Resolved, That Governor Douglas also request that Congress enact legislation to assure Federal funding for veterans' health care, and be it further

Resolved, That the Secretary of the Senate be directed to send a copy of this resolution to the Governor, the President, the Vice President, Secretary of Veterans Affairs, James Nicholson; Speaker of the House, Nancy Pelosi; House Minority Leader, John Boehner; Senate Majority Leader, Harry Reid; Senate Minority Leader, Trent Lott; to the members of the Vermont Congressional delegation; and to Vermont veterans organizations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. KYL (for himself, Mr. MCCONNELL, Mr. GRASSLEY, Mr. LOTT, Mr. ENSIGN, Mr. HATCH, Mr. THOMAS, Mr. SMITH, Mr. BUNNING, Mr. CRAPO, Mr. ROBERTS, Mr. DEMINT, Mr. ALEXANDER, Mr. MARTINEZ, Mr. CHAMBLISS, Mr. BROWNBACK, Mr. CRAIG, Mr. ALLARD, Mr. GRAHAM, Mr. ENZI, Mr. INHOFE, Mr. BURR, and Mr. COBURN):

S. 14. A bill to repeal the sunset on certain tax rates and other incentives and to repeal the individual alternative minimum tax, and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. ISAKSON, Mr. BINGAMAN, and Mr. LIEBERMAN):

S. 1120. A bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health; to the Committee on Health, Education, Labor, and Pensions.

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

S. 1121. A bill to authorize the cancellation of Perkins Loans for students who perform public service as librarians in low-income schools and public libraries; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Nebraska:

S. 1122. A bill to improve the calculation of highway mileage to medium and large hub airports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW:

S. 1123. A bill to provide an extension for filing a refund for the excise tax on toll telephone service, and to provide for a safe harbor for businesses claiming such a refund; to the Committee on Finance.

By Mr. LEVIN (for himself and Mr. COLEMAN):

S. 1124. A bill to amend the Internal Revenue Code of 1986 to simplify, modernize, and improve public notice of and access to tax lien information by providing for a national, Internet accessible, filing system for Federal tax liens, and for other purposes; to the Committee on Finance.

By Mr. LOTT (for himself, Mr. CONRAD, Mr. SMITH, Mr. COCHRAN, Mr. NELSON of Nebraska, Mr. GRAHAM, Mr. ISAKSON, Mr. STEVENS, Mr. HAGEL, Ms. LANDRIEU, and Mr. CRAPO):

S. 1125. A bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity; to the Committee on Finance.

By Mr. LOTT (for himself, Ms. LANDRIEU, and Mr. COCHRAN):

S. 1126. A bill to amend the Federal Water Pollution Control Act to expand and strengthen cooperative efforts to monitor, restore, and protect the resource productivity, water quality, and marine ecosystems of the Gulf of Mexico; to the Committee on Environment and Public Works.

By Mr. LEVIN:

S. 1127. A bill for the relief of Alexandrea S. Banks Desutter and Nicholas S. Banks Desutter; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. COCHRAN, Mr. KENNEDY, Mr. STEVENS, Mr. BINGAMAN, Mr. KERRY, and Mr. ROCKEFELLER):

S. 1128. A bill to amend the National and Community Service Act of 1990 to establish a Summer of Service State grant program, a

Summer of Service national direct grant program, and related national activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself and Mr. BINGAMAN):

S. 1129. A bill to amend the Internal Revenue Code of 1986 to modify the definition of governmental plan with respect to Indian tribal governments; to the Committee on Finance.

By Mr. SMITH (for himself, Mrs. LINCOLN, Ms. SNOWE, Ms. STABENOW, Mr. SCHUMER, Mr. LEVIN, Mr. KERRY, and Mr. ROCKEFELLER):

S. 1130. A bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans; to the Committee on Finance.

By Ms. COLLINS:

S. 1131. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban forest land and open space and contain suburban sprawl; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. MURKOWSKI:

S. 1132. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of apparently wholesome food; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. BINGAMAN, and Mr. DURBIN):

S. 1133. A bill to provide additional protections for recipients of the earned income tax credit; to the Committee on Finance.

By Mr. NELSON of Nebraska (for himself and Mr. BROWNBACK):

S. 1134. A bill to maximize transparency and accountability for direct appropriations to non-Federal entities, including those instances when Congress appropriates funds to a Federal agency specifically in order to contract with a congressionally identified non-Federal entity; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SESSIONS:

S. 1135. A bill to amend chapter 1 of title 9, United States Code, to establish fair procedures for arbitration clauses in contracts; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself, Mr. BROWN, and Mr. DODD):

S. 1136. A bill to promote the economic security and safety of victims of domestic violence, dating violence, sexual assault, or stalking, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. BAUCUS, and Ms. CANTWELL):

S. 1137. A bill to authorize grants to carry out projects to provide education on preventing teen pregnancies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. AKAKA (for himself, Mr. VOINOVICH, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEVIN, Mr. STEVENS, Mr. CARPER, Mr. WARNER, and Mr. LAUTENBERG):

S. Res. 150. A resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 7 through 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ENZI (for himself and Mr. THOMAS):

S. Res. 151. A resolution commending the University of Wyoming Cowgirls for their championship victory in the Women's National Invitation Tournament; considered and agreed to.

By Mr. BUNNING (for himself, Mr. PRYOR, Mr. MCCONNELL, Mr. KERRY, Mr. OBAMA, and Mr. CARDIN):

S. Res. 152. A resolution honoring the lifetime achievements of Jackie Robinson; considered and agreed to.

By Mr. REID:

S. Res. 153. A resolution making temporary appointments to the Select Committee on Ethics; considered and agreed to.

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. BAUCUS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3, a bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries.

S. 170

At the request of Mr. ENSIGN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 170, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 180

At the request of Mrs. HUTCHISON, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 180, a bill to provide a permanent deduction for State and local general sales taxes.

S. 185

At the request of Mr. LEAHY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 221

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 221, a bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts.

S. 254

At the request of Mr. ENZI, the names of the Senator from Florida (Mr. NELSON) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 338

At the request of Mr. CONRAD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 338, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 359

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 359, a bill to amend the Higher Education Act of 1965 to provide additional support to students.

S. 387

At the request of Mr. WYDEN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 387, a bill to prohibit the sale by the Department of Defense of parts for F–14 fighter aircraft.

S. 399

At the request of Mr. BUNNING, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 479

At the request of Mr. HARKIN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 486

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 486, a bill to establish requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 566

At the request of Mr. NELSON of Nebraska, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 566, a bill to amend

the Consolidated Farm and Rural Development Act to establish a rural entrepreneur and microenterprise assistance program.

S. 579

At the request of Mr. HATCH, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 621

At the request of Mr. FEINGOLD, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 621, a bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

S. 638

At the request of Mr. ROBERTS, the names of the Senator from Delaware (Mr. CARPER), the Senator from Maryland (Mr. CARDIN) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 667

At the request of Mr. BOND, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 675

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 675, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 742

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 742, a bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes.

S. 761

At the request of Mr. REID, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 773

At the request of Mr. WARNER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 807

At the request of Mrs. LINCOLN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 831

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 902

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 902, a bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes.

S. 911

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 958

At the request of Mr. SESSIONS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Ohio (Mr. BROWN), the Senator from Maine (Ms. SNOWE) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 962

At the request of Mr. BINGAMAN, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Idaho (Mr. CRAIG), the Senator from Tennessee (Mr. CORKER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 962, a bill to amend the Energy Policy Act of 2005 to reauthorize and improve the carbon capture and storage research, development, and demonstration program of the Department of Energy and for other purposes.

S. 970

At the request of Mr. SMITH, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 982

At the request of Mrs. CLINTON, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 982, a bill to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes.

S. 991

At the request of Mr. DURBIN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1018

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1018, a bill to address security risks posed by global climate change and for other purposes.

S. 1040

At the request of Mr. SHELBY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1040, a bill to repeal the current Internal Revenue Code and replace it with a flat tax, thereby guaranteeing economic growth and greater fairness for all Americans.

S. 1055

At the request of Mr. BIDEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1055, a bill to promote the future

of the American automobile industry, and for other purposes.

S. 1085

At the request of Mr. THUNE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1085, a bill to require air carriers to publish customer service data and flight delay history.

S. 1092

At the request of Mr. HAGEL, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 1092, a bill to temporarily increase the number of visas which may be issued to certain highly skilled workers.

S. 1114

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1114, a bill to reiterate the exclusivity of the Foreign Intelligence Surveillance Act of 1978 as the sole authority to permit the conduct of electronic surveillance, to modernize surveillance authorities, and for other purposes.

S. CON. RES. 22

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. Con. Res. 22, a concurrent resolution expressing the sense of the Congress that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued to promote public awareness of Down syndrome.

S. RES. 118

At the request of Mr. LEVIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 118, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 123

At the request of Mr. DEMINT, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Arizona (Mr. MCCAIN), the Senator from Wyoming (Mr. ENZI), the Senator from Florida (Mr. MARTINEZ) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. Res. 123, a resolution reforming the congressional earmark process.

AMENDMENT NO. 873

At the request of Mr. CHAMBLISS, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 873 intended to be proposed to S. 372, an original bill to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

AMENDMENT NO. 874

At the request of Mr. CHAMBLISS, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 874 intended to be proposed to S. 372, an original bill to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

AMENDMENT NO. 875

At the request of Mr. CHAMBLISS, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 875 intended to be proposed to S. 372, an original bill to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL (for himself, Mr. MCCONNELL, Mr. GRASSLEY, Mr. LOTT, Mr. ENSIGN, Mr. HATCH, Mr. THOMAS, Mr. SMITH, Mr. BUNNING, Mr. CRAPO, Mr. ROBERTS, Mr. DEMINT, Mr. ALEXANDER, Mr. MARTINEZ, Mr. CHAMBLISS, Mr. BROWNBACK, Mr. CRAIG, Mr. ALLARD, Mr. GRAHAM, Mr. ENZI, Mr. INHOFE, Mr. BURR, and Mr. COBURN):

S. 14. A bill to repeal the sunset on certain tax rates and other incentives and to repeal the individual alternative minimum tax, and for other purposes; to the Committee on Finance.

Mr. KYL. Mr. President, today, on behalf of the Senate Republican leadership, I am introducing the Invest in America Act, a comprehensive set of legislative proposals that are designed keep American families and the American economy on the path of continued prosperity by preventing—the largest tax increase in our Nation's history—a tax increase that is scheduled to happen in 2011 if Congress fails to extend current tax policies.

The American economy is the envy of the developed world. Our unemployment rate is just 4.4 percent, and 7.8 million new jobs have been created since mid–2003. Not only are more Americans working than ever before, but the benefits of our growing economy are broadly shared by all Americans. Real, inflation-adjusted wages rose 2.2 percent in the last 12 months—faster than the average rate of the late 1990s. This meant an extra $1,279 in the past year for the typical family with two wage earners. To keep our economy growing on this strong and sustainable path, we must avoid tax increases that could damage our economy.

America's economy has been growing at a strong and sustainable pace due in large measure to the fact that Americans are willing to work harder and be more productive in their labor, thus creating more new goods and services at lower costs. Americans will continue to be productive and contribute to our strong economy if we reject marginal tax rate increases on the income they earn. Studies have shown that people really do work more if the tax imposed on their extra labor is relatively low. Arizona State University's distinguished economics professor, Dr. Edward Prescott, won a Nobel Prize in economics for research that proved this theory.

It's interesting that the big investment bank, Goldman Sachs, studied what would happen if taxes increase across-the-board, as is scheduled to happen in 2011 when the various tax rates and other provisions enacted since 2001 expire. The short answer is an immediate recession—a recession that would not be avoided even if the Federal Reserve acted to cut interest rates. This study demonstrates very clearly why Congress cannot allow this tax hike to happen.

The President proposed in his fiscal year 2008 budget to make the tax rates and many other tax incentives enacted since 2001 permanent. In marked contrast, Democrats have produced budget resolutions in both the House and the Senate that assume all of these tax policies will expire and taxes will increase dramatically for virtually every American. In fact, the average family will see its taxes increase by about $3,675 if the Democrats are successful in canceling the tax relief. Today, Senate Republicans are going on the record in support of making these important tax policies permanent and in opposition to plans by Democrats to allow these tax increases to occur.

Our legislation underscores our commitment to American families and to a strong American economy by preventing the largest tax increase in American history. We believe that American families pay enough in taxes—indeed, revenues are running above historical levels. The Invest in America Act makes all of the current-law tax rates permanent so that no American family faces an automatic tax hike in 2011. I want to underscore that Republicans believe that no American family should face a tax increase—not young people just entering the job market and other lower-income Americans who are benefiting so substantially from the 10 percent bracket; not middle-income families; and not more successful Americans, including the almost 80 percent of taxpayers in the top bracket who report small business income.

Our legislation also invests in American families by making the $1,000-per-child tax credit, the marriage penalty relief, and the other components of the Economic Growth and Tax Relief Reconciliation Act—EGTRRA—of 2001 permanent. American moms and dads face an enormous and unexpected reduction in the child tax credit in 2011,

when the child tax credit is scheduled to be cut in half. Republicans know that the child tax credit helps countless parents offset some of the costs associated with raising their children, and we know that reducing the credit by 50 percent will be a terrible blow to many families. That's why Republicans support making the current $1,000 per-child tax credit permanent.

Married couples will face an unwelcome surprise when the marriage penalty relief expires. The marriage penalty relief the Republicans enacted is aimed squarely at middle-income families because the relief is only provided for the standard deduction and the 15-percent bracket. Republicans believe there is no reason a married couple should face a higher tax burden than they would as two single taxpayers, and so we propose to invest in American families by making the marriage penalty relief permanent.

The Invest in America Act underscores our commitment to investing in America's future by making the important education-related tax benefits enacted in recent years permanent. This will help countless middle-income Americans afford higher education costs. Our legislation invests in America's future by extending the tuition deduction, extending the modifications to Coverdell education savings accounts, extending certain provisions for the student loan interest deduction, and extending the exclusion for employer-provided educational assistance. We also propose to permanently extend the $250 deduction for expenses of elementary and secondary school teachers.

Republicans also believe that parents ought to be able to pass on the fruits of their labor to their children without the Federal death tax confiscating half of their estate, above a small exemption amount. The death tax hits family businesses and family farms and ranches the hardest because the owners are often not wealthy families, but rather have most of their assets tied up in the value of the business or the value of the land. And while the death tax hurts families, it also hurts our economy if it forces family businesses to close down, eliminating good-paying jobs in the process. Under current law, the death tax is repealed in 2010, but springs back to life in 2011, when more than 131,000 families will have to file estate tax returns in that year alone. Americans pay taxes throughout their lives, and Republicans believe they should not have more than half of their assets taken in taxes at death too, so the Invest in America Act makes repeal of the death tax permanent.

The Invest in America Act goes beyond the 2001 and 2003 tax relief laws and also repeals—once and for all—the individual Alternative Minimum Tax (AMT). If you go by rhetoric alone, there is overwhelming bipartisan support in Congress for repealing the AMT. But, American taxpayers want action. The problems we have encountered from the AMT demonstrate what happens when Congress tries to target a tax specifically at the ''wealthy''—we almost always end up hitting the broad swath of middle-income families. The AMT was never intended to hit middle-income taxpayers, and Congress ought to repeal it before it imposes unnecessary and unexpected taxes on more and more families.

Republicans understand that, in addition to not raising taxes on families, we cannot take our strong and dynamic economy for granted; we believe we must invest in American competitiveness. While our legislation should not be viewed as a comprehensive approach to improving American competitiveness, we believe a necessary first step is to prevent tax increases that will surely hurt America's competitive position in the world economy. Specifically, the Invest in America Act makes permanent the current tax rates for capital gains and dividends; it makes the increased expensing amounts available for small businesses permanent; and it makes permanent the newly-enhanced research and development tax credit.

America cannot expect to be the home for worldwide capital markets if it is hostile to American investors, so the Invest in America Act makes the existing tax rates for long-term capital gains and for qualified dividends permanent. These lower tax rates implemented in 2003 and extended in 2006 have encouraged investors of all income categories to put their money to work in the markets, generating solid returns for American investors and providing much needed capital for American businesses to grow and create new jobs. It has been 4 years since these lower rates were enacted-long enough for us to determine once and for all that lower rates really do encourage increased economic activity.

Growth since the 2003 tax relief has averaged more than 3.5 percent, while it averaged just 1.3 percent from the first quarter of 2001 through the second quarter of 2003. The Dow Jones Industrial Average has risen by 40 percent since the lower investment tax rates were enacted. The average 401(k) balance has risen by about 65 percent since 2003. All of this investment activity makes it easier for entrepreneurs and businesses to raise funds to expand and grow their businesses, create more jobs, and improve standards of living around the country.

It's interesting to note that, while the conventional wisdom is that these lower investment tax rates only benefit ''the rich,'' half of all Americans own shares of stock, either on their own or in their retirement savings. In fact, most of the Americans who are benefiting from these lower rates are middle-income taxpayers. Moreover, the current 5 percent rate, which is available for the lower-income investors and drops to zero in 2008, is a sometimes-forgotten benefit, but it is especially important to our senior citizens who rely on their investment income. According to statistics calculated by the Joint Committee on Taxation, the vast majority of elderly taxpayers who report capital gains and dividends income have incomes under $100,000.

In addition to reducing tax rates to encourage more business investment, Congress also significantly increased the amount of investment that small businesses may expense in a given year. This has helped countless small businesses expand their operations by making the purchase of new equipment more cost-effective. Unfortunately, these increased levels are only in effect through 2009. Small businesses create most new jobs in the U.S. and comprise half of our private gross domestic product, so the Invest in America Act proposes to make the enhanced small business expensing levels permanent.

While low tax rates on income and investments are essential to keeping America competitive, Republicans know that many countries around the world are specifically and aggressively working to attract some of the most high-quality jobs and economic activities available: research and development. America hinders its ability to attract and retain R&D here because the tax incentives we give to encourage R&D are not permanent law, but must be extended every year or so. This makes it very difficult for companies to commit to large-scale R&D investments in the U.S., when other countries are offering permanent or longer-term tax incentives. To ensure that America remains the most attractive place for R&D, the Invest in America Act makes the R&D tax credit permanent.

The Invest in America Act also acknowledges that the U.S. tax system imposes a costly and frustrating burden on taxpayers, with filers spending an average 30 hours to complete the typical Form 1040. Six in ten Americans opt instead to hire a professional. The billions of dollars spent each year simply complying with the tax system could be put to a much better, and more economically beneficial, use. The Invest in America Act expresses the Sense of the Senate that the Finance Committee should report tax simplification legislation by the end of the year to make the tax system fair, transparent, and efficient, without raising tax rates.

Finally, I want to address the effect all of the tax changes have had on our budget deficit and to dispute the notion that Congress must raise taxes elsewhere if we are going to make existing tax rates and incentives permanent and repeal the AMT. It is important for all Americans to know that all of the additional tax revenue flowing into the Treasury from our growing economy, hardworking Americans, and from profitable investments has caused our budget deficit to shrink below 2 percent of GDP—well below its historical average. If we stay on our current progrowth path, reject tax increases,

and impose reasonable restraints on spending growth, we will balance the budget by 2012, if not sooner.

As for the notion that Congress must ''pay for'' tax relief with tax increases, I would note that the official estimates about how much certain tax provisions will ''cost'' the Treasury are just that, estimates. And they often prove to be wrong. For example, since 2003, the Treasury has collected $133 billion more in capital gains revenue than was originally projected by the Congressional Budget Office; revenues have exceeded official CBO projections by 68 percent. Second, the concept of requiring corresponding tax increases falsely assumes that the Government is entitled to the revenue, when it really belongs to the American people. Third, revenues are running above their historical average of about 18.2 percent and are projected to continue increasing even if we make the current tax structure permanent, as we propose in the Invest in America Act. If we raise taxes in order to extend the tax policies, we will be taking even more resources out of the private sector and spending them on government programs, which will certainly damage our economy. To protect our growing economy, I believe we must ensure that revenues, as a percentage of our economy, do not rise much above their current level.

I am pleased to be the lead sponsor of this important legislation that underscores the commitment of the Senate Republican leadership to investing in American families, America's future, and American competitiveness. America's economy is growing at a strong and sustainable level, to the benefit of all American families, but this growth will not continue if we unwisely allow taxes to be increased on work, savings, and investment—the very engines of economic growth.

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

S. 1121. A bill to authorize the cancellation of Perkins Loans for students who perform public service as librarians in low-income schools and public libraries; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am joined by Mr. COCHRAN in introducing important legislation, the Librarian Incentive to Boost Recruitment and Retention in Areas of Need (LIBRARIAN) Act, to support our Nation's librarians. This legislation is also being introduced in the other body by Representative BECERRA, along with Representatives GRIJALVA, EHLERS, and SHIMKUS.

Public libraries and schools across the Nation are experiencing a shortage of librarians. Approximately 25 percent of America's school libraries do not have a State certified library media specialist on staff and with more than three in five librarians becoming eligible for retirement in the next decade this shortage is anticipated to only worsen.

The LIBRARIAN Act amends the Higher Education Act to provide for Perkins loan forgiveness to individuals with master's degrees in library science who become librarians in low-income schools and public libraries. Librarians working full-time in low-income areas would qualify for up to 100 percent Perkins loan forgiveness depending on the number of years they serve.

Libraries and librarians play an essential role in our schools and communities; this legislation aims to provide the same support to librarians as other public service workers receive, including teachers working in low-income schools, Head Start staff, law enforcement officials, and nurses or medical technicians.

Today we celebrate National Library Workers Day, a day to recognize the valuable contributions made by librarians and others who work in libraries. With this legislation, we have an opportunity to encourage more individuals to pursue the field of library science and retain those skilled librarians who are already serving in our low-income schools and communities.

I was pleased that the text of this bill was included in the Higher Education Act reauthorization bill approved by the Senate Health, Education, Labor, and Pensions Committee last Congress. I will again press for its inclusion in the reauthorization bill the Committee is currently working to develop. I urge my colleagues to join us in this endeavor by cosponsoring the LIBRARIAN Act.

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

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

S. 1121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Librarian Incentive to Boost Recruitment and Retention in Areas of Need Act of 2007'' or the ''LIBRARIAN Act''.

SEC. 2. LOAN CANCELLATION.

(a) AMENDMENTS.—Section 465(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) is amended—

(1) in paragraph (2)—

(A) by striking ''section 111(c)'' in subparagraph (A) and inserting ''section 1113(a)(5)'';

(B) by striking ''or'' at the end of subparagraph (H);

(C) by striking the period at the end of subparagraph (I) and inserting ''; or''; and

(D) by inserting after subparagraph (I) the following new subparagraph:

''(J) as a full time librarian, if the librarian has a master's degree in library science and is employed in—

''(i) an elementary school or secondary school that is eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or

''(ii) a public library that serves a geographic area that contains 1 or more schools eligible for assistance under title I of the Elementary and Secondary Education Act of 1965.''; and

(2) in paragraph (3)(A)(i), by striking out ''(H), or (I)'' and inserting ''(H), (I), or (J)''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any year of service that is completed after the date of enactment of this Act.

By Mr. LEVIN (for himself and Mr. COLEMAN):

S. 1124. A bill to amend the Internal Revenue Code of 1986 to simplify, modernize, and improve public notice of and access to tax lien information by providing for a national, Internet accessible, filing system for Federal tax liens, and for other purposes; to the Committee on Finance.

Mr. LEVIN. Mr. President, today is the day that millions of Americans across this country perform an important civic duty by paying their taxes. It is also a day when many Members of Congress take the time to reflect on the state of the Federal tax system and consider how we can strengthen it, simplify it, make it more fair, and, in a responsible way, ease the tax burden on our citizens.

Earlier this year, I introduced the Stop Tax Haven Abuse Act, S. 681, to strengthen our tax system. That bipartisan bill, which I introduced with my colleagues, Senators NORM COLEMAN and BARACK OBAMA, targets outrageous, offshore tax abuses that drain $100 billion each year from the U.S. Treasury at the expense of honest, hardworking American families who pay their fair share. Offshore tax abuses eat away at the foundations of our tax system, draining billions in tax revenue, diverting substantial IRS enforcement resources, and demoralizing honest taxpayers who play by the rules. S. 681 offers a host of provisions to stop offshore abuses, and I urge my colleagues to take a serious look at that legislation on this tax day. If enacted, it would make our tax system more effective, more fair, and more productive. It deserves to be enacted into law this year.

Stopping offshore tax abuse, however, is far from the only tax problem that needs to be addressed if we are to achieve a fair and cost effective tax system. So today, I am introducing with Senator COLEMAN legislation offering a cure to a completely different tax problem. The target of this legislation is better administration of Federal tax liens.

It has been 40 years since Congress made any significant changes to the laws regulating how the Internal Revenue Service (IRS) files Federal tax liens and makes them public. Right now, outdated laws are forcing the IRS to waste taxpayer dollars on an old-fashioned, inefficient, and burdensome paper tax lien filing system that should be replaced by a modernized electronic filing system capable of operating at a fraction of the cost. It is time to bring the Federal tax lien system into the 21st century. That's why I am introducing today, along with Senator COLEMAN, the Tax Lien Simplification

Act, which will simplify the process of recording tax liens at an estimated ten-year cost savings of over half a billion dollars, while at the same time improving taxpayer service by speeding up the release of liens after taxes are paid.

Tax liens are a principal way to collect payment from persons who are delinquent in paying their taxes. By law, Federal tax liens arise automatically ten days after a taxpayer's failure to pay an assessed tax. The lien automatically attaches to the taxpayer's real and personal property and remains in effect until the tax is paid. However, the tax lien is not effective against other creditors owed money by the same taxpayer, until a notice of the Federal tax lien is publicly recorded. Generally, between competing creditors, the first to file notice has priority, so the filing of tax lien notices is very important to the government and to the taxpaying public if taxes are to be collected from persons who don't pay them.

Current law requires the IRS to file public notices of Federal tax liens in State, county, or city recording offices around the country. There are currently more than 4,100 of these local recording offices, many of which have developed specific rules regulating how such liens must be formatted and filed in their jurisdictions. This patchwork system developed more by default than by plan, because those local offices were where documents affecting title to real property, judgments, and other lien and security interest documents had always been filed.

In 1966, to help the IRS comply with a proliferating set of local filing rules for Federal tax liens, Congress passed the Tax Lien Act to standardize certain practices. This act provided, for example, that liens against real estate had to be filed where the property was located, and required each State to designate a single place to file Federal tax liens applicable to personal property. Most States subsequently adopted a version of the Uniform Tax Lien Filing Act, enabling the IRS to file a notice of tax lien in each locality where the taxpayer's real estate is located, and a single notice where the taxpayer resides to reach any personal property. For corporations, States typically require the IRS to file a notice to attach real estate in each locality where the real estate is located, and a separate notice, usually at the State level, to attach other types of property. There are often additional rules for trusts and partnerships. The end result of the law was to reduce some but not all of the multiple sets of rules regulating the local filing of Federal tax liens.

In addition, in most cases, the IRS continued to have to physically file the tax lien in the appropriate local recording office. In most cases, that filing is accomplished by mail. Some jurisdictions also allow electronic filings, but those jurisdictions are few and far between. The same is true if a lien has to be corrected, or a related certificate of discharge, subordination, or nonattachment needs to be filed, or when a tax liability has been resolved and the IRS wants to release a lien. Each usually requires a paper filing in one or more local recording offices. If a paper filing is lost or misplaced, the IRS often has to send an employee in person to deal with the problem, adding travel costs to other administrative expenses.

The paper filing system imposes similar burdens on other persons dealing with the tax lien system. Any person who is the subject of a tax lien, for example, or who is a creditor trying to locate a tax lien, is required to make a physical trip to one or more local recording offices to search the documents and see if a lien has been filed. Currently, there is no central database of locally filed tax liens that can be accessed by any member of the public or by any taxpayer that is the subject of a federal tax lien. Not even IRS personnel have access to such a tax lien database. It does not exist.

The result is an inefficient, costly, and burdensome paper filing system that can and should be completely revamped. Businesses across the country learned long ago that electronic filing systems outperform paper; they save personnel costs, material costs, time, and client frustration. Government agencies have learned the same thing as they have moved to electronic databases and recordkeeping, including systems made available to the public on the Internet. Among the many examples of government-sponsored, Internet-based systems currently in operation are the contractor registry operated by the General Services Administration to allow persons to register to bid on federal contracts, the license registry operated by the Federal Communications Commission to allow the public to search radio licenses, and the registry operated by the U.S. Patent and Trademark Office to allow the public to search currently registered patents and trademarks. Each of these systems has saved taxpayer money, while improving service to the public.

Just as government agencies gave up the horse and buggy for the automobile, it is time for the IRS to move from a decentralized, paper-based tax lien filing system to an electronic national tax lien registry. But the IRS' hands are tied, until the Congress changes the laws holding back modernization of the federal tax lien filing system.

The bill we are introducing today would make the changes necessary to enable the IRS to take immediate steps to simplify and modernize the Federal tax lien filing system. The operative provisions would require the IRS to create a national registry for the filing of tax lien notices as an electronic database that is Internet accessible and searchable by the public at no cost. It would mandate the use of this system in place of the existing system of local filings. It would establish the priority of Federal tax liens according to the date and time that the relevant notice was filed in the national registry, in the same way that priorities are currently established from the date and time of filing in local recording offices. The bill would also shorten the time allowed to release a tax lien, after the related tax liability has been resolved, from 30 days to 10 days.

To establish this new electronic filing system, the bill would give the Treasury Secretary express authority to issue regulations or other guidance governing the establishment and maintenance of the registry. Among other obligations, Treasury would be required to ensure that the registry was secure and prevent data tampering. In addition, prior to the implementation of the national registry, the Treasury Secretary would be required to review the information currently included in public tax lien filings to determine whether any of that information should be excluded or protected from disclosure on the Internet. For example, the Treasury Secretary would be expected to prevent the disclosure of social security numbers that are currently included in many public tax lien filings, but if disclosed on the Internet, could facilitate identity theft. While such identifying information could continue to be included in a tax lien filing to ensure that the filing is directed toward the correct person, the registry could be constructed to prevent such information from being disclosed publicly and to instead provide such information only upon request from appropriate persons involved in the enforcement of the tax lien or collection of the tax debt. By requiring this information review prior to implementing the national tax lien registry, the bill is expected to provide greater protection of some taxpayer information than occurs in current tax lien filings.

The bill would require the Treasury Secretary to establish a functioning tax lien registry by January 1, 2009, but would also allow the IRS to continue to use the existing paper-based tax lien filing system, in parallel with the new system, for an appropriate period to ensure a smooth transition. The IRS has indicated that it would be able to establish an electronic tax lien filing system within the specified time period.

Moving to a centralized, electronic tax lien filing system, an Internet-based National Registry of tax liens, would accomplish at least three objectives. It would save taxpayer dollars, speed the process for filing and releasing tax liens, and simplify the process for researching Federal tax liens for taxpayers and creditors.

The IRS estimates that moving from a paper-based, locally filed tax lien system to an Internet-based, Federal tax lien filing system would save about $570 million over 10 years. That's half a billion dollars in cost savings. These

savings would come from the elimination of State filing fees, IRS personnel costs, travel costs related to local filing problems, and the cost of lost taxes whenever the IRS makes an error or a tax lien filing is misplaced or delayed. Filing fees, for example, vary widely from state to state, but typically cost at least $10 per filing, and in some States cost as much as $150. If a taxpayer has real estate in multiple jurisdictions, those costs multiply. Personnel costs include the IRS service center staff that is currently charged with filing tax liens nationwide and complying with the myriad filing rules in effect in the 4,100 recording offices across the country. Additional anticipated savings would come from reduced mailing and travel costs.

Electronic filing would not only save money, it would improve taxpayer service. Taxpayers who are the subject of a tax lien filing, for example, would benefit from a centralized registry in several ways. First, taxpayers would be able to review their liens as soon as they are filed online, without having to make a physical trip to one or more local recording offices. Second, taxpayers would have an easy way to look up their liens on multiple occasions, identify any problems, and correct any errors. Third, once the underlying tax liability was resolved, the IRS would be required to release the tax lien in 10 days, instead of the 30 days allowed under current law. The longer 30-day period is necessitated by the current complexities associated with filing a paper lien in one or more local offices, complexities that would be eliminated by the establishment of a centralized, electronic registry.

Creditors who need to research Federal tax liens would also benefit from a centralized, electronic registry. Lenders, security holders and others, for example, would be able to use a simplified search process that could take place online and would not require physical trips to multiple locations. Simplifying the search process would also provide greater certainty that all tax liens were found. The ability to research Federal tax liens remotely and instantaneously should be of particular benefit to larger lenders and to creditors of taxpayers with widely distributed assets.

Federal tax liens are not a topic that normally excites the public's interest. Sound tax administration, however, requires attention to administrative as well as enforcement concerns. Federal law is currently impeding development of a more efficient, cost effective tax lien filing system. Amending the law as indicated in the Tax Lien Simplification Act to streamline the tax lien filing system, moving it from a paper-based to an electronic-based system, would not only advance the more efficient, cost-effective tax system we all want, it would also save half a billion dollars in taxpayer money. At the same time, it would make the system work better for individual taxpayers by reducing the possibility for mistakes and speeding up the release of liens for taxpayers who have paid. Modernizing our tax lien filing system makes sense in every way. I urge my colleagues to join Senator COLEMAN and myself in enacting this bill into law this year.

I ask unanimous consent to print in the RECORD following these remarks a section-by-section analysis of the bill.

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

The Tax Lien Simplification Act introduced by Senators Levin and Coleman contains the following provisions.

SECTION 1

The short title of the bill is the ''Tax Lien Simplification Act.''

SECTION 2

Section 2 contains the findings and purpose of the bill. It finds that the current federal tax lien filing system is inefficient, burdensome, and expensive, and that current technology permits the creation of an electronic system that would be more efficient, more timely, less burdensome, and less expensive. It states that the purpose of the bill is to simplify and modernize the tax lien filing process, to improve public access to tax lien information, and to save taxpayer dollars by replacing the current decentralized system of local tax lien filings with a centralized, nationwide, Internet accessible, and fully searchable tax lien filing system.

SECTION 3

Section 3 contains the operative provisions of the bill.

Subsection (a) would amend section 6323(f) of title 26 by eliminating the provisions in current law directing tax liens to be filed in state and local recording offices, and by authorizing the filing of federal tax lien notices in a national tax lien registry to be established under a new subsection 6323(k). It would deem such notices, and any related certificate of release, discharge, subordination, or nonattachment of a lien, to be effective for purpose of determining the relative priority of a federal tax lien. It would direct the Secretary of the Treasury to prescribe the form and content of the tax lien notices to be filed on the registry. Filings of tax lien notices and related documents would become effective from the date and time of recording in the national tax lien registry, just as they are now from the date and time of a local filing.

Subsection (b) would provide that if an existing tax lien notice must be re-filed, then the re-filing should be made in the national tax lien registry.

Subsection (c) would require certificates of release, discharge, subordination, and nonattachment of a tax lien to be filed in the national tax lien registry. It would also reduce from 30 days to 10 days the time allotted for the release of a tax lien after the underlying tax liability has been resolved. It would make various conforming amendments in the provisions related to federal tax liens.

Subsection (d)(1) would amend section 6323 of title 26 by establishing a National Registry of federal tax liens and related documents. It would require this National Registry to be established and maintained by the Secretary of the Treasury, and made accessible to and searchable by the public through the Internet at no cost. It would require the registry to identify the taxpayer to whom the tax lien applies and reflect the date and time the notice of lien was filed. It would require the registry to be searchable by, at a minimum, taxpayer name and address, the type of tax, the tax period, and when Treasury determines it is feasible, by the affected property.

Subsection (d)(2) would require Treasury to issue regulations or other guidance for the maintenance and use of the registry, and to secure the registry and prevent data tampering. Prior to the implementation of the registry, the Treasury Secretary would be required to review the information currently provided in public tax lien filings to determine whether any of that information should be excluded or protected from public viewing in the National Registry.

Subsection (e) would establish a transition rule for the move from the existing paper-based tax lien filing system to the National Registry. It would authorize the Treasury Secretary to issue regulations allowing for the continued filing of notices in state and local offices for ''an appropriate period to permit an orderly transition'' to the National Registry.

Subsection (f) would require Treasury to make the National Registry operational as of January 1, 2009, and make the bill applicable to tax lien notices filed after December 31, 2008.

By Mr. DODD (for himself, Mr. COCHRAN, Mr. KENNEDY, Mr. STEVENS, Mr. BINGAMAN, Mr. KERRY, and Mr. ROCKEFELLER):

S. 1128. A bill to amend the National and Community Service Act of 1990 to establish a Summer of Service State grant program, a Summer of Service national direct grant program, and related national activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce, along with Senators COCHRAN, KENNEDY, STEVENS, BINGAMAN, KERRY and ROCKEFELLER the Summer of Service Act of 2007. This bill offers middle school students the chance to spend a summer in service to their communities as they transition into high school.

The Summer of Service Act would create a competitive grant program that would enable States and localities to offer middle school students an opportunity to participate in a structured community service program over the summer months. It would employ service-learning to teach civic participation skills, help young people see themselves as resources to their communities, expand educational opportunities and discourage ''summer academic slide.'' Providing tangible benefits to their communities, Summer of Service projects would direct grantees to work on unmet human, educational, environmental and public safety needs and encourage all youth, regardless of age, income, or disability, to engage in community service. The program would also grant participants with an educational award of up to $500 which can later be used to pay for college.

Volunteerism not only brings support and services to communities in need, it also provides significant benefits to the students who participate. When young people participate in service activities they feel better able to control their lives in a positive way, avoiding risk

behaviors, strengthening their community connections and become more engaged in their studies. When service is tied to what students are learning in school, they often make gains on achievement tests, complete their homework more often, and increase their grade point average. Students who engage in service learning also improve their communication skills, gain increased awareness of career possibilities, and develop more positive workplace attitudes, setting the foundation for their place as America's future leaders. Studies also show that students who participate in community service are more likely to graduate high school and demonstrate interest in going to college.

We often hear today of the tremendous pressures our young people face at home, in school and in the afterschool hours. Summer of Service provides young people with the chance to be a positive change in their communities. For this reason, I urge my colleagues to join me in supporting the Summer of Service Act of 2007. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Summer of Service Act of 2007''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Throughout the United States, there are pressing unmet human, educational, environmental and public safety needs.

(2) Americans desire to affirm common responsibilities and shared values, and join together in positive experiences, that transcend race, religion, gender, age, disability, region, income, and education.

(3) Americans of all ages can improve their communities and become better citizens through service to their communities.

(4) When youth participate in service activities and see that they are able to improve the lives of others, the youth feel better able to control their own lives in a positive way, avoiding risky behaviors, strengthening their community connections, and becoming more engaged in their own education.

(5) When youth service is tied to learning objectives, that service is shown to decrease alienation and behavior problems, and increase knowledge of community needs, commitment to an ethic of service, and understanding of politics and morality.

(6) When service is tied to what students are learning in school, the students make gains on achievement tests, complete their homework more often, and increase their grade point averages.

(7) Students who engage in service-learning improve their communication skills, increase their awareness of career possibilities, have a deeper understanding of social and economic issues that face the United States, and develop more positive workplace attitudes, preparing them to take their places as future leaders of the United States.

(8) In a national poll, more than 80 percent of parents said that their child would benefit from an after school program that offered community service and 95 percent of teens agreed that is important to volunteer time to community efforts.

(b) PURPOSE.—The purposes of this Act are to—

(1) offer youth the chance to spend a summer in service to their communities as a rite of passage before high school;

(2) teach civic participation skills to youth and help youth see themselves as resources and leaders for their communities;

(3) expand educational opportunities and discourage ''summer slide'' by engaging youth in summer service-learning opportunities;

(4) encourage youth, regardless of age, income, or disability, to engage in community service;

(5) provide tangible benefits to the communities in which Summer of Service programs are performed; and

(6) enhance the social-emotional development of youth of all backgrounds.

SEC. 3. SUMMER OF SERVICE PROGRAMS.

Title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.) is amended—

(1) by redesignating subtitles F, G, H, and I as subtitles G, H, I, and J, respectively;

(2) by redesignating sections 160 through 166 as sections 159A through 159G, respectively; and

(3) by inserting after subtitle E the following:

''Subtitle F—Summer of Service Programs

''SEC. 161. DEFINITIONS.

''In this subtitle:

''(1) EDUCATIONAL AWARD.—The term 'educational award' means an award disbursed under section 162B(d) or 163B(d).

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a public or private nonprofit organization, an institution of higher education, a local educational agency, a public elementary school or public secondary school, or a consortium of 2 or more of the entities described in this paragraph.

''(3) ELIGIBLE YOUTH.—The term 'eligible youth' means a youth who will be enrolled in the sixth, seventh, eighth, or ninth grade at the end of the summer for which the youth would participate in community service under this subtitle.

''PART I—SUMMER OF SERVICE STATE GRANT PROGRAM

''SEC. 162. GRANTS TO STATES.

''(a) GRANTS.—

''(1) IN GENERAL.—The Chief Executive Officer shall award grants on a competitive basis to States, to enable the State Commissions—

''(A) to carry out State-level activities under subsection (d); and

''(B) to award subgrants on a competitive basis under section 162A to eligible entities to pay for the Federal share of the cost of carrying out community service projects.

''(2) FUNDS FOR EDUCATIONAL AWARDS.—The Chief Executive Officer shall decide whether funds appropriated to carry out this part and available for educational awards (referred to in this part as 'educational award funds') shall be—

''(A) included in the funds for such grants to States and subgrants to eligible entities; or

''(B) reserved by the Chief Executive Officer, deposited in the National Service Trust for educational awards, and disbursed according to paragraphs (1) and (3) of section 162B(d).

''(3) PERIODS OF GRANTS.—The Chief Executive Officer shall award the grants for periods of 3 years.

''(4) AMOUNTS OF GRANTS.—The Chief Executive Officer shall award such a grant to a State for a program in a sum equal to—

''(A) the amount obtained by multiplying $500 and the number of youth who will participate in the program (to be used for program expenses);

''(B) unless the Chief Executive Officer decides to deposit funds for educational awards in the National Service Trust, as described in paragraph (2)(B), an additional amount equal to the amount described in subparagraph (A) (to be used for educational awards); and

''(C) an amount sufficient to provide for the reservation for State-level activities described in subsection (d).

''(b) STATE APPLICATION.—To be eligible to receive a grant under this section, a State shall submit an application to the Chief Executive Officer at such time, in such manner, and containing such information as the Chief Executive Officer may require, including information that—

''(1) designates the State Commission as the agency responsible for the administration and supervision of the community service program carried out under this part in the State;

''(2) describes how the State Commission will use funds received under this part, including funds reserved for State-level activities under subsection (d);

''(3) describes the procedures and criteria the State Commission will use for reviewing applications and awarding subgrants on a competitive basis under section 162A to eligible entities for projects, including how the State Commission will give priority to an entity that—

''(A) offers a quality plan for or has an established track record of carrying out the activities described in the entity's application;

''(B) has a leadership position in the community from which the youth participating in the project described in the application will be drawn;

''(C) proposes a project that focuses on service by the participants during the transition year before high school;

''(D) plans to ensure that at least 50 percent of the participants are low-income eligible youth;

''(E) proposes a project that encourages or enables youth to continue participating in community service throughout the school year;

''(F) plans to involve the participants in the design and operation of the project, including involving the participants in conducting a needs-based assessment of community needs;

''(G) proposes a project that involves youth of different ages, races, sexes, ethnic groups, religions, disability categories, or economic backgrounds serving together; and

''(H) proposes a project that provides high quality service-learning experiences;

''(4) describes the steps the State Commission will take, including the provision of ongoing technical assistance described in subsection (d)(2) and training, to ensure that projects funded under section 162A will implement effective strategies; and

''(5) describes how the State Commission will evaluate the projects, which shall include, at a minimum—

''(A) a description of the objectives and benchmarks that will be used to evaluate the projects; and

''(B) a description of how the State Commission will disseminate the results of the evaluations, as described in subsection (d)(4)(C).

''(c) APPLICANT REVIEW.—

''(1) SELECTION CRITERIA.—The Chief Executive Officer shall evaluate applications for grants under this section based on the quality, innovation, replicability, and sustainability of the State programs proposed by the applicants.

''(2) REVIEW PANELS.—The Chief Executive Officer shall employ the review panels established under section 165A in reviewing the applications.

''(3) NOTIFICATION OF APPLICANTS.—If the Chief Executive Officer rejects an application submitted under this section, the Chief Executive Officer shall promptly notify the applicant of the reasons for the rejection of the application.

''(4) RESUBMISSION AND RECONSIDERATION.—The Chief Executive Officer shall provide an applicant notified of rejection with a reasonable opportunity to revise and resubmit the application. At the request of the applicant, the Chief Executive Officer shall provide technical assistance to the applicant as part of the resubmission process. The Chief Executive Officer shall promptly reconsider an application resubmitted under this paragraph.

''(d) STATE-LEVEL ACTIVITIES.—A State that receives a grant under this section may reserve up to 5 percent of the grant funds for State-level activities, which may include—

''(1) hiring staff to administer the program carried out under this part in the State;

''(2) providing technical assistance, including technical assistance concerning the professional development and training of personnel, to eligible entities that receive subgrants under section 162A;

''(3) conducting outreach and dissemination of program-related information to ensure the broadest possible involvement of eligible entities and local eligible youth in the program carried out under this part; and

''(4)(A) conducting an evaluation of the projects carried out by eligible entities under this part;

''(B) using the results of the evaluation to collect and compile information on best practices and models for such projects; and

''(C) disseminating widely the results of the evaluation.

''SEC. 162A. SUBGRANTS TO ELIGIBLE ENTITIES.

''(a) SUBGRANTS.—

''(1) IN GENERAL.—A State that receives a grant under section 162 shall use the grant funds to award subgrants on a competitive basis to eligible entities to pay for the Federal share of the cost of carrying out community service projects.

''(2) PERIODS OF SUBGRANTS.—The State shall award the subgrants for periods of 3 years.

''(3) AMOUNTS OF SUBGRANTS.—The State shall award such a subgrant to an eligible entity for a project in a sum equal to—

''(A) the amount obtained by multiplying $500 and the number of youth who will participate in the project (to be used for project expenses); and

''(B) unless the Chief Executive Officer decides to deposit funds for educational awards in the National Service Trust, as described in section 162(a)(2)(B), an additional amount equal to the amount described in subparagraph (A) (to be used for educational awards).

''(b) APPLICATIONS.—To be eligible to receive a subgrant under this section for a project, an entity shall submit an application to the State Commission at such time, in such manner, and containing such information as the State Commission may require, including information that—

''(1) designates the community in which the entity will carry out the project, which community may be the service area of an elementary school or secondary school, a school district, a city, town, village, or other locality, a county, the area in which a public housing project is located, a neighborhood, or another geographically or politically designated area;

''(2) describes the manner in which the entity will—

''(A) engage a substantial portion of the youth in the designated community;

''(B) engage a variety of entities and individuals, such as youth organizations, elementary schools or secondary schools, elected officials, organizations offering summer camps, civic groups, nonprofit organizations, and other entities within the designated community to offer a variety of summer service opportunities as part of the project;

''(C) ensure that the youth participating in the project engage in service-learning;

''(D) engage as volunteers in the project business, civic, or community organizations or individuals, which may include older individuals, volunteers in the National Senior Volunteer Corps established under title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5000 et seq.), participants in the school-based and community-based service-learning programs carried out under parts I and II of subtitle B, participants in the AmeriCorps program carried out under subtitle C, or students enrolled in secondary schools or institutions of higher education;

''(E) ensure that youth participating in the project provide at least 100 hours of community service for the project;

''(F) recruit eligible youth to participate in the project;

''(G) recruit service sponsors for community service activities carried out through the project, if the eligible entity intends to enter into an arrangement with such sponsors to provide project placements for the youth;

''(H) promote leadership development and build an ethic of civic responsibility among the youth;

''(I) provide team-oriented, adult-supervised experiences through the project;

''(J) conduct opening and closing ceremonies honoring participants in the project;

''(K) involve youth who are participating in the project in the design and planning of the project; and

''(L) provide training, which may include life skills, financial education, and employment training, in addition to training concerning the specific community service to be provided through the project, for the youth; and

''(3)(A) specifies project outcome objectives relating to youth development or education achievement, community strengthening, and community improvement;

''(B) describes how the eligible entity will establish annual benchmarks for the objectives, and annually conduct an evaluation to measure progress toward the benchmarks; and

''(C) provides an assurance that the eligible entity will annually make the results of such evaluation available to the State.

''(c) CONTINUED ELIGIBILITY.—To be eligible to receive funds under this section for a second or subsequent year of a subgrant period, an entity shall demonstrate that the entity has met the annual benchmarks for the objectives described in subsection (b)(3).

''(d) SELECTION OF SUBGRANT RECIPIENTS.—In awarding subgrants under this section, the State shall ensure that projects are funded in a variety of geographic areas, including urban and rural areas.

''SEC. 162B. SUMMER OF SERVICE PROJECTS.

''(a) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity that receives a subgrant under section 162A shall use the subgrant funds to carry out a community service project.

''(2) SPECIFIC USES.—The eligible entity may use the subgrant funds to pay for—

''(A) hiring staff to administer the project;

''(B) developing or acquiring service-learning curricula for the project, to be integrated into academic programs, including making modifications for students who are individuals with disabilities and students with limited English proficiency;

''(C) forming local partnerships to develop and offer a variety of service-learning programs for local youth participating in the project;

''(D) establishing benchmarks, conducting evaluations, and making evaluation results available, as described in subparagraphs (B) and (C) of section 162A(b)(3);

''(E) conducting outreach and dissemination of program-related information to ensure the broadest possible involvement of local eligible youth and community partners in the project;

''(F) conducting ceremonies as described in section 162A(b)(2)(J);

''(G) carrying out basic implementation of the community service project; and

''(H) carrying out planning activities, during an initial 6 to 9 months of the subgrant period.

''(3) NON-FEDERAL SHARE.—An eligible entity that receives a subgrant under section 162A shall provide the non-Federal share of the costs described in section 162A(a)(1) from private or public sources other than the subgrant funds. The sources may include fees charged to the parents of the youth participating in the community service project involved and determined on a sliding scale based on income.

''(b) SERVICE PROJECTS.—

''(1) ELIGIBLE SERVICE CATEGORIES.—The eligible entity may use the subgrant funds to carry out a community service project to meet unmet human, educational, environmental, or public safety needs.

''(2) INELIGIBLE SERVICE CATEGORIES.—The eligible entity may not use the subgrant funds to carry out a service project in which participants perform service described in section 132(a).

''(c) PERIOD OF SERVICE PROJECTS.—The eligible entity—

''(1) shall carry out the community service project funded under section 162A during a period, the majority of which occurs in the months of June, July, and August; and

''(2) may carry out the project in conjunction with a related after school or in-school service-learning project operated during the remaining months of the year.

''(d) EDUCATIONAL AWARD.—

''(1) ELIGIBILITY.—Each eligible youth who provides at least 100 hours of community service for a project carried out under this part shall be eligible to receive an educational award of not more than $500. An eligible youth may participate in more than 1 such project but shall not receive in excess of $1,000 in total for such participation.

''(2) DISBURSEMENTS BY ELIGIBLE ENTITY.—If the Chief Executive Officer decides under section 162(a)(2)(A) to include educational award funds in subgrants under this part, the eligible entity carrying out the project shall—

''(A) disburse an educational award described in paragraph (1) in accordance with regulations issued by the Chief Executive Officer, which—

''(i) may permit disbursal of the award to the parents of the youth that have established a qualified tuition program account under section 529 of the Internal Revenue Code of 1986, for deposit into the account; but

''(ii) shall not otherwise permit disbursal of the award to the parents; or

''(B) enter into a contract with a private sector organization to hold the educational award funds and disburse the educational award as described in subparagraph (A).

''(3) DISBURSEMENTS BY CHIEF EXECUTIVE OFFICER.—If the Chief Executive Officer decides under section 162(a)(2)(B) to reserve

educational award funds, the Chief Executive Officer shall disburse the educational award as described in paragraph (2)(A).

"SEC. 162C. SUPPLEMENTAL GRANTS.

''(a) IN GENERAL.—The Chief Executive Officer may award a supplemental grant to an eligible entity that demonstrates the matters described in subsection (b), to assist the entity in carrying out a community service project in accordance with the requirements of this part, as determined appropriate by the Chief Executive Officer.

''(b) APPLICATION.—To be eligible to receive a supplemental grant under subsection (a), an entity shall submit an application to the Chief Executive Officer, at such time, in such manner, and containing such information as the Chief Executive Officer may require, including information demonstrating—

''(1) that the entity received a subgrant under section 162A for a community service project; and

''(2) that the entity would be unable to carry out the project without substantial hardship unless the entity received a supplemental grant under subsection (a).

''(c) AMOUNT OF GRANT.—The Chief Executive Officer shall award such a grant to an eligible entity for the project in the amount obtained by multiplying $250 and the number of youth who will participate in the project (to be used for project expenses).

"SEC. 162D. INDIAN TRIBES AND TERRITORIES.

''From the funds made available to carry out this part under section 165(b)(2)(A) for any fiscal year, the Chief Executive Officer shall reserve an amount of not more than 3 percent for payments to Indian tribes, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be used in accordance with the requirements of this part, as determined appropriate by the Chief Executive Officer.

"PART II—SUMMER OF SERVICE NATIONAL DIRECT GRANT PROGRAM

"SEC. 163. NATIONAL DIRECT GRANTS.

''(a) GRANTS.—

''(1) IN GENERAL.—The Chief Executive Officer shall award grants on a competitive basis to public or private organizations (referred to individually in this part as an 'organization')—

''(A) to carry out quality assurance activities under subsection (d); and

''(B) to pay for the Federal share of the cost of carrying out a community service program—

''(i) in a State where the State Commission does not apply for funding under part I; or

''(ii) in multiple States.

''(2) FUNDS FOR EDUCATIONAL AWARDS.—The Chief Executive Officer shall decide whether funds appropriated to carry out this part and available for educational awards (referred to in this part as 'educational award funds') shall be—

''(A) included in the funds for such grants to organizations and any subgrants to local providers; or

''(B) reserved by the Chief Executive Officer, deposited in the National Service Trust for educational awards, and disbursed according to paragraphs (1) and (3) of section 163B(d).

''(3) PERIODS OF GRANTS.—The Chief Executive Officer shall award the grants for periods of 3 years.

''(4) AMOUNTS OF GRANTS.—The Chief Executive Officer shall award such a grant to an organization for a program in a sum equal to—

''(A) the amount obtained by multiplying $500 and the number of youth who will participate in the program (to be used for program expenses);

''(B) unless the Chief Executive Officer decides to deposit funds for educational awards in the National Service Trust, as described in paragraph (2)(B), an additional amount equal to the amount described in subparagraph (A) (to be used for educational awards); and

''(C) an amount sufficient to provide for the reservation for quality assurance activities described in subsection (d).

''(b) NATIONAL DIRECT APPLICATIONS.—To be eligible to receive a grant under this section for a community service program, an organization shall submit an application to the Chief Executive Officer at such time, in such manner, and containing such information as the Chief Executive Officer may require, including information that—

''(1) describes how the organization will use funds received under this part, including funds reserved for quality assurance activities under subsection (d);

''(2)(A) describes the procedures and criteria the organization will use for reviewing applications and awarding subgrants on a competitive basis under section 163A to local providers for projects, including how the organization will give priority to a provider that, with respect to each project described in the application—

''(i) offers a quality plan for or has an established track record of carrying out the activities described in the provider's application;

''(ii) has a leadership position in the community from which the youth participating in the project will be drawn;

''(iii) proposes a project that focuses on service by the participants during the transition year before high school;

''(iv) plans to ensure that at least 50 percent of the participants are low-income eligible youth;

''(v) proposes a project that encourages or enables youth to continue participating in community service throughout the school year;

''(vi) plans to involve the participants in the design and operation of the project, including involving the participants in conducting a needs-based assessment of community needs;

''(vii) proposes a project that involves youth of different ages, races, sexes, ethnic groups, religions, disability categories, or economic backgrounds serving together; and

''(viii) proposes a project that provides high quality service-learning experiences; or

''(B) if the organization will carry out the community service program directly, demonstrates that the organization meets the requirements of clauses (i) through (viii) of subparagraph (A) with respect to each project described in the application;

''(3) describes the steps the organization will take, including the provision of ongoing technical assistance described in subsection (d)(2)) and training, to ensure that projects funded under this part will implement effective strategies; and

''(4) describes how the organization will evaluate the projects funded under this part, which shall include, at a minimum—

''(A) a description of the objectives and benchmarks that will be used to evaluate the projects; and

''(B) a description of how the organization will disseminate widely the results of the evaluations, as described in subsection (d)(3)(C).

''(c) APPLICANT REVIEW.—

''(1) SELECTION CRITERIA.—The Chief Executive Officer shall evaluate applications for grants under this section based on the quality, innovation, replicability, and sustainability of the programs proposed by the applicants.

''(2) REVIEW PANELS.—The Chief Executive Officer shall employ the review panels established under section 165A in reviewing the applications.

''(3) NOTIFICATION OF APPLICANTS.—If the Chief Executive Officer rejects an application submitted under this section, the Chief Executive Officer shall promptly notify the applicant of the reasons for the rejection of the application.

''(4) RESUBMISSION AND RECONSIDERATION.—The Chief Executive Officer shall provide an applicant notified of rejection with a reasonable opportunity to revise and resubmit the application. At the request of the applicant, the Chief Executive Officer shall provide technical assistance to the applicant as part of the resubmission process. The Chief Executive Officer shall promptly reconsider an application resubmitted under this paragraph.

''(d) QUALITY ASSURANCE ACTIVITIES.—An organization that receives a grant under this section may reserve up to 5 percent of the grant funds for quality assurance activities, which may include—

''(1) hiring staff to administer the program carried out under this part by the organization;

''(2) providing technical assistance, including technical assistance concerning the professional development and training of personnel, to local providers that receive subgrants under section 163A; and

''(3)(A) conducting an evaluation of the projects carried out by local providers of the organization under this part;

''(B) using the results of the evaluation to collect and compile information on best practices and models for such projects; and

''(C) disseminating widely the results of the evaluation.

"SEC. 163A. SUBGRANTS TO LOCAL PROVIDERS.

''(a) SUBGRANTS.—

''(1) IN GENERAL.—An organization that receives a grant under section 163 may use the grant funds to award subgrants on a competitive basis to local providers to pay for the Federal share of the cost of carrying out community service projects.

''(2) PERIODS OF SUBGRANTS.—The organization shall award the subgrants for periods of 3 years.

''(3) AMOUNTS OF SUBGRANTS.—The organization shall award such a subgrant to a local provider for a project in a sum equal to—

''(A) the amount obtained by multiplying $500 and the number of youth who will participate in the project (to be used for project expenses); and

''(B) unless the Chief Executive Officer decides to deposit funds for educational awards in the National Service Trust, as described in section 163(a)(2)(B), an additional amount equal to the amount described in subparagraph (A) (to be used for educational awards).

''(b) LOCAL PROVIDER APPLICATION.—To be eligible to receive a subgrant under this section, a local provider shall submit an application to the organization at such time, in such manner, and containing such information as the organization may require, including information that—

''(1) designates the communities in which the local provider will carry out projects under the subgrant, each of which communities may be the service area of an elementary school or secondary school, a school district, a city, town, village, or other locality, a county, the area in which a public housing project is located, a neighborhood, or another geographically or politically designated area;

''(2) for each project described in such application, describes the manner in which the local provider will—

''(A) engage a substantial portion of the youth in the designated community involved;

''(B) engage a variety of entities and individuals, such as youth organizations, elementary schools or secondary schools, elected officials, organizations offering summer camps, civic groups, nonprofit organizations, and other entities within the designated community to offer a variety of summer service opportunities as part of the project;

''(C) ensure that the youth participating in the project engage in service-learning;

''(D) engage as volunteers in the project business, civic, or community organizations or individuals, which may include older individuals, volunteers in the National Senior Volunteer Corps established under title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5000 et seq.), participants in the school-based and community-based service-learning programs carried out under parts I and II of subtitle B, participants in the AmeriCorps program carried out under subtitle C, or students enrolled in secondary schools or institutions of higher education;

''(E) ensure that youth participating in the project provide at least 100 hours of community service for the project;

''(F) recruit eligible youth to participate in the project;

''(G) recruit service sponsors for community service activities carried out through the project, if the local provider intends to enter into an arrangement with such sponsors to provide project placements for the youth;

''(H) promote leadership development and build an ethic of civic responsibility among the youth;

''(I) provide team-oriented, adult-supervised experiences through the project;

''(J) conduct opening and closing ceremonies honoring participants in the project;

''(K) involve youth who are participating in the project in the design and planning of the project; and

''(L) provide training, which may include life skills, financial education, and employment training, in addition to training concerning the specific community service to be provided through the project, for the youth; and

''(3)(A) specifies project outcome objectives relating to youth development or education achievement, community strengthening, and community improvement;

''(B) describes how the local provider will establish annual benchmarks for the objectives, and annually conduct an evaluation to measure progress toward the benchmarks; and

''(C) provides an assurance that the local provider will annually make the results of such evaluation available to the organization.

''(c) CONTINUED ELIGIBILITY.—To be eligible to receive funds under this section for a second or subsequent year of a subgrant period, a local provider shall demonstrate that all the projects for which the subgrant was awarded met the annual benchmarks for the objectives described in subsection (b)(3).

''(d) SELECTION OF SUBGRANT RECIPIENTS.—In awarding subgrants under this section, the organization shall ensure that projects are funded in a variety of geographic areas, including urban and rural areas.

''SEC. 163B. SUMMER OF SERVICE PROJECTS.

''(a) USE OF FUNDS.—

''(1) IN GENERAL.—A local provider that receives a subgrant under section 163A shall use the subgrant funds to carry out a community service project.

''(2) SPECIFIC USES.—The local provider may use the subgrant funds, to pay for—

''(A) hiring staff to administer the project;

''(B) developing or acquiring service-learning curricula for the project, to be integrated into academic programs, including making modifications for students who are individuals with disabilities and students with limited English proficiency;

''(C) forming local partnerships to develop and offer a variety of service-learning programs for local youth participating in the project;

''(D) establishing benchmarks, conducting evaluations, and making evaluation results available, as described in subparagraphs (B) and (C) of section 163A(b)(3);

''(E) conducting outreach and dissemination of program-related information to ensure the broadest possible involvement of local eligible youth and community partners in the project;

''(F) conducting ceremonies as described in section 163A(b)(2)(J);

''(G) carrying out basic implementation of the community service project; and

''(H) carrying out planning activities, during an initial 6 to 9 months of the grant period.

''(3) NON-FEDERAL SHARE.—A local provider that receives a subgrant under section 163A shall provide the non-Federal share of the cost described in section 163A(a)(1) from private or public sources other than the subgrant funds. The sources may include fees charged to the parents of the youth participating in the community service project involved and determined on a sliding scale based on income.

''(b) SERVICE PROJECTS.—

''(1) ELIGIBLE SERVICE CATEGORIES.—The local provider may use the subgrant funds to carry out a community service project to meet unmet human, educational, environmental, or public safety needs.

''(2) INELIGIBLE SERVICE CATEGORIES.—The local provider may not use the subgrant funds to carry out a service project in which participants perform service described in section 132(a).

''(c) PERIOD OF SERVICE PROJECTS.—The local provider—

''(1) shall carry out the community service project funded under section 163A during a period, the majority of which occurs in the months of June, July, and August; and

''(2) may carry out the project in conjunction with a related after school or in-school service-learning project operated during the remaining months of the year.

''(d) EDUCATIONAL AWARD.—

''(1) ELIGIBILITY.—Each eligible youth who provides at least 100 hours of community service for a project carried out under this part shall be eligible to receive an educational award of not more than $500. An eligible youth may participate in more than 1 such project but shall not receive in excess of $1,000 in total for such participation.

''(2) DISBURSEMENTS BY LOCAL PROVIDER.—If the Chief Executive Officer decides under section 163(a)(2)(A) to include educational award funds in subgrants under this part, the local provider carrying out the project shall—

''(A) disburse an educational award described in paragraph (1) in accordance with regulations issued by the Chief Executive Officer, which—

''(i) may permit disbursal of the award to the parents of the youth that have established a qualified tuition program account under section 529 of the Internal Revenue Code of 1986, for deposit into the account; but

''(ii) shall not otherwise permit disbursal of the award to the parents; or

''(B) enter into a contract with a private sector organization to hold the educational award funds and disburse the educational award as described in subparagraph (A).

''(3) DISBURSEMENTS BY CHIEF EXECUTIVE OFFICER.—If the Chief Executive Officer decides under section 163(a)(2)(B) to reserve educational award funds, the Chief Executive Officer shall disburse the educational award as described in paragraph (2)(A).

''(e) APPLICATION OF SECTION.—References in this section to local providers, with respect to the use of subgrant funds received under section 163A, apply equally to organizations that carry out community service projects directly, with respect to the use of grant funds received under section 163.

''SEC. 163C. SUPPLEMENTAL GRANTS.

''(a) IN GENERAL.—The Chief Executive Officer may award a supplemental grant to a local provider that demonstrates the matters described in subsection (b), to assist the provider in carrying out a community service project in accordance with the requirements of this part, as determined appropriate by the Chief Executive Officer.

''(b) APPLICATION.—To be eligible to receive a supplemental grant under subsection (a), a provider shall submit an application to the Chief Executive Officer, at such time, in such manner, and containing such information as the Chief Executive Officer may require, including information demonstrating—

''(1) that the provider received a subgrant under section 163A for a community service project; and

''(2) that the provider would be unable to carry out the project without substantial hardship unless the provider received a supplemental grant under subsection (a).

''(c) AMOUNT OF GRANT.—The Chief Executive Officer shall award such a grant to a local provider for the project in the amount obtained by multiplying $250 and the number of youth who will participate in the project (to be used for project expenses).

''PART III—SUMMER OF SERVICE NATIONAL ACTIVITIES

''SEC. 164. NATIONAL ACTIVITIES.

''(a) NATIONAL QUALITY AND OUTREACH ACTIVITIES.—The Chief Executive Officer may use funds reserved under section 165(b)(1), either directly or through grants and contracts, to—

''(1) provide technical assistance and training to recipients of grants and subgrants under parts I and II;

''(2) conduct outreach and dissemination of program-related information to ensure the broadest possible involvement of States, eligible entities, organizations, local providers, and eligible youth in programs carried out under parts I and II; and

''(3) to carry out other activities designed to improve the quality of programs carried out under parts I and II.

''(b) NATIONAL EVALUATION.—

''(1) RESERVATION.—For each fiscal year, the Chief Executive Officer shall reserve not more than the greater of $500,000, or 1 percent, of the funds described in subsection (a) for the purposes described in paragraph (2).

''(2) EVALUATION.—The Chief Executive Officer shall use the reserved funds—

''(A) to arrange for an independent evaluation of the programs carried out under parts I and II, to be conducted in the second and third years in which the programs are implemented; and

''(B) using the results of the evaluation, to collect and compile information on models and best practices for such programs; and

''(C) to disseminate widely the results of the evaluation.

''(3) REPORT.—The Chief Executive Officer shall annually submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, a report concerning the results

of the evaluations conducted under paragraph (2). Such reports shall also contain information on models of best practices and any other findings or recommendations developed by the Chief Executive Officer based on such evaluations. Such reports shall be made available to the general public.

''PART IV—GENERAL PROVISIONS

''SEC. 165. AUTHORIZATION OF APPROPRIATIONS AND AVAILABILITY.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subtitle $100,000,000 for fiscal year 2008 and such sums as may be necessary for each subsequent fiscal year.

''(b) AVAILABILITY.—Of the funds appropriated under subsection (a) for a fiscal year, the Chief Executive Officer—

''(1) shall reserve not more than 4 percent to carry out activities under part III (relating to national activities); and

''(2) from the remainder of such funds, shall make available—

''(A) a portion equal to 66⅔ percent of such funds for programs carried out under part I (relating to the State grant program), including programs carried out under section 162D; and

''(B) a portion equal to 33⅓ percent of such funds for programs carried out under part II (relating to the national direct grant program).

''(c) REALLOCATION.—If the Chief Executive Officer determines that funds from the portion described in subsection (b)(2)(A) will not be needed to carry out programs under part I for a fiscal year, the Chief Executive Officer shall make the funds available for programs under part II for that fiscal year.

''SEC. 165A. REVIEW PANELS.

''The Chief Executive Officer shall establish panels of experts for the purpose of reviewing applications submitted under sections 162, 162C, 162D, and 163.

''SEC. 165B. CONSTRUCTION.

''An individual participating in service in a program described in this subtitle shall not be considered to be an employee engaged in employment for purposes of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).''.

SEC. 4. CONFORMING AMENDMENTS.

(a) REDESIGNATION OF SUBTITLES.—

(1) Section 118(a) of the National and Community Service Act of 1990 (42 U.S.C. 12551(a)) is amended by striking ''subtitle H'' and inserting ''subtitle I''.

(2) Section 122(a)(2) of such Act (42 U.S.C. 12572(a)(2)) is amended by striking ''subtitle I'' and inserting ''subtitle J''.

(3) Section 193A(f)(1) of such Act (42 U.S.C. 12651d(f)(1)) is amended by striking ''subtitles C and I'' and inserting ''subtitles C and J''.

(4) Section 501(a)(2) of such Act (42 U.S.C. 12681(a)(2)) is amended—

(A) in the paragraph heading, by striking ''SUBTITLES C, D, AND H'' and inserting ''SUBTITLES C, D, AND I'';

(B) in subparagraph (A), by striking ''subtitles C and H'' and inserting ''subtitles C and I''; and

(C) in subparagraph (B), by striking ''subtitle H'' and inserting ''subtitle I''.

(b) REDESIGNATION OF SECTIONS.—

(1) Section 155(d)(3) of such Act (42 U.S.C. 12615(d)(3)) is amended by striking ''section 162(a)(3)'' and inserting ''section 159C(a)(3)''.

(2) Section 156(d) of such Act (42 U.S.C. 12616(d)) is amended by striking ''section 162(a)(3)'' and inserting ''section 159C(a)(3)''.

(3) Section 159(c) of such Act (42 U.S.C. 12619(c)) is amended—

(A) in paragraph (2)(C)(i), by striking ''section 162(a)(2)'' and inserting ''section 159C(a)(2)''; and

(B) in paragraph (3), by striking ''section 162(a)(2)(A)'' and inserting ''section 159C(a)(2)(A)''.

(4) Section 159B(b)(1)(B) of such Act (as redesignated by section 3(2)) is amended by striking ''section 162(a)(3)'' and inserting ''section 159C(a)(3)''.

(c) RELATIONSHIP TO NATIONAL SERVICE EDUCATIONAL AWARD PROVISIONS.—

(1) NATIONAL SERVICE TRUST.—Section 145 of the National and Community Service Act of 1990 (42 U.S.C. 12601) is amended—

(A) in subsection (a)—

(i) in paragraph (2), by striking ''and'' at the end;

(ii) in paragraph (3), by striking the period and inserting '', other than interest or proceeds described in paragraph (4)(B); and''; and

(iii) by adding at the end the following:

''(4)(A) any amounts deposited in the Trust under subtitle F; and

''(B) the interest on, and proceeds from the sale or redemption of, any obligations held by the Trust for a program carried out under subtitle F.''; and

(B) in subsection (c), by inserting ''(other than any amounts deposited in the Trust under subtitle F)'' after ''Amounts in the Trust''.

(2) AVAILABILITY OF AMOUNTS IN NATIONAL SERVICE TRUST.—Section 148(a) of the National and Community Service Act of 1990 (42 U.S.C. 12604(a)) is amended by inserting ''(other than any amounts deposited in the Trust under subtitle F)'' after ''Amounts in the Trust''.

By Ms. COLLINS:

S. 1131. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban forest land and open space and contain suburban sprawl; to the Committee on Agriculture, Nutrition, and Forestry.

Ms. COLLINS. Mr. President, the people of Maine have always been faithful stewards of the forest because we understand its tremendous value to our economy and to our way of life. From the vast tracts of undeveloped land in the north to the small woodlots in the south, forest land has helped to shape the character of our entire State.

While our commitment to stewardship has preserved the forest for generations, there is a threat to Maine's working landscape that requires a fresh approach. This threat is suburban sprawl, which has already consumed tens of thousands of acres of forest land in southern Maine. Sprawl occurs because the economic value of forest or farm land cannot compete with the value of developed land.

Sprawl threatens our environment and our quality of life. It destroys ecosystems, increasing the risk of flooding and other environmental hazards. It burdens the infrastructure of the affected communities, increases traffic on neighborhood streets, and wastes taxpayer money. Sprawl causes the unnecessary fragmentation of open space that reduces the economic viability of the remaining working forests.

In the State of Maine, suburban sprawl has already consumed tens of thousands of acres of forest and farm land. The problem is particularly acute in southern Maine where an 108 percent increase in urbanized land over the past two decades has resulted in the labeling of greater Portland as the ''sprawl capital of the Northeast.''

I am particularly alarmed by the amount of working forest and farm land and open space in southern and coastal Maine that has given way to strip malls and cul-de-sacs. Once these forests, farms, and meadows are lost to development, they are lost forever.

Maine is trying to respond to this challenge. The people of Maine continue to contribute their time and money to preserve important lands and to support our State's 88 land trusts. It is time for the Federal Government to help support these State and community-based efforts.

For these reasons, I have introduced the Suburban and Community Forestry and Open Space Program Act. This legislation, which was drafted with the advice of land owners and conservation groups, establishes a $50 million grant program within the U.S. Forest Service to support locally driven land conservation projects that preserve working forests. Local government and nonprofit organizations would compete for funds to purchase land or access to land to protect working landscapes threatened by development.

Projects funded under this initiative must be targeted at lands located in parts of the country that are threatened by sprawl. In addition, this legislation requires that Federal grant funds be matched dollar-for-dollar by State, local, or private resources.

This is a market-driven program that relies upon market forces rather than government regulations to achieve its objectives. Rather than preserving our working forests, farmland and open spaces by zoning or other government regulation, with this program we will provide the resources to allow a landowner who wishes to keep his or her land as a working woodlot to do so.

My legislation also protects the rights of property owners with the inclusion of a ''willing-seller'' provision, which requires the consent of a landowner if a parcel of land is to participate in the program.

The $50 million that would be authorized by my bill would help achieve stewardship objectives: First, this bill would help prevent forest fragmentation and preserve working forests, helping to maintain the supply of timber that fuels Maine's most significant industry. Second, these resources would be a valuable tool for communities that are struggling to manage growth and prevent sprawl.

Understanding that land ownership issues differ in other parts of the Nation, I have included a geographic limitation in this bill. This limitation would exempt any State where the Federal Government owns 25 percent or more of that State's land from the Suburban and Community Forestry and Open Space Program. With the 25 percent limitation, a figure used in previous bills, the twelve States with the highest percentage of federally owned land would not be eligible to participate in this new program. Those

States, however, who are struggling most with the loss of working landscapes would be authorized to receive Federal assistance in their efforts to combat sprawl.

Third, the bill would help to preserve open space and family farms. Currently, if the town of Gorham, ME, or another community trying to cope with the effects of sprawl turned to the Federal Government for assistance, none would be found. My bill will change that by making the Federal Government an active partner in preserving forest and farm land and managing sprawl, while leaving decisionmaking at the State and local level where it belongs.

The Suburban and Community Forestry and Open Space Program Act has had a successful history in the Senate. In 2002, this legislation was included in the forestry title of the Senate approved version of the Farm Bill. Unfortunately, the forestry title was stripped out of the Farm Bill conference report. And again, in 2003, this legislation passed the Senate. This time, during consideration of the Healthy Forests Restoration Act. Unfortunately, this provision was removed from the Healthy Forests Restoration Act conference report. This new Congress and the reauthorization of the Farm Bill provide an excellent opportunity to enact this important legislation.

There is great work being done on the local level to protect working landscapes for the next generation. By enacting the Suburban and Community Forestry and Open Space Act, Congress can provide an additional avenue of support for these conservation initiatives, help prevent sprawl, and help sustain the vitality of natural resource-based industries.

By Ms. MURKOWSKI:

S. 1132. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of apparently wholesome food; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will help increase the amount of food donations going to American Indians and Alaska Natives nationwide.

Unfortunately, the poverty rate among American Indians and Alaska Natives continues to be high. Specifically, the poverty rate for our Nation's American Indians and Alaska Natives is over three times that of non-Hispanic whites, according to the U.S. Census Bureau. Not only do natives face greater challenges in securing basic household necessities, but in securing food as well.

According to a 2005 U.S. Department of Agriculture report, 35.1 million Americans face challenges in getting enough food to eat. This includes 12.4 million children. Of these statistics, Natives constitute a disproportionate number due to the higher poverty rate among this group.

And yet, charitable organizations that provide hunger relief are unable to meet the basic needs of Natives due to an oversight in the federal tax code. Section 170(e)(3) of the Internal Revenue Code allows corporations to take an enhanced tax deduction for donations of food; however, the food must be distributed to 501(c)(3) nonprofit organizations, such as food banks. Nonprofit organizations cannot then transfer such donations to tribes. Although many donations to tribes are tax deductible under section 7871 of the Internal Revenue Code, tribes are not among the organizations listed under Section 501(c)(3) of the Internal Revenue Code. To clarify, section 170(e)(3) does not allow tribes to be eligible recipients of corporate food donations to nonprofit organizations since they are not listed under Section 501(c)(3) as an eligible entity.

With this legislation, I intend to make a simple correction to the tax code that clearly indicates that tribes are eligible recipients of food donated under section 170(e)(3) of the Internal Revenue Code. This correction is long overdue and would remedy an egregious inequity in the Federal tax code that affects natives nationwide.

Please allow me to provide a few examples of how this legislation could foster positive change. In Alaska, approximately half of the food donated to the Food Bank of Alaska from corporations could go to tribes throughout Alaska. Much of this food would go to villages that are only accessible by air or water. In South Dakota, roughly 30 percent of the food the Community Food Banks of South Dakota distributes could go to reservations. In North Dakota, the amount of food donated to the Great Plains Food Bank could double if this legislation were enacted. The Montana Food Bank Network projects that food donations could increase by 16 percent. A food bank based in Albuquerque, NM, estimates that their food donations could triple in the first year alone.

It is imperative that we address this important issue expeditiously. The health and well-being of low income American Indians and Alaska Natives across the Nation is at stake.

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

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

S. 1132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARITABLE CONTRIBUTIONS OF APPARENTLY WHOLESOME FOOD TO INDIAN TRIBES.

(a) IN GENERAL.—Section 170(e)(3) of the Internal Revenue Code of 1986 (relating to special rule for contributions of inventory and other property) is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) SPECIAL RULE FOR INDIAN TRIBES.—

''(i) IN GENERAL.—For purposes of this paragraph, an Indian tribe (as defined in section 7871(c)(3)(E)(ii)) shall be treated as an organization eligible to be a donee under subparagraph (A) with respect to apparently wholesome food (as defined in section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)) (as in effect on the date of the enactment of this subparagraph)) only.

''(ii) USE OF PROPERTY.—For purposes of subparagraph (A)(i), if the use of the apparently wholesome food donated is related to the exercise of an essential governmental function of the Indian tribal government (within the meaning of section 7871), such use shall be treated as related to the purpose or function constituting the basis for the organization's exemption.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

By Mr. AKAKA (for himself, Mr. BINGAMAN, and Mr. DURBIN):

S. 1133. A bill to provide additional protections for recipients of the earned income tax credit; to the Committee on Finance.

Mr. AKAKA. Mr. President, today, I am reintroducing the Taxpayer Abuse Prevention Act. Earned income tax credit (EITC) benefits intended for working families are significantly reduced by the use of refund anticipation loans (RALs), which typically carry three or four digit interest rates. In 2005, EITC filers accounted for more than half of the refund anticipation loans issued despite being only 17 percent of the taxpayer population. EITC recipients lost an estimated $649 million in loan fees plus application or documentation fees in 2005. The EITC is intended to help working families meet their food, clothing, housing, transportation, and education needs. Working families cannot afford to lose a significant portion of their EITC funds by expensive, short-term, RALs.

The interest rates and fees charged on RALs are not justified because of the short length of time that these loans are outstanding and the minimal risk they present. These loans carry little risk because of the Debt Indicator program.

The Debt Indicator (DI) is a service provided by the Internal Revenue Service (IRS) that informs the lender whether or not an applicant owes Federal or State taxes, child support, student loans, or other government obligations, which assists tax preparers in ascertaining the ability of applicants to obtain their full refund so that the RAL is repaid. The Department of the Treasury should not be facilitating these predatory loans that allow tax preparers to reap outrageous profits by exploiting working families.

Unfortunately too many working families are susceptible to predatory lending because they are left out of the financial mainstream. Between 25 and 56 million adults are unbanked, or not using mainstream, insured financial institutions. The unbanked rely on alternative financial service providers to obtain cash from checks, pay bills,

send remittances, utilize payday loans, and obtain credit. Many of the unbanked are low-and moderate-income families that can ill afford to have their earnings unnecessarily diminished by high-cost and often predatory financial services. In addition, the unbanked are unable to save securely to prepare for the loss of a job, a family illness, a down payment on a first home, or education expenses.

My legislation will protect consumers against predatory loans, reduce the involvement of the Department of the Treasury in facilitating the exploitation of taxpayers, and expand access to opportunities for saving and lending at mainstream financial services.

My bill prohibits refund anticipation loans that utilize EITC benefits. Other Federal benefits, such as Social Security, have similar restrictions to ensure that the beneficiaries receive the intended benefit.

My bill also limits several of the objectionable practices of RAL providers. It will prohibit lenders from using tax refunds to collect outstanding obligations for previous RALs. In addition, mandatory arbitration clauses for RALs that utilize federal tax refunds would be prohibited to ensure that consumers have the ability to take future legal action if necessary.

It is troubling that the Department of the Treasury facilitates refund anticipation loans. In 1995, the use of the DI was suspended because of massive fraud in e-filed returns with RALs. The use of the DI was reinstated in 1999. Use of the Debt Indicator should once again be stopped. The DI is helping tax preparers make excessive profits from low- and moderate-income taxpayers who utilize RALs. The IRS should not aide unscrupulous preparers who take the earned benefit away from low-income families. My bill terminates the DI program. In addition, this bill removes the incentive to meet congressionally mandated electronic filing goals by facilitating the exploitation of taxpayers. My bill would exclude any electronically filed tax returns resulting in tax refunds distributed by refund anticipation loans from being counted towards the goal established by the IRS Restructuring and Reform Act of 1998, which is to have at least 80 percent of all returns filed electronically by 2007.

My bill also expands access to mainstream financial services. Electronic Transfer Accounts (ETA) are low-cost accounts at banks and credit unions intended for recipients of certain federal benefit payments. Currently, ETAs are provided for recipients of other federal benefits such as Social Security payments. My bill expands the eligibility for ETAs to include EITC benefits. These accounts will allow taxpayers to receive direct deposit refunds into an account without the need for a refund anticipation loan. Furthermore, my bill would mandate that low- and moderate-income taxpayers be provided opportunities to open low-cost accounts at federally insured banks or credit unions via appropriate tax forms. Providing taxpayers with the option of opening a bank or credit union account through the use of tax forms provides an alternative to RALs and immediate access to financial opportunities found at banks and credit unions.

I want to thank my colleagues, Senators BINGAMAN and DURBIN for cosponsoring this legislation. I also appreciate the efforts of Representative JAN SCHAKOWSKY who will be reintroducing the companion legislation in the other body. I ask unanimous consent that the text of the Taxpayer Abuse Prevention Act be printed in the RECORD.

I urge my colleagues to support this important legislation that will restrict predatory RALs and expand access to mainstream financial services.

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

S. 1134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Taxpayer Abuse Prevention Act''.

SEC. 2. PREVENTION OF DIVERSION OF EARNED INCOME TAX CREDIT BENEFITS.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 (relating to earned income tax credit) is amended by adding at the end the following new subsection:

''(n) PREVENTION OF DIVERSION OF CREDIT BENEFITS.—The right of any individual to any future payment of the credit under this section shall not be transferable or assignable, at law or in equity, and such right or any moneys paid or payable under this section shall not be subject to any execution, levy, attachment, garnishment, offset, or other legal process except for any outstanding Federal obligation. Any waiver of the protections of this subsection shall be deemed null, void, and of no effect.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. PROHIBITION ON DEBT COLLECTION OFFSET.

(a) IN GENERAL.—No person shall, directly or indirectly, individually or in conjunction or in cooperation with another person, engage in the collection of an outstanding or delinquent debt for any creditor or assignee by means of soliciting the execution of, processing, receiving, or accepting an application or agreement for a refund anticipation loan or refund anticipation check that contains a provision permitting the creditor to repay, by offset or other means, an outstanding or delinquent debt for that creditor from the proceeds of the debtor's Federal tax refund.

(b) REFUND ANTICIPATION LOAN.—For purposes of subsection (a), the term ''refund anticipation loan'' means a loan of money or of any other thing of value to a taxpayer because of the taxpayer's anticipated receipt of a Federal tax refund.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 4. PROHIBITION OF MANDATORY ARBITRATION.

(a) IN GENERAL.—Any person that provides a loan to a taxpayer that is linked to or in anticipation of a Federal tax refund for the taxpayer may not include mandatory arbitration of disputes as a condition for providing such a loan.

(b) EFFECTIVE DATE.—This section shall apply to loans made after the date of the enactment of this Act.

SEC. 5. TERMINATION OF DEBT INDICATOR PROGRAM.

The Secretary of the Treasury shall terminate the Debt Indicator program announced in Internal Revenue Service Notice 99–58.

SEC. 6. DETERMINATION OF ELECTRONIC FILING GOALS.

(a) IN GENERAL.—Any electronically filed Federal tax returns, that result in Federal tax refunds that are distributed by refund anticipation loans, shall not be taken into account in determining if the goals required under section 2001(a)(2) of the Restructuring and Reform Act of 1998 that the Internal Revenue Service have at least 80 percent of all such returns filed electronically by 2007 are achieved.

(b) REFUND ANTICIPATION LOAN.—For purposes of subsection (a), the term ''refund anticipation loan'' means a loan of money or of any other thing of value to a taxpayer because of the taxpayer's anticipated receipt of a Federal tax refund.

SEC. 7. EXPANSION OF ELIGIBILITY FOR ELECTRONIC TRANSFER ACCOUNTS.

(a) IN GENERAL.—The last sentence of section 3332(j) of title 31, United States Code, is amended by inserting ''other than any payment under section 32 of such Code'' after ''1986''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 8. PROGRAM TO ENCOURAGE THE USE OF THE ADVANCE EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall, after consultation with such private, nonprofit, and governmental entities as the Secretary determines appropriate, develop and implement a program to encourage the greater utilization of the advance earned income tax credit.

(b) REPORTS.—Not later than the date of the implementation of the program described in subsection (a), and annually thereafter, the Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the elements of such program and progress achieved under such program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program described in this section. Any sums so appropriated shall remain available until expended.

SEC. 9. PROGRAM TO LINK TAXPAYERS WITH DIRECT DEPOSIT ACCOUNTS AT FEDERALLY INSURED DEPOSITORY INSTITUTIONS.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall enter into cooperative agreements with federally insured depository institutions to provide low- and moderate-income taxpayers with the option of establishing low-cost direct deposit accounts through the use of appropriate tax forms.

(b) FEDERALLY INSURED DEPOSITORY INSTITUTION.—For purposes of this section, the term ''federally insured depository institution'' means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(c) OPERATION OF PROGRAM.—In providing for the operation of the program described in

subsection (a), the Secretary of the Treasury is authorized—

(1) to consult with such private and nonprofit organizations and Federal, State, and local agencies as determined appropriate by the Secretary, and

(2) to promulgate such regulations as necessary to administer such program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program described in this section. Any sums so appropriated shall remain available until expended.

By Mr. SESSIONS:

S. 1135. A bill to amend chapter 1 of title 9, United States Code, to establish fair procedures for arbitration clauses in contracts; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, I rise and send to the desk a bill entitled the ''Fair Arbitration Act of 2007.'' This bill continues the legislative process that I started several years ago with the introduction of the ''Consumer and Employee Arbitration Bill of Rights'' and the ''Arbitration Fairness Act of 2002.'' The purpose of the Fair Arbitration Act of 2007, like my earlier proposals, is to improve the Federal Arbitration Act so that it will remain a cost-effective means of resolving disputes, but will do so in a fair way. The Fair Arbitration Act will provide procedural protections to everyone who enters into a contract with an arbitration clause. This bill ensures that consumers, employees, and small businesses that enter into contracts covered by the Federal Arbitration Act will have their disputes resolved in accordance with fundamental principles of due process, and in a speedy and cost-effective manner.

Congress originally enacted the Federal Arbitration Act in 1925. It has served us well for over three-quarters of a century. Under the Act, if the parties agree to a contract affecting interstate commerce that contains a clause requiring arbitration, the clause will be enforceable in court. In short, the Federal Arbitration Act allows parties to a contract to agree not to take their disputes to court, but to resolve any dispute arising from that contract before a neutral decision-maker, generally selected by a nonprofit arbitration organization, such as the American Arbitration Association or the National Arbitration Forum. The parties can generally present evidence and be represented by counsel. And the decision-makers will apply the relevant State law in resolving the dispute. Arbitration is generally quicker and less expensive than going to court.

In recent years, there have been some cases where the arbitration process has not worked well, but thousands of disputes have been fairly and effectively settled by arbitrators. Such a system is even more important because of skyrocketing legal costs where attorneys require large contingency fees. Accordingly, I have opposed piecemeal legislative changes to the act. Instead, I believe that the Senate should approach the Federal Arbitration Act in a comprehensive manner.

The approach of reforming arbitration rather than abandoning the arbitration process provides a better solution in several respects. Arbitration is one of the most cost-effective means of resolving disputes. Unlike businesses, consumers and employees generally cannot afford a team of lawyers to represent them. And their claims are often not big enough so that a lawyer would take the case on a 25 percent or even a 50 percent contingent fee. In a 1998 article in the Columbia Human Rights Law Review, Lewis Maltby, then the Director of the National Task Force on Civil Liberties in the Workplace of the American Civil Liberties Union and a Director of the American Arbitration Association, explained how court litigation is often just too expensive for most employees:

> Even if the client has clearly been wronged and is virtually certain to prevail in court, the attorney will be forced to turn down the case unless there are substantial damages. A survey of plaintiff employment lawyers found that a prospective plaintiff needed to have a minimum of $60,000 in provable damages not including pain and suffering or other intangible damages before an attorney would take the case.
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> Even this, however, does not exhaust the financial obstacles an employee must overcome to secure representation. In light of their risk of losing such cases, many plaintiffs' attorneys require a prospective client to pay a retainer, typically about $3,000. Others require clients to pay out-of-pocket expenses of the case as they are incurred. Expenses in employment discrimination cases can be substantial. Donohue and Siegelman found that expenses in Title VII cases are at least $10,000 and can reach as high as $25,000. Finally, some plaintiffs' attorneys now require a consultation fee, generally $200–$300, just to discuss their situation with a potential client.
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> The result of these formidable hurdles is that most people with claims against their employer are unable to obtain counsel, and thus never receive justice. Paul Tobias, founder of the National Employment Lawyers' Association, has testified that ninety-five percent of those who seek help from the private bar with an employment matter do not obtain counsel. Howard's survey of plaintiffs' lawyers produced the same result. A Detroit firm reported that only one of eighty-seven employees who came to them seeking representation was accepted as a client.

Without arbitration, consumers and employees are faced with having to pay a lawyer's hourly rate, which may amount to several thousand dollars to litigate a claim in court. If that is what consumers and employees are left with, many will have no choice but to drop their claim. That is not right. It is not fair. Thus, Professor Stephen Ware of the Cumberland Law School stated in a paper published by the CATO Institute that ''current [arbitration] law is better for all consumers [than an exemption from the Federal Arbitration Act] except those few who are especially likely to have large liability claims. . . .''

Thus, while some have argued that the Congress should enact exemptions from the Federal Arbitration Act for different classes of contracts from automobile franchise contracts to employment contracts to chicken farmers, such exemptions would not help the overwhelming majority of the people who could not afford a lawyer to litigate in court. This is where arbitration can give consumers and employees a cost-effective forum to assert their claims. Thus, before we make exceptions to the Federal Arbitration Act for special interests with friends in Washington, I think it is our duty to consider how we can improve the system for everyone.

We can improve the arbitration system, but we must take a balanced approach. In such an approach, we must protect the sanctity of legal contracts explicitly protected under Article I, Section 10 of the U.S. Constitution. In any contract, the parties must agree to all the terms and clauses included in the contract document. This includes the arbitration clause. This is basic contract law, and the basic premise of the Federal Arbitration Act for over 75 years.

Unfortunately, however, in certain situations consumers, employees, and small businesses have not been treated fairly. That is what the Fair Arbitration Act is designed to correct.

The bill will maintain the cost savings of binding arbitration, but will grant several specific ''due process'' rights to all parties to an arbitration proceeding. The bill is modeled after consumer and employee due process protocols of the American Arbitration Association, which have broad support. The bill provides the following rights:

1. Notice. Under the bill, to be enforceable, an arbitration clause would have to have a heading in large, bold print, would have to state whether arbitration is binding or optional, identify a source that the parties may contact for more information, and state that a consumer could opt out to small claims court.

This will ensure, for example, that consumers who receive credit card notices in the mail will not miss an arbitration clause because it is lost in the ''fine print.'' Further, it would give all parties a means to obtain more information on how to resolve any disputes. Finally, the clause would explain that if a party's claims could otherwise be brought in small claims court, the party would be free to do so. Small claims court, unlike regular trial court, provides another inexpensive and quick means of dispute resolution.

2. Independent selection of arbitrators. The bill grants all parties the right to have potential arbitrators disclose relevant information concerning their business ties and employment. All parties to the arbitration will have an equal voice in selecting a neutral arbitrator. This ensures that the large company who sold a consumer a product will not select the arbitrator itself, because the consumer with a grievance will have the right to nominate potential arbitrators, too. As a result, the

final arbitrator selected will have to have the explicit approval of both parties to the dispute. This helps ensure that the arbitrator will be a neutral party with no allegiance to either party.

3. Choice of law. The bill grants the non-drafting party, usually the consumer or the employee, the right to have the arbitrator governed by the substantive law that would apply under conflicts of laws principles applicable in the forum in which the non-drafting party resided at the time the contract was entered into. This means that the substantive contract law that would apply in a court where the consumer, employee, or business resides at the time of making the contract will apply in the arbitration. Thus, in a dispute arising from the purchase of a product by an Alabama consumer from an Illinois company, a court would have to determine whether Alabama or Illinois law applied by looking to the language of the contract and to the place where the contract was entered into. The bill ensures that an arbitrator would use the same conflict of laws principles that a court would in determining whether Alabama or Illinois law would govern the arbitration proceedings.

4. Representation. The bill grants all parties the right to be represented by counsel at their own expense. Thus, if the claim involves complicated legal issues, consumers, employees, or small businesses would be free to have their lawyer represent him in the arbitration. Such representation should be substantially less expensive than a trial in court because of the more abbreviated and expedited process of arbitration.

5. Hearing. The bill grants all parties the right to a fair hearing in a forum that is reasonably convenient to the consumer or employee. This would prevent a large company from requiring consumers, employees, or small business owners to travel across the country to arbitrate their claim and to expend more in travel costs than their claim is potentially worth.

6. Evidence. The bill grants all parties the right to conduct discovery and to present evidence. This ensures that the arbitrator can have all the facts before making a decision.

7. Cross examination. The bill grants all parties the right to cross examine witnesses presented by the other party at the hearing. This allows a party to test the statements of the other party's witnesses and be sure that the evidence before the arbitrator is correct.

8. Record. The bill grants all parties the right to hire a stenographer or tape record the hearing to produce a record. This right is key to proving later whether the arbitration proceeding was fair.

9. Timely resolution. The bill grants all parties the right to have an arbitration proceeding completed promptly so that they do not have to wait for a year or more to have their claim resolved. Under the bill, a defendant must file an answer not more than 30 days of the filing of the complaint. The arbitrator has 90 days after the answer to hold a hearing. The arbitrator must render a final decision within 30 days after the hearing. Extensions are available in extraordinary circumstances.

10. Written decision. The bill grants all parties the right to a written decision by the arbitrator explaining the resolution of the case and his reasons therefor. If the consumer or employee takes a claim to arbitration, he deserves to have an explanation of why he won or lost.

11. Expenses. The bill grants all parties the right to have an arbitrator provide for reimbursement of arbitration fees in the interests of justice and the reduction, deferral, or waiver of arbitration fees in cases of extreme hardship. It does little good to take a claim to arbitration if the consumer or employee cannot even afford the arbitration fee. This provision ensures that the arbitrator can waive or reduce the fee or make the company reimburse the consumer or employee for a fee if the interests of justice so require.

12. Small claims opt-out. The bill grants all parties the right to opt out of arbitration into small claims court if that court has jurisdiction over the claim and the claim does not exceed $50,000.

The bill also provides an effective mechanism for parties to enforce these rights. At any time, if a consumer or employee believes that another party violated his or her rights, the consumer or employee can request and the arbitrator may award a penalty up to the amount of the claim plus attorneys fees. For example, if a defendant party failed to provide discovery to a plaintiff party, the plaintiff could move for an award of fees. The amount of the fee award is limited, as it is in court, to the amount of cost incurred by the employee in trying to obtain the information from the company. This principle is taken from Rule 37 of the Federal Rules of Civil Procedure. After the decision, if the losing party believes that the rights granted to him by the Act have been violated, it may file a petition with the Federal district court. If the court finds by clear and convincing evidence that the losing party's rights were violated, it may order a new arbitrator appointed. Thus, if a consumer, employee, or small business has an arbitrator that is unfair and this causes him to lose the case, the plaintiff can obtain another arbitrator.

This bill is an important step to continuing a constructive dialog on arbitration. This bill will ensure that those who can least afford to go to court can go to a less expensive arbitrator and be treated fairly. It will ensure that every arbitration carried out under the Federal Arbitration Act is completed fairly, promptly, and economically. I look forward to working with my colleagues in the Senate to ensure that consumers, employees, and small businesses who agree in a contract to arbitrate their claims will be treated fairly under the Federal Arbitration Act.

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

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

S. 1135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fair Arbitration Act of 2007''.

SEC. 2. ELECTION OF ARBITRATION.

(a) IN GENERAL.—Chapter 1 of title 9, United States Code, is amended by adding at the end the following:

''§ 17. Election of arbitration

''(a) FAIR DISCLOSURE.—In order to be binding on the parties, a contract containing an arbitration clause shall—

''(1) have a printed heading in bold, capital letters entitled '**ARBITRATION CLAUSE**', which heading shall be printed in letters not smaller than ½ inch in height;

''(2) explicitly state whether participation within the arbitration program is mandatory or optional;

''(3) identify a source that a consumer or employee can contact for additional information regarding—

''(A) costs and fees of the arbitration program; and

''(B) all forms and procedures necessary for effective participation in the arbitration program; and

''(4) provide notice that all parties retain the right to resolve a dispute in a small claims court, as provided in subsection (b)(12).

''(b) PROCEDURAL RIGHTS.—

''(1) IN GENERAL.—If a contract provides for the use of arbitration to resolve a dispute arising out of or relating to the contract, each party to the contract shall be afforded the rights described in this subsection, in addition to any rights provided by the contract.

''(2) COMPETENCE AND NEUTRALITY OF ARBITRATOR AND ADMINISTRATIVE PROCESS.—

''(A) IN GENERAL.—Each party to the dispute (referred to in this section as a 'party') shall be entitled to a competent, neutral arbitrator and an independent, neutral administration of the dispute.

''(B) ARBITRATOR.—Each party shall have an vote in the selection of the arbitrator, who—

''(i) unless otherwise agreed by the parties, shall be a member in good standing of the bar of the highest court of the State in which the hearing is to be held;

''(ii) shall comply with the Code of Ethics for Arbitrators in Commercial Disputes of the American Bar Association and the American Arbitration Association and any applicable code of ethics of any bar of which the arbitrator is a member;

''(iii) shall have no—

''(I) personal or financial interest in the results of the proceedings in which the arbitrator is appointed; or

''(II) relation to the underlying dispute or to the parties or their counsel that may create an appearance of bias; and

''(iv) prior to accepting appointment, shall disclose all information that might be relevant to neutrality (including service as an arbitrator or mediator in any past or pending case involving any of the parties or their representatives) or that may prevent a prompt hearing.

''(C) ADMINISTRATION.—The arbitration shall be administered by an independent,

neutral alternative dispute resolution organization to ensure fairness and neutrality and prevent ex parte communication between parties and the arbitrator. The arbitrator shall have reasonable discretion to conduct the proceeding in consideration of the specific type of industry involved.

''(3) APPLICABLE LAW.—In resolving a dispute, the arbitrator—

''(A) shall be governed by the same substantive law that would apply under conflict of laws principles applicable in a court of the State in which the party that is not drafter of the contract resided at the time the contract was entered into; and

''(B) shall be empowered to grant whatever relief would be available in court under law or equity.

''(4) REPRESENTATION.—Each party shall have the right to be represented by an attorney, or other representative as permitted by State law, at their own expense.

''(5) HEARING.—

''(A) IN GENERAL.—Each party shall be entitled to a fair arbitration hearing (referred to in this section as a 'hearing') with adequate notice and an opportunity to be heard.

''(B) ELECTRONIC OR TELEPHONIC MEANS.—Subject to subparagraph (C), in order to reduce cost, the arbitrator may hold a hearing by electronic or telephonic means or by a submission of documents.

''(C) FACE-TO-FACE MEETING.—Each party shall have the right to require a face-to-face hearing, which hearing shall be held at a location that is reasonably convenient for the party who did not draft the contract unless in the interest of fairness the arbitrator determines otherwise, in which case the arbitrator shall use the process described in section 1391 of title 28, to determine the venue for the hearing.

''(6) EVIDENCE.—With respect to any hearing—

''(A) each party shall have the right to present evidence at the hearing and, for this purpose, each party shall grant access to all information reasonably relevant to the dispute to the other parties, subject to any applicable privilege or other limitation on discovery under applicable State law;

''(B) consistent with the expedited nature of arbitration, relevant and necessary prehearing depositions shall be available to each party at the direction of the arbitrator; and

''(C) the arbitrator shall—

''(i) make reasonable efforts to maintain the privacy of the hearing to the extent permitted by applicable State law; and

''(ii) consider appropriate claims of privilege and confidentiality in addressing evidentiary issues.

''(7) CROSS EXAMINATION.—Each party shall have the right to cross examine witnesses presented by the other parties at a hearing.

''(8) RECORD OF PROCEEDING.—Any party seeking a stenographic record of a hearing shall make arrangements directly with a stenographer and shall notify the other parties of these arrangements not less than 3 days before the date of the hearing. The requesting party shall pay the costs of obtaining the record. If the transcript is agreed by the parties, or determined by the arbitrator to be the official record of the proceeding, it shall be provided to the arbitrator and made available to the other parties for inspection, at a date, time, and place determined by the arbitrator.

''(9) TIMELY RESOLUTION.—

''(A) IN GENERAL.—Upon submission of a complaint by the claimant, the respondent shall have not more than 30 days to file an answer.

''(B) EVIDENCE.—After the answer is filed by the respondent, the arbitrator shall direct each party to file documents and to provide evidence in a timely manner so that the hearing may be held not later than 90 days after the date of the filing of the answer.

''(C) EXTENSIONS.—In extraordinary circumstances (including multiparty, multidistrict, or complex litigation) the arbitrator may grant a limited extension of the time limits under this paragraph, or the parties may agree to such an extension.

''(D) DECISION.—The arbitrator shall notify each party of its decision not later than 30 days after the hearing.

''(10) WRITTEN DECISION.—The arbitrator shall provide each party with a written explanation of the factual and legal basis for the decision. This written decision shall describe the application of an identified contract term, statute, or legal precedent. The decision of the arbitrator shall be subject to review only as provided in subsection (c)(2) of this section and sections 10, 11, and 16 of this title.

''(11) EXPENSES.—The arbitrator or independent arbitration administration organization, as applicable, shall have the authority to—

''(A) provide for reimbursement of arbitration fees to the claimant, in whole or in part, as part of the remedy in accordance with applicable law or in the interests of justice; and

''(B) waive, defer, or reduce any fee or charge due from the claimant in the event of extreme hardship.

''(12) SMALL CLAIMS OPT OUT.—

''(A) IN GENERAL.—Each party shall have the right to opt out of binding arbitration and to proceed in any small claims court with jurisdiction over the claim. For purposes of this paragraph, no court with jurisdiction to hear claims in excess of $50,000 shall be considered a small claims court.

''(B) EXCEPTION.—If a complaint in small claims court is amended to exceed the lesser of the jurisdictional amount of that court or a claim for $50,000 in total damages, the small claims court exemption of this paragraph shall not apply and the parties shall proceed by arbitration.

''(c) DENIAL OF RIGHTS.—

''(1) DENIAL OF RIGHTS BY PARTY MISCONDUCT.—

''(A) IN GENERAL.—At any time during an arbitration proceeding, any party may file a motion with the arbitrator asserting that another party has deprived the movant of a right granted by this section and seeking relief.

''(B) AWARD BY ARBITRATOR.—If the arbitrator determines that the movant has been deprived of a right granted by this section by another party, the arbitrator shall award the movant a monetary amount, which shall not exceed the reasonable expenses incurred by the movant in filing the motion, including attorneys' fees, unless the arbitrator finds that—

''(i) the motion was filed without the movant first making a good faith effort to obtain discovery or the realization of another right granted by this section;

''(ii) the opposing party's nondisclosure, failure to respond, response, or objection was substantially justified; or

''(iii) the circumstances otherwise make an award of expenses unjust.

''(2) DENIAL OF RIGHTS BY ARBITRATOR.—

''(A) IN GENERAL.—A losing party in an arbitration proceeding may file a petition in the United States district court in the State in which the party that did not draft the contract resided at the time the contract was entered into to assert that the arbitrator violated a right granted to the party by this section and to seek relief.

''(B) REVIEW.—A United States district court may grant a petition filed under subparagraph (A) if the court finds clear and convincing evidence that an action or omission of the arbitrator resulted in a deprivation of a right of the petitioner under this section that was not harmless. If such a finding is made, the court shall order a rehearing before a new arbitrator selected in the same manner as the original arbitrator as the exclusive judicial remedy provided by this section.

''(d) LIMITATION ON CLAIMS.—Except as otherwise expressly provided in this section, nothing in this section may be construed to be the basis for any claim in law or equity.

''(e) DEFINITIONS.—In this section—

''(1) the term 'contract' means a contract evidencing a transaction involving commerce; and

''(2) the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 1 of title 9, United States Code, is amended by adding at the end the following:

''17. Election of arbitration.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any contract (as that term is defined in section 17 of title 9, United States Code, as added by this Act) entered into after the date that is 6 months after the date of enactment of this Act.

By Mr. MENENDEZ (for himself, Mr. BAUCUS, and Ms. CANTWELL):

S. 1137. A bill authorize grants to carry out projects to provide education on preventing teen pregnancies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. MENENDEZ. Mr. President, today I am introducing the Teen Pregnancy Prevention Responsibility and Opportunity Act, legislation that creates a comprehensive approach to fighting teen pregnancy and giving young people the support they need to make informed decisions.

The results of a 1997 congressionally-ordered study were released this month. The 6-year study found that youth who participate in abstinence education programs are no more or less likely to engage in sex than those who do not participate in abstinence education programs. Both groups are reported to have similar numbers of sexual partners, and to have sex for the first time at about the same age; around 15 years old. This proves that abstinence-only education isn't working.

But rather than invest in proven programs, the Bush administration continues to insist on a narrow-minded, misguided approach of abstinence-only education. As this study demonstrates, abstinence-only just doesn't cut it. The United States continues to have the highest teen-pregnancy rate and teen birth rate in the western industrialized world. In a human context, this impacts one-third of all teenage girls. In a fiscal context, these unintended pregnancies cost the United States at least $9 billion annually despite Federal appropriations of about $176 million a

year towards promoting abstinence until marriage.

American taxpayers deserve a better rate of return on their investment. American youth deserve quality education, positive role models, effective after school programs, employment opportunities, and medically and scientifically accurate family life education. The time is now for a new direction in sex education.

Adolescents need to know we care. They need to know we care as parents, as educators, as business people, as politicians, and as healthcare providers. They need to know we want them to become successful contributing members of society, but for that to happen we must commit to and invest in them. We need to be opening doors for these young people, and that is just what my Teen Pregnancy Prevention, Responsibility and Opportunity Act will do.

The Teen Pregnancy Prevention, Responsibility and Opportunity Act will establish a comprehensive program for reducing adolescent pregnancy through education and information programs, as well as positive activities and role models both in school and out of school.

While we have done a good job of progressively decreasing teen pregnancy, we can do better. With the sons of teen mothers more likely to end up in prison, and the daughters of teen mothers more likely to end up teen mothers themselves, we must act now to break this problematic cycle.

The time is now to make a real difference in the lives of our youth, and to give them the support they need to grow and lead positive lives.

Our schools, community and faith-based organizations need access to funds to teach age-appropriate, factually and medically accurate, and scientifically-based family life education.

We need programs that encourage teens to delay sexual activity.

We need to provide services and interventions for sexually active teens.

We need to educate both young men and women about the responsibilities and pressures that come along with parenting.

We need to help parents communicate with teens about sexuality.

We need to teach young people responsible decision-making.

And, we need to fund after school programs that will enrich their education, and offer character and counseling services.

We know that after school programs reduce risky adolescent behavior by involving teens in positive activities that also provide positive life skills. Teenage girls who play sports, for instance, are more likely to wait to become sexually active, and to have fewer partners. They are consequently less likely to become pregnant.

Let us join together to recommit ourselves to continuing to decrease the incidence of teen pregnancy, and recommit ourselves to offering family life education and positive after school programs that will foster responsible young adults.

The time is now to invest in our teens. We cannot afford to let doors close on them. Instead we must continue to open the door of opportunity. I urge my colleagues to join me in supporting this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 150—EXPRESSING THE SENSE OF THE SENATE THAT PUBLIC SERVANTS SHOULD BE COMMENDED FOR THEIR DEDICATION AND CONTINUED SERVICE TO THE NATION DURING PUBLIC SERVICE RECOGNITION WEEK, MAY 7 THROUGH 13, 2007

Mr. AKAKA (for himself, Mr. VOINOVICH, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEVIN, Mr. STEVENS, Mr. CARPER, Mr. WARNER, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 150

Whereas Public Service Recognition Week provides an opportunity to recognize the important contributions of public servants and honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(2) fight crime and fire;

(3) ensure equal access to secure, efficient, and affordable mail service;

(4) deliver social security and medicare benefits;

(5) fight disease and promote better health;

(6) protect the environment and the Nation's parks;

(7) enforce laws guaranteeing equal employment opportunities and healthy working conditions;

(8) defend and secure critical infrastructure;

(9) help the Nation recover from natural disasters and terrorist attacks;

(10) teach and work in our schools and libraries;

(11) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

(12) improve and secure our transportation systems;

(13) keep the Nation's economy stable; and

(14) defend our freedom and advance United States interests around the world;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 7 through 13, 2007, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 23rd anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

Mr. AKAKA. Mr. President, today I rise to submit a resolution to honor Federal, State, and local government employees during Public Service Recognition Week. I am proud to be joined in this effort by Senators VOINOVICH, LIEBERMAN, COLLINS, LEVIN, STEVENS, CARPER, WARNER, and LAUTENBERG and by Representative DANNY DAVIS, chairman of the House Federal Workforce Subcommittee, who is submitting this resolution in the House.

We all recognize the important work performed by public servants and the impact they have on all of our lives. Over hundreds of years, our country has grown and prospered due in large part to the dedication of public servants at all levels of government. Each day public servants, in small and large ways, work to maintain, and in many cases enhance, the quality of our lives.

Whether they are saving lives as firefighters, police officers, or members of the Coast Guard; preserving our environment by patrolling parks, discovering new ways to live ''green,'' or

working at wastewater treatment plants; working to improve government services by eliminating waste, fraud, and abuse; or working to keep our Nation safe as members of our armed forces or as diplomats, public servants perform duties with excellence and professionalism that Americans rely on every day.

Public Service Recognition Week is a great occasion to draw attention to and underscore the valuable contributions of those who dedicate themselves to public service. For more than 20 years, the Nation has participated in a week-long celebration to highlight their achievements. This year, the 23rd annual Public Service Recognition Week will take place May 7–13, 2007. State and Federal agencies across the Nation plan to host activities to honor their achievements and improve public understanding of their contributions.

As the Federal Government is facing what the Office of Personnel Management calls a retirement tsunami, Public Service Recognition Week also provides an opportunity for the Federal Government to showcase the rewarding and challenging careers in the public sector and inspire a new generation of public servants. Working for the public good is a high and noble calling, and this annual celebration is the perfect opportunity for Federal agencies to recruit new employees.

I want to thank all public employees for the work they do day after day to make government effective, and I urge my colleagues and all Americans to join in Federal, State, and local celebrations and recognize the outstanding contributions made by public servants to our daily lives. I ask my colleagues for their support for this resolution.

SENATE RESOLUTION 151—COMMENDING THE UNIVERSITY OF WYOMING COWGIRLS FOR THEIR CHAMPIONSHIP VICTORY IN THE WOMEN'S NATIONAL INVITATION TOURNAMENT

Mr. ENZI (for himself and Mr. THOMAS) submitted the following resolution; which was considered and agreed to:

S. RES. 151

Whereas, on March 31, 2007, the University of Wyoming Cowgirls defeated the University of Wisconsin Badgers by a score of 72–56 in the championship basketball game of the Women's National Invitation Tournament;

Whereas their victory was witnessed by a record crowd at the University of Wyoming Arena-Auditorium;

Whereas the outstanding play of forward Hanna Zavecz earned her the award of the Women's National Invitation Tournament Most Valuable Player;

Whereas the University of Wyoming Cowgirls Head Coach Joe Legerski led the Cowgirls basketball team to its most successful season in school history; and

Whereas the University of Wyoming students and faculty are dedicated to academic and athletic achievement, and serve as the standard of excellence, scholarship, and sportsmanship for the entire Nation: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Wyoming Cowgirls for their victory in the championship basketball game of the Women's National Invitation Tournament; and

(2) requests the Secretary of the Senate to transmit a copy of this resolution to the University of Wyoming Cowgirls basketball team Head Coach Joe Legerski and to the University of Wyoming President Thomas Buchanan for appropriate display.

SENATE RESOLUTION 152—HONORING THE LIFETIME ACHIEVEMENTS OF JACKIE ROBINSON

Mr. BUNNING (for himself, Mr. PRYOR, Mr. MCCONNELL, Mr. KERRY, Mr. OBAMA, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 152

Whereas Jackie Robinson was the first athlete in the history of the University of California at Los Angeles to letter in 4 sports in 1 year;

Whereas on April 15, 1947, Jackie Robinson became the first African-American to play for a major league baseball team;

Whereas Jackie Robinson, who began his career in the Negro Leagues, was named Rookie of the Year in 1947 and led the Brooklyn Dodgers to 6 National League pennants in 10 years and a World Series championship;

Whereas Jackie Robinson's inspiring career earned him recognition as the first African-American to win a batting title, to lead the league in stolen bases, to play in an All-Star game, to play in the World Series, and to win a Most Valuable Player award;

Whereas Jackie Robinson was elected to the Baseball Hall of Fame in 1962, the first African-American to receive such an honor;

Whereas in March of 1984, President Ronald Reagan posthumously awarded Jackie Robinson the Presidential Medal of Freedom;

Whereas on October 29, 2003, Congress posthumously awarded Jackie Robinson the Congressional Gold Medal, the highest award Congress can bestow;

Whereas Major League Baseball renamed the Rookie of the Year Award the Jackie Robinson Award in his honor;

Whereas his legacy continues through the Jackie Robinson Foundation that has provided over $14,500,000 in scholarships to students in need;

Whereas Jackie Robinson's courage and dignity taught the Nation about the strength of the human spirit when confronted with seemingly immovable obstacles;

Whereas Jackie Robinson, in his career, demonstrated that how you play the game is more important than the final score;

Whereas Jackie Robinson's legacy helps make the American dream more accessible to all;

Whereas April 15, 2007, marks the 60th anniversary of Jackie Robinson's first game in Major League Baseball; and

Whereas on April 15, 2007, over 200 players, managers, and coaches wore Jackie Robinson's number, 42, which was retired throughout Major League Baseball in 1997, to honor his achievements: Now, therefore, be it

Resolved, That the achievements and contributions of Jackie Robinson be honored and celebrated; that his dedication and sacrifice be recognized; and that his contributions to the Nation be remembered.

SENATE RESOLUTION 153—MAKING TEMPORARY APPOINTMENTS TO THE SELECT COMMITTEE ON ETHICS

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 153

Resolved, That (a) for matters before the Select Committee on Ethics involving the preliminary inquiry arising in connection with alleged communications by persons within the committee's jurisdiction with and concerning David C. Iglesias, then United States Attorney for the District of New Mexico, and subsequent action by the committee with respect to that matter, if any, the Senator from Colorado (Mr. Salazar) shall be replaced by the Senator from Ohio (Mr. Brown).

(b) The membership of the Select Committee on Ethics shall be unchanged with respect to all matters before that committee other than the matter referred to in subsection (a).

AMENDMENTS SUBMITTED AND PROPOSED

SA 885. Mr. DURBIN (for himself, Mr. HAGEL, Mr. BIDEN, Mr. CASEY, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 843 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table.

SA 886. Mr. WYDEN (for himself, Mr. BOND, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 843 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 372, supra; which was ordered to lie on the table.

SA 887. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 843 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 372, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 885. Mr. DURBIN (for himself, Mr. HAGEL, Mr. BIDEN, Mr. CASEY, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 843 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 315. NATIONAL INTELLIGENCE ESTIMATE ON GLOBAL CLIMATE CHANGE.

(a) REQUIREMENT FOR NATIONAL INTELLIGENCE ESTIMATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate (NIE) on the anticipated geopolitical

effects of global climate change and the implications of such effects on the national security of the United States.

(2) NOTICE REGARDING SUBMITTAL.—If the Director of National Intelligence determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date specified in that paragraph, the Director shall notify Congress and provide—

(A) the reasons that the National Intelligence Estimate cannot be submitted by such date; and

(B) an anticipated date for the submittal of the National Intelligence Estimate.

(b) CONTENT.—The Director of National Intelligence shall prepare the National Intelligence Estimate required by this section using the mid-range projections of the fourth assessment report of the Intergovernmental Panel on Climate Change—

(1) to assess the political, social, agricultural, and economic risks during the 30-year period beginning on the date of the enactment of this Act posed by global climate change for countries or regions that are—

(A) of strategic economic or military importance to the United States and at risk of significant impact due to global climate change; or

(B) at significant risk of large-scale humanitarian suffering with cross-border implications as predicted on the basis of the assessments;

(2) to assess other risks posed by global climate change, including increased conflict over resources or between ethnic groups, within countries or transnationally, increased displacement or forced migrations of vulnerable populations due to inundation or other causes, increased food insecurity, and increased risks to human health from infectious disease;

(3) to assess the capabilities of the countries or regions described in subparagraph (A) or (B) of paragraph (1) to respond to adverse impacts caused by global climate change;

(4) to assess the security implications and opportunities for the United States economy of engaging, or failing to engage successfully, with other leading and emerging major contributors of greenhouse gas emissions in efforts to reduce emissions; and

(5) to make recommendations for further assessments of security consequences of global climate change that would improve national security planning.

(c) COORDINATION.—In preparing the National Intelligence Estimate under this section, the Director of National Intelligence shall consult with representatives of the scientific community, including atmospheric and climate studies, security studies, conflict studies, economic assessments, and environmental security studies, the Secretary of Defense, the Secretary of State, the Administrator of the National Oceanographic and Atmospheric Administration, the Administrator of the National Aeronautics and Space Administration, the Administrator of the Environmental Protection Agency, the Secretary of Energy, and the Secretary of Agriculture, and, if appropriate, multilateral institutions and allies of the United States that have conducted significant research on global climate change.

(d) FORM.—The National Intelligence Estimate required by this section shall be submitted in unclassified form, to the extent consistent with the protection of intelligence sources and methods, and include unclassified key judgments of the National Intelligence Estimate. The National Intelligence Estimate may include a classified annex.

SA 886. Mr. WYDEN (for himself, Mr. BOND, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 843 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IV, insert the following:

SEC. 426. AVAILABILITY OF THE EXECUTIVE SUMMARY OF THE OFFICE OF INSPECTOR GENERAL REPORT ON CENTRAL INTELLIGENCE AGENCY ACCOUNTABILITY REGARDING FINDINGS AND CONCLUSIONS OF THE REPORT OF THE JOINT INQUIRY INTO INTELLIGENCE COMMUNITY ACTIVITIES BEFORE AND AFTER THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) PUBLIC AVAILABILITY.—Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall make available to the public an unclassified version of the Executive Summary of the report of the Inspector General of the Central Intelligence Agency entitled Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Report of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001, issued in June 2005, that is declassified to the maximum extent possible, consistent with national security.

(b) REPORT TO CONGRESS.—The Director of the Central Intelligence Agency shall submit to Congress a classified annex to the declassified Executive Summary made available under subsection (a) that explains the reason that any redacted material in the Executive Summary was withheld from the public.

SA 887. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 843 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 509. PROCUREMENT OF PREDATOR AND GLOBAL HAWK UNMANNED AERIAL VEHICLES AND RELATED SYSTEMS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the actions being taken by the Department of Defense to address shortfalls in the procurement of Predator Unmanned Aerial Vehicles and Global Hawk Unmanned Aerial Vehicles and associated orbits for military and intelligence mission requirements.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of any shortages in available Predator Unmanned Aerial Vehicles, Global Hawk Unmanned Aerial Vehicles, and associated orbits to meet requirements of United States military and intelligence forces in the field, including for activities in Iraq, Afghanistan, Colombia, East, South and Southeast Asia.

(2) A description of progress in developing next-generation stealth, medium-altitude unmanned aerial vehicles.

(3) A schedule for addressing such shortages.

(4) An assessment of whether or not the Department of Defense has requested all funds required to keep production lines for such unmanned aerial vehicles running at maximum capacity until such shortages are fully addressed, and, if not, a statement of the reasons why.

(5) A description of the actions required to fully address such shortages.

(6) An assessment of whether such shortages can be eliminated through the opening of additional production lines for Predator Unmanned Aerial Vehicles and Global Hawk Unmanned Aerial Vehicles, as applicable, or a sole-source producer delays the achievement of production and procurement schedules for such vehicles, and if so, recommendations for securing one or more additional producers of such vehicles.

(7) A statement of the anticipated overseas requirements for such unmanned aerial vehicles during the five-year period beginning on the date of the report, including an assessment of the extent to which long-endurance unmanned aerial vehicles, whether armed or for intelligence, surveillance, and reconnaissance purposes, are long-term and growing requirement for the Armed Forces.

(8) A statement as to whether domestic requirements for medium-altitude unmanned aerial vehicles will further delay meeting all overseas military and intelligence requirements.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled ''Transit Benefits: How Some Federal Employees Are Taking Uncle Sam For A Ride.'' In 2006, the Permanent Subcommittee on Investigations, at Senator COLEMAN's request, initiated an investigation into possible abuses of the Federal Transit Benefit Program. Under this program, the Federal Government provides qualified Federal employees with benefits for use on public transportation systems in order to reduce air pollution and decrease traffic congestion. For instance, employees living in the Washington, D.C. area receive a paper card, called a Metrochek or Metro Smartrip, with a magnetically encoded value that can be used on Metrorail or exchanged for an equivalent value in train or bus tickets. The April 24th Subcommittee hearing will examine whether transit benefits are being misused, program rules are being violated, and agency oversight requires strengthening. Witnesses for the upcoming hearing will include the Government Accountability Office, the Department of Transportation (DOT), the DOT Inspector General, the Department of Defense (DOD), as well as the

DOD Inspector General. A final witness list will be available on Friday, April 20, 2007.

The Subcommittee hearing is scheduled for Tuesday, April 24, 2007, at 2:30 p.m. in Room 342 of the Dirksen Senate Office Building. For further information, please contact Elise J. Bean, of the Permanent Subcommittee on Investigations.

COMMITTEE ON ENERGY AND NATURAL RESOURCES—REVISED

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on April 23, 2007 at 3 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1115, a bill to promote the efficient use of oil, natural gas, and electricity, reduce oil consumption, and heighten energy efficiency standards for consumer products and industrial equipment, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on April 25, 2007, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 175, to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District; S. 324, to direct the Secretary of the Interior to conduct a study of water resources in the State of New Mexico; S. 542, to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and for other purposes; S. 752, to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir; S. 1037, to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; S. 1116 and H.R. 902, to facilitate the use for irrigation and other purposes of water produced in connection with development of energy resources; and H.R. 235, to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Gina Weinstock@energy.senate.gov.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 17, 2007, at 9:30 a.m., in open session to receive testimony on whether the Army and Marine Corps are properly sized, organized, and equipped to respond to the most likely missions over the next two decades while retaining adequate capability to respond to all contingencies along the spectrum of combat.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, April 17, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of this hearing is to examine the role of the Federal Communications Commission in reviewing the XM-Sirius merger, and issues related to the effect of this proposed merger on competition and the public interest.

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

SUBCOMMITTEE ON EMPLOYMENT AND WORKPLACE SAFETY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Workplace Safety be authorized to hold a hearing on domestic violence in the workplace during the session of the Senate on Tuesday, April 17, 2007, at 10 a.m., in SD–628.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the subcommittee on readiness and management support be authorized to meet, in closed session, during the session of the Senate on Tuesday, April 17, 2007, at 3 p.m., to receive a briefing on the current readiness of U.S. Ground Forces.

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

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the subcommitte on securities, insurance, and investment be authorized to meet during the session of the Senate on April 17, 2007, at 3 p.m., to conduct a hearing on ''subprime mortgage market turmoil: Examining the role of securitization.''

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

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Martin Sobel, a member of my staff, be granted floor privileges during this week's session of the Senate.

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

Mr. CORNYN. Mr. President, I ask unanimous consent that an intern on my staff, Maggie Haas, be granted the privilege of the floor for the remainder of this week.

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

Mr. HATCH. Mr. President, I ask unanimous consent that Dr. Guy Clifton be granted the privilege of the floor for the remainder of the debate on S. 3.

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

COMMENDING THE UNIVERSITY OF WYOMING COWGIRLS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 151, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 151) commending the University of Wyoming Cowgirls for their championship victory in the Women's National Invitation Tournament.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 151) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 151

Whereas, on March 31, 2007, the University of Wyoming Cowgirls defeated the University of Wisconsin Badgers by a score of 72–56 in the championship basketball game of the Women's National Invitation Tournament;

Whereas their victory was witnessed by a record crowd at the University of Wyoming Arena-Auditorium;

Whereas the outstanding play of forward Hanna Zavecz earned her the award of the Women's National Invitation Tournament Most Valuable Player;

Whereas the University of Wyoming Cowgirls Head Coach Joe Legerski led the Cowgirls basketball team to its most successful season in school history; and

Whereas the University of Wyoming students and faculty are dedicated to academic and athletic achievement, and serve as the standard of excellence, scholarship, and sportsmanship for the entire Nation: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Wyoming Cowgirls for their victory in the championship basketball game of the Women's National Invitation Tournament; and

(2) requests the Secretary of the Senate to transmit a copy of this resolution to the University of Wyoming Cowgirls basketball team Head Coach Joe Legerski and to the University of Wyoming President Thomas Buchanan for appropriate display.

HONORING THE LIFETIME ACHIEVEMENTS OF JACKIE ROBINSON

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 152, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 152) honoring the lifetime achievements of Jackie Robinson.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BUNNING. Mr. President, I would like to take a moment to honor the legacy and achievements of Jackie Robinson.

On Sunday, over 200 Major League players, manager, and coaches took to baseball fields across the Nation wearing Jackie Robinson's No. 42, which was retired throughout Major League Baseball in 1997. Sixty years ago, on April 15, 1947, Jackie Robinson became the first African-American to play in a Major League Baseball game.

The first athlete to letter in four sports in 1 year at the University of California at Los Angeles, Jackie Robinson seemed destined to make a name for himself. He began his baseball career in the Negro Leagues, playing shortstop for the Kansas City Monarchs. In 1946, Jackie Robinson played for the Montreal Royals, leading the International League in batting average with a .349 average, and fielding percentage with a .985 percent. He began his major league career at the age of 28 playing first base for the Brooklyn Dodgers—the only position that was open.

That year, he was named Rookie of the Year. In 1948, he was moved to second base and went on to lead the Dodgers to six National League pennants in 10 years and a World Series championship. His inspiring career earned him recognition as the first African-American to win a batting title, lead the league in stolen bases, play in an All-Star game, play in the World Series, win a Most Valuable Player award, and be elected to baseball's Hall of Fame in 1962.

Off the baseball diamond, Jackie Robinson lived a life of achievement through his work in the civil rights movement. In the business world, he actively promoted Black enterprises in New York's Harlem neighborhood.

In March 1984, President Ronald Reagan posthumously awarded Jackie Robinson the Presidential Medal of Freedom. On October 29, 2003, Congress posthumously awarded Jackie Robinson the Congressional Gold Medal, the highest award Congress can bestow. His mission to expand opportunity for others continues today through the Jackie Robinson Foundation that has provided over $14.5 million in scholarships to students who might not otherwise be able to afford college tuition.

Jackie Robinson was a good friend of mine, and it is with great reverence that I introduce, today, a resolution with Senators MARK PRYOR and MITCH MCCONNELL to honor and celebrate his achievements, recognize his sacrifices, and remember his contributions to the Nation. His courage and dignity taught the Nation about the strength of the human spirit when confronted with seemingly immovable obstacles. We can best honor him by reflecting on the epigraph Robinson wrote for his own tombstone, ''The value of a life is measured by its impact on other lives.''

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 152) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 152

Whereas Jackie Robinson was the first athlete in the history of the University of California at Los Angeles to letter in 4 sports in 1 year;

Whereas on April 15, 1947, Jackie Robinson became the first African-American to play for a major league baseball team;

Whereas Jackie Robinson, who began his career in the Negro Leagues, was named Rookie of the Year in 1947 and led the Brooklyn Dodgers to 6 National League pennants in 10 years and a World Series championship;

Whereas Jackie Robinson's inspiring career earned him recognition as the first African-American to win a batting title, to lead the league in stolen bases, to play in an All-Star game, to play in the World Series, and to win a Most Valuable Player award;

Whereas Jackie Robinson was elected to the Baseball Hall of Fame in 1962, the first African-American to receive such an honor;

Whereas in March of 1984, President Ronald Reagan posthumously awarded Jackie Robinson the Presidential Medal of Freedom;

Whereas on October 29, 2003, Congress posthumously awarded Jackie Robinson the Congressional Gold Medal, the highest award Congress can bestow;

Whereas Major League Baseball renamed the Rookie of the Year Award the Jackie Robinson Award in his honor;

Whereas his legacy continues through the Jackie Robinson Foundation that has provided over $14,500,000 in scholarships to students in need;

Whereas Jackie Robinson's courage and dignity taught the Nation about the strength of the human spirit when confronted with seemingly immovable obstacles;

Whereas Jackie Robinson, in his career, demonstrated that how you play the game is more important than the final score;

Whereas Jackie Robinson's legacy helps make the American dream more accessible to all;

Whereas April 15, 2007, marks the 60th anniversary of Jackie Robinson's first game in Major League Baseball; and

Whereas on April 15, 2007, over 200 players, managers, and coaches wore Jackie Robinson's number, 42, which was retired throughout Major League Baseball in 1997, to honor his achievements: Now, therefore, be it

Resolved, That the achievements and contributions of Jackie Robinson be honored and celebrated; that his dedication and sacrifice be recognized; and that his contributions to the Nation be remembered.

MAKING TEMPORARY APPOINTMENTS TO THE SELECT COMMITTEE ON ETHICS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 153, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 153) making temporary appointments to the Select Committee on Ethics.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 153) was agreed to, as follows:

S. RES. 153

Resolved, That (a) for matters before the Select Committee on Ethics involving the preliminary inquiry arising in connection with alleged communications by persons within the committee's jurisdiction with and concerning David C. Iglesias, then United States Attorney for the District of New Mexico, and subsequent action by the committee with respect to that matter, if any, the Senator from Colorado (Mr. Salazar) shall be replaced by the Senator from Ohio (Mr. Brown).

(b) The membership of the Select Committee on Ethics shall be unchanged with respect to all matters before that committee other than the matter referred to in subsection (a).

NATIONAL MISSING PERSONS DAY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of Calendar No. 115, S. Res. 112.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 112) designating April 6, 2007, as ''National Missing Persons Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 112) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 112

Whereas each year tens of thousands of people go missing in the United States;

Whereas, on any given day, there are as many as 100,000 active missing persons cases in the United States;

Whereas the Missing Persons File of the National Crime Information Center (NCIC) was implemented in 1975;

Whereas, in 2005, 109,531 persons were reported missing to law enforcement agencies nationwide, of whom 11,868 were between the ages of 18 and 20;

Whereas section 204 of the PROTECT Act, known as Suzanne's Law and passed by Congress on April 10, 2003, modifies section 3701(a) of the Crime Control Act of 1990 (42 U.S.C. 5779(a)), so that agencies must enter records into the NCIC database for all missing persons under the age of 21;

Whereas Kristen's Act (42 U.S.C. 14665), passed in 1999, has established grants for organizations to, among other things, track missing persons and provide informational services to families and the public;

Whereas, according to the NCIC, 48,639 missing persons were located in 2005, an improvement of 4.2 percent from the previous year;

Whereas many persons reported missing may be victims of Alzheimer's disease or other health-related issues, or may be victims of foul play;

Whereas, regardless of age or circumstances, all missing persons have families who need support and guidance to endure the days, months, or years they may spend searching for their missing loved ones; and

Whereas it is important to applaud the committed efforts of families, law enforcement agencies, and concerned citizens who work to locate missing persons and to prevent all forms of victimization: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 6, 2007, as ''National Missing Persons Day''; and

(2) encourages the people of the United States to—

(A) observe the day with appropriate programs and activities; and

(B) support worthy initiatives and increased efforts to locate missing persons.

ORDERS FOR WEDNESDAY, APRIL 18, 2007

Mr. BROWN. Mr. President, lastly, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 8:30 a.m., Wednesday, April 18; that on Wednesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein and with the time equally divided and controlled between the majority and the Republican leaders or their designees; that following the 60 minutes, the Senate resume the motion to proceed to S. 3, the prescription drug bill, and vote on the motion to invoke cloture on the motion to proceed; that prior to the vote on the motion to invoke cloture on the motion to proceed to S. 378, the court security bill, there be 2 minutes of debate equally divided between Senators LEAHY and SPECTER or their designees.

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

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business and if the Republican leader has nothing further, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:25 p.m., adjourned until Wednesday, April 18, 2007, at 8:30 a.m.